

**PLANNING COMMITTEE**

**4 February 2014**

**RECOMMENDATIONS OF CHIEF PLANNING AND DEVELOPMENT OFFICER**

**ON APPLICATIONS FOR DETERMINATION BY**

**THE PLANNING COMMITTEE**

**BACKGROUND PAPERS**

**Background papers used in the preparation of these reports are filed in the relevant application files, unless otherwise stated**

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**Item:** 01  
**Reference:** 13/00520/FUL  
**Applicant:** Miss Amy Watts  
**Location:** Land At Station Road Market Bosworth  
**Proposal:** Erection of 65 dwellings and associated works including 2 no. balancing ponds, formal play area space, public open space  
**Target Date:** 10 October 2013

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major application.

Application Proposal

Full planning permission is sought for the erection of 65 dwellings and associated works including 2 no. attenuation ponds, formal play space, public open space and a Local Equipped Area of Play (LEAP).

This application should be read in conjunction with that of application ref: 13/00778/FUL.

The scheme proposes 39 open market dwellings of 2, 3 and 4 bed configuration and 40% affordable housing provision which consists of 26 affordable, semi-detached and terraced dwellings. Of these 26 dwellings, 19 dwellings (75%) are for affordable rented housing and 7 dwellings (25%) are for intermediate tenure.

The proposed 19 affordable rented dwellings would comprise of 12 two-bedroomed dwellings and 7 three-bedroomed dwellings and the 7 intermediate tenure dwellings would comprise 3 two-bedroomed dwellings and 4 three-bedroomed dwellings.

There are two areas of informal unequipped play space, one LEAP, one area of formal play space with two attenuation zones, a swale and foul water pumping station also proposed.

The existing access serving 'Kyngs Golf and Country Club' will provide vehicular access and 170 car parking spaces interspersed within the site to provide at least two car parking spaces per dwelling.

Off-site works to Station Road include the widening of an existing footway to 2.5 metres to the east of the access site and to the west of the access site, up to the byway and access for Wharf Farm, in addition to a new junction layout including a ghost island right turn.

During the course of the application amended plans have been received showing:-

- addition of chimneys to plots 1, 2, 3, 4, 5, 6, 12 13 and 17
- additional streetscene elevation
- widening of footpath from 2 metres to 2.5 metres
- provision of a pedestrian link to the play space from Station Road

- additional information showing location of ponds, trapping plan and newt culvert design
- amended Great Crested Newt Report and Mitigation Strategy
- additional information relating to existing downstream capacities in respect of stormwater.

Re-consultation has been undertaken with all neighbouring properties, Market Bosworth Parish Council, Market Bosworth Neighbourhood Forum, Market Bosworth Society the Director of Environment and Transport (Highways), Directorate of Chief Executive (Ecology) and the Head of Community Services (Land Drainage).

During the course of the application an updated arboricultural report and plan have been submitted and alterations to the labelling of and location of play space. Accordingly re-consultation has been undertaken with the Tree Officer, all neighbouring properties, Market Bosworth Parish Council, Market Bosworth Neighbourhood Forum, Market Bosworth Society.

Following concerns raised by officers an amended plan has been received showing:-

- provision of newt pond
- alterations to car parking spaces plots 15-16
- updated Great Crested Newt Report and Mitigation Strategy and plans.

Re-consultation has been undertaken with all statutory consultees and neighbours on this final layout plan.

Following concerns raised by officers, the applicant has submitted a Noise Impact Assessment and subsequently submitted an addendum to the Noise Impact Assessment. Re-consultation on both occasions has been undertaken with the Head of Community Services (Pollution).

### The Site and Surrounding Area

The site is roughly rectangular in shape measuring approximately 2.97 hectares and bounded by mature hedgerows to the north and west. A mature hedgerow which runs through the site is set to be retained and an existing pond utilised and enlarged for the central attenuation zone.

The site is bound to the north by the Kyngs Golf and Country Club, to the south by Station Road and to the east and west by agricultural fields.

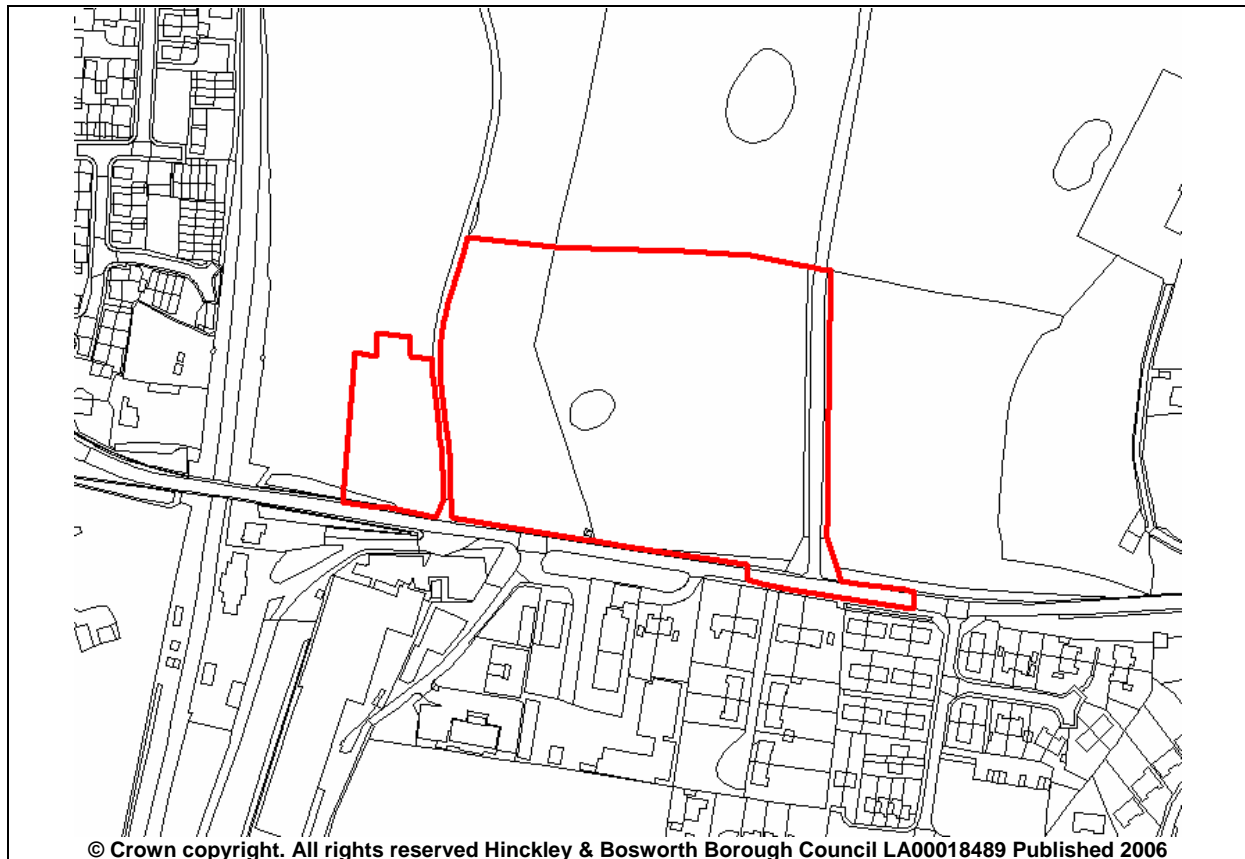
The site is located outside the settlement boundary of Market Bosworth, as defined by the adopted Hinckley and Bosworth Local Plan Proposals Map (2001).

### Technical Documents submitted with application

Access Proposals  
 Arboricultural Survey  
 Archaeological Survey  
 Design and Access Statement  
 Ecological Appraisal  
 Flood Risk Assessment  
 Great Crested Newt Survey  
 Planning Statement  
 Statement of Community Involvement  
 Transport Assessment  
 Travel Plan

### Relevant Planning History:-

13/00778/FUL	Development for 664 sqm of formal play space (linked with application 13/00520/FUL)	Pending Consideration
13/00272/CONDIT	Variation of Condition 18 of planning permission 02/00685/COU to remove the right hand turn lane and propose other off site highway works	Pending Consideration



### Consultations:-

No objection has been received from Natural England.

No objection subject to conditions have been received from:-

Severn Trent Water Limited  
Director of Environment and Transport (Highways)  
Directorate of Chief Executive (Ecology)  
Directorate of Chief Executive (Archaeology)  
Head of Community Services (Pollution Control)  
Head of Business Development and Street Scene Services (Waste Minimisation)  
Head of Community Services (Land Drainage).

Market Bosworth Parish Council raise the following observations:-

- a) inadequate drainage and risk of flooding
- b) attenuation zones will be deep bogs and adjacent to play spaces could render the areas un-usable
- c) would like confirmation the development will not affect Beulah House
- d) inconsistencies in the accompanying documentation
- e) the s106 monies would not alleviate the pressure on schools
- f) capability of the road network is insufficient
- g) the building style does not complement Market Bosworth
- h) objection to the proposed right hand turn lane as traffic will speed rather than slow down
- i) suggested conditions - routing agreement, bus stop lay by and bus shelter, pavement to the water park
- j) defer determination of the planning application until after the development plan has been adopted
- k) housing needs survey suggested 8 affordable rented and 6 affordable shared ownership homes are needed
- l) affordable homes should be allocated to local people in perpetuity rather than just for the first round
- m) not convinced about benefits of taking on the Play and Open Space in its proposed form - without play equipment and with bogs
- n) who would be responsible for the on site hedgerows and green strips of open space
- o) a further independent ecological survey should be undertaken to double check.

Market Bosworth Neighbourhood Forum raise the following observations:-

- a) considerable work undertaken to prepare a draft development plan and major questionnaire is underway
- b) outline neighbourhood development plan has been drafted and will be submitted to HHBC in May 2014
- c) applicant has not engaged with the on going activities of the NDP Forum consultation exercise, other than to provide a provision plan for a recent community engagement event
- d) the community involvement document has used selective evidence
- e) development is outside the settlement boundary
- f) premature in that the neighbourhood forum is in the process of reviewing the settlement boundary
- g) premature in that the draft Site Allocations and Development Management Policies DPD is expected to go out to its final round of consultation
- h) premature in that a choice of site allocations is being considered by Neighbourhood Forum
- i) feedback from the public consultation events and the web site poll clearly show the viability of alternative potential development opportunities
- j) report from a planning inspector into a public inquiry of plan 1996/1997 said the proposal would bring housing in depth, which is not characteristics of the area and would create new leading edge on the north side of the road and would have an unacceptable impact upon the landscape setting of Market Bosworth.

Market Bosworth Society raise the following observations:-

- a) this is a residual need for no more than 40 dwellings to meet the identified needs of Market Bosworth
- b) any more homes above the figure are unnecessary and would not be sustainable
- c) developer has not justified need for additional housing
- d) no provision for bungalows

- e) the 2-3 bed affordable housing could be upgraded and price people out and should remain as terraces
- f) footpath improvements are still inadequate; increase in pedestrian traffic on a pathway less than 2 metres wide is unfit for purpose and could lead to a serious accident
- g) Station Road struggles with volumes of traffic; traffic management should be introduced
- h) provision of the right hand turning lane would allow through traffic to speed; withdrawing the turning lane would cause traffic to slow down (whilst the turn is made)
- i) inadequate infrastructure; the amount of financial support through the S106 will be far short of the amount required so services will struggle with no upgraded facilities available
- j) unacceptable increase of heavy traffic and routing agreement should be in place
- k) wheel washing facilities required
- l) additional streetscene is required of the Station Road frontage
- m) who is responsible for management and maintenance of the landscaping?
- n) important views to the north
- o) seek assurances that the development is not simply Phase 1 of a more substantial development
- p) replace houses on plot 40-42 with bungalows to assist in mitigation of the loss of view
- q) existing car parking issues in the town centre and the developer fails to recognise the additional parking from the residents of this development on the town centre.

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:-

- a) Director of Environment and Transport (Highways) has requested 6 month bus passes at £325.00 per pass, improvements to 2 nearest bus stops at £3,263 per stop, information display cases at 2 nearest bus stops at £120 per display and bus shelters at nearest bus stops at £4,908.00 per shelter
- b) Director of Children and Young Peoples Services (Education) has requested £194,135.21 towards Secondary School sector for the Market Bosworth School and Bosworth Academy
- c) Director of Environment and Transport (Civic Amenity) has requested £3,058 towards the civic amenity site at Barwell
- d) Director of Adults and Communities (Libraries) has requested £3,960 for Market Bosworth Library
- e) Directorate of Chief Executive (Ecology) has made no request.

The Primary Care Trust has requested £15,030.00 towards the refurbishment of current consultation rooms to standard clinic rooms at the Market Bosworth Surgery.

The Leicestershire Constabulary Crime Reduction Officer requests in total £20,463 consisting of start up equipment (£2,351); vehicles (£1,580); additional radio call capacity (£136) PND additions (£71) additional call handling (£157); cameras (£2,055); mobile CCTV (£375); additional premises (£13,608) and Hub equipment (£130).

Site notice and press notice were displayed and neighbours notified.

Twenty three letters of objection have been received on the following grounds:-

Principle and Visual Impacts

- a) maximum number should be the stated minimum; well in excess
- b) development designed with future expansion in mind
- c) Sedgemere and 150 berths at the Marina there is already too much development planned for this end of Station Road
- d) any houses above the residual is unnecessary and unsustainable

- e) Market Bosworth cannot cope with additional housing and population
- f) current open green spaces in Market Bosworth should be preserved, ruining natural beauty
- g) ruining the approach into Market Bosworth
- h) new residential development is not required - vacant properties at Pipistrelle Drive development and Sedgemere development has not commenced
- i) creating a ribbon development is exercising bad planning
- j) brownfield before Greenfield - and there is Brownfield behind the industrial estate
- k) outside the settlement boundary
- l) open aspect from the canal disappearing
- m) bringing housing at depth which is not characteristic creating a new 'leading edge'
- n) unacceptable impact upon the landscape setting
- o) The land is technically infill but is still development for development's sake
- p) report from a planning inspector into a public inquiry of plan 1996/1997 said the proposal would bring housing in depth, which is not characteristic of the area and would create new leading edge on the north side of the road and would have an unacceptable impact upon the landscape setting of Market Bosworth
- q) does not provide a high quality visual link between the Market Bosworth and Ashby Canal Conservation Area
- r) style of houses are not in keeping with Market Bosworth
- s) layout does not take adequate account of safety and security as required by the Crime and Disorder Act.

#### Community Involvement/Site Allocations/Prematurity

- a) the statement on public consultation is inaccurate and misleading
- b) the developer has not participated in the neighbourhood plan process and ignored requests and have not engaged with a significant proportion of the local population
- c) the formal consultation for the 2009 Site Allocations and Development Control Policies DPD resulted in clear preference for land behind the industrial estate
- d) NPD public event and website poll all show a clear preference for the land to be developed south of Station Road
- e) mixed use development being brought forward to the south of Station Road through the Market Bosworth plan offers the potential to meet the needs of existing and future employers and other community benefits
- f) is the application consistent with Government policy in relation to prematurity and plan led systems set out in the NPPF?
- g) premature to consider this application; wiser to await the outcome of the neighbourhood plan.

#### Drainage

- a) site is liable to flooding with springs and high water table
- b) additional water will be brought through the pipe out onto land
- c) the proposed sewage pumping station needs to have adequate storage capacity.

#### Highways

- a) increase in traffic; difficulty in pulling on to the road
- b) access to Churchill site must not be restricted, layout does not show the Churchill entrance
- c) creating an additional 130 cars travelling up and down through the village
- d) car parking in the town centre is an issue and not likely that future occupiers will walk into town
- e) a routing restriction for vehicles over 7.5 tons should be agreed



- f) the Highway Authority should undertake a comprehensive survey and review of all developments along this road
- g) access from plots 1-14 joins the service road in a dangerous spot
- h) regrettable that the existing access drive to Wharf Farm could not be incorporated into an estate road and moved to a safer junction point
- i) poor pedestrian access between the north west part of the development to schools and local service centre
- j) no provision for bus lay by and shelter
- k) footpath too narrow and not fit for purpose
- l) lorry washing facilities should be put on site
- m) surfaced path should be provided near plot 12 to near plot 27.

#### Health

- a) housing too close to engineering firm could result in future complaints and impact upon their operations - a greater buffer/distance is required.

#### Wildlife

- a) site has a pond and wildlife which has not been considered
- b) wildlife will no longer have anywhere to live.

#### Housing Tenure

- a) need for bungalows
- b) does not provide the kind of dwellings needed by the community
- c) the number of shared ownership properties should be increased or the rented homes be transferred to a social housing provider.

#### Infrastructure

- a) health and education will not be able to cope
- b) 65 additional car parking space will need to be accommodated for
- c) no improvements to phone infrastructure to move to cable
- d) the section 106 funding will not cover the costs for expansion.

#### Other

- a) the good community spirit of the town will disappear with additional housing
- b) offices overlook the proposed site, with day, night and weekend working so screening will be required
- c) variation of materials are required
- d) mature native trees are required
- e) why are two separated areas of public space provided - this increases the cost of maintenance
- f) who is responsible for management and maintenance of the landscaping?
- g) detrimental to tourism.

David Tredinnick MP raises the following observations:-

- a) supports the Parish Council's objections
- b) un-acceptable intrusion into the open countryside
- c) any major development must be sympathetically undertaken and every measure taken to ensure existing problems are not exacerbated
- d) trust the Borough Council will assist the community in formulating and adopting the neighbourhood plan.

County Councillor Ould makes the following observations:-

- a) loss of ethos and ambience
- b) basic services cannot cope with this increase
- c) the neighbourhood development plan is incomplete so the application is premature
- d) delay judgement on this application until the neighbourhood development plan is complete
- e) intrusion into the countryside, conflict with Policy NE5;
- f) drainage - how will you protect the houses at Pipistrelle Drive and Beaulah House?
- g) endorse all points made by the Parish Council
- h) need adapted homes for the elderly and full width pavements along Station Road
- i) the Marina has a legal requirement that all construction traffic will access and egress the site from the A444 and B5185 - the Borough Council should also make such a requirement
- j) housing at depth which is uncharacteristic of the area and would create a new leading edge on the north side of the road, creating an un-acceptable impact on the landscape setting of Market Bosworth.

Following re-consultation:-

Market Bosworth Parish Council raise the following observations:-

- a) continue to support the Market Bosworth NDP Forum's request for a deferment
- b) who is expected to maintain the pond and ditches that are now included, would they be fenced off?
- c) the fact that the pond, ditches and 2 attenuation zones are included shows that the site is extremely wet and not the most appropriate for development
- d) accompanying documentation still refers to 63 dwellings when there are 65; still excessive
- e) no bungalows provided
- f) hope that the Borough Council will continue to listen to the views of the community and DCLG's new planning guidance issued at the end of August 2013 which gives weight to emerging as well as to adopted NDP's
- g) significant changes to the plan - removal of pond, no evidence of newt runnel or amphibian fencing
- h) 10 day response time is inadequate
- i) notes and welcomes the reinstatement of a shallow pond for the benefit of newts
- j) error in respect of the northern side of Station Road on the plan.

Market Bosworth Neighbourhood Forum raise the following observations:-

- a) paragraph 216 in the NPPF
- b) local community has provided a substantial evidence base from which the draft policies are being prepared
- c) we contend that the development is so substantial or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing or new development that are central to an emerging local plan or neighbourhood plan
- d) the emerging plan is at an advance stage but has not been adopted
- e) the matter of site allocation is central to the emerging NDP and granting consent would seriously undermine the plan making process as it would remove the ability of the community to determine 'the' substantial site allocation within the NDP area
- f) the cumulative effect would also be significant as an extensive consultation exercise has indicated community support for an alternative site.

A blank copy of the questionnaire has been submitted and a subsequent pie chart provides the following content:-

There were 473 respondents. Preference for this site = 27%, preference for Site B (South of Station Road) = 64%, with 2% don't mind which, 3% neither and 4% provided no answer.

Market Bosworth Society raise the following observations:-

- a) number of dwellings being proposed for the site too high - housing needs remains at no more than 41
- b) public consultation - no provision of bungalows
- c) public highway - remaining stretch of footway is still inadequate
- d) no acknowledgement of the amount of S106 funding which will be required to cover the expansion of services
- e) no reference to a routing restriction
- f) no mention of vehicle washing facilities
- g) no mention of who will take responsibility for the management and maintenance of green spaces and boundaries
- h) dwellings will only exacerbate the current parking problems with parking in the centre
- i) previous recommendations on this site was for a 40 metres set back from Station Road to preserve the green aspect of this approach to the town and horse chestnut trees and to allow the carriageway to be widened and construction of an off-road footway and cycleway - this is still viable and could be achieved if numbers were reduced to 41
- j) 70% of respondents from the public consultation did not support this development.

18 letters of objection have been received raising the following new objections:-

- a) ignores the results of the NDP questionnaire which favours the alternative site to the south; 70% of these replies were in favour of the alternative site
- b) would undermine the credibility of the Market Bosworth Neighbourhood Forum and the Localism Act
- c) changes to the current draft allocation for housing which will transfer the housing allocation to another site
- d) all efforts need to be made by the Council to progress the Site Allocation Plan Document
- e) the only access to the play area is along our drive and there has been no contact from the developer about this
- f) no reference to Housing Needs Survey
- g) set a precedent for un co-ordinated development
- h) it is not infilling and should not be described as such
- i) development would detract from the non urban view and feel to the village
- j) impact upon streetscene
- k) accumulative noise impact from the marina development, Sedgemere and this scheme
- l) traffic congestion
- m) Great Crested Newts
- n) infrastructure unable to cope
- o) detrimental to tourism
- p) open views destroyed
- q) concerned about positioning of the foul water pumping station running over our services and require easement
- r) the use of our drive as access to the formal play area by vehicles and blocking the drive and use as a rat run and only single track so no where to pass, park or turn
- s) access to and from the byway is very close to the railway bridge, the station and garage and Churchill's
- t) subsidence in buildings opposite the site and with more dwellings will cause more structural issues

- u) the picturesque nature of the walk from the footpath Leicestershire Round would be impacted upon
- v) welcome local development which encourages homes ownership but should provide more than 6 dwellings for shared ownership
- w) lack of pedestrian space - further increase the risk of accident or injury
- x) any proposed planning on such a large scale should be judged with other applications and not in isolation
- y) developers un-willing to use brownfield sites
- z) has a law been passed to say that every town and village has to have development?
- aa) no noise survey has been undertaken
- bb) no landscape and visual impact assessment has been undertaken which is necessary for such an important site in landscape terms, consistent with the Landscape Institute Guidance
- cc) likely to result in re-location of units as unable to expand;
- dd) high risk of noise complaints from future occupiers given shifts, proximity, noisy works, factory doors being open, and future expansion at adjacent JJ Churchill site
- ee) Churchill planning consent has a noise attenuation requirement which will add to building costs and is sensitive to any further regulation/operating restrictions
- ff) roadway too close to industrial estate junction
- gg) HGVs cannot gain access through the village due to a weight restriction and have to turn around
- hh) play areas are too close to the industrial estate and development too close to a busy and growing industrial estate.

David Tredinnick MP raises the following observations:-

- a) writing to re-iterate my objections;
- b) settlement of special significance locally and nationally;
- c) this is highly valuable in terms of natural landscape in the open countryside and the views it offers;
- d) the NDP process confirmed that residents preferred the site on land to the rear of the industrial estate on Station Road;
- e) this provides a more sustainable and flexible site for housing and associated development such as a health centre and possibly a school;
- f) a number of well established successful firms on the industrial estate in Market Bosworth will be forced to relocate if they are unable to expand;
- g) a delay in the Borough Council in considering this application in order to allow the necessary progression with the NDP would be the most beneficial outcome for the local community.

County Councillor Ould makes the following observations:-

- a) concur with the points raised by the Parish Council and ask that the comments made in my original response of requesting a deferment stand and that the planning conditions should apply, should the committee be minded to recommend approval.

### **Development Plan Policies:-**

#### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012  
 The Community Infrastructure Levy (CIL) Regulations 2010

### Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key Rural Centres  
Policy 11: Key Rural Centres Stand Alone  
Policy 15: Affordable Housing  
Policy 16: Housing Density, Mix and Design  
Policy 19: Green Space and Play Provision  
Policy 24: Sustainable Design and Technology

### Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities  
Policy RES5: Residential Proposals on Unallocated Sites  
Policy NE5: Development within the Countryside  
Policy NE12: Landscaping Schemes  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy BE1: Design and Siting of Development  
Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential  
Policy BE16: Archaeological Investigation and Recording  
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation  
Policy REC3: New Residential Development - Outdoor Play Space for Children  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy T9: Facilities for Cyclists and Pedestrians

### Supplementary Planning Guidance/Documents

New Residential Development (SPG)  
Rural Needs (SPG)  
Play and Open Space (SPD)  
Sustainable Design (SPD)  
Affordable Housing (SPD)

### Other Material Policy Guidance

#### Strategic Housing Land Availability Assessment (2010)

The SHLAA Review was published in October 2010 and the proposed site forms part of the site assessed under reference AS392. The site was identified as suitable, available and achievable and as a result identified as being developable with a timeframe for development between 2015-2020.

The SHLAA has been updated in September 2013 and the site is still identified as suitable, available and achievable and is also still developable. The timeframe for development is 2018-2023.

#### The Hinckley & Bosworth Borough Council Extended Phase 1 Habitat Survey (Feb 2012).

The Habitat Survey identified the application site as having low ecological value with a scattering of broadleaved trees and defunct species-poor intact hedgerow.

### The Open Space, Sport and Recreational Facilities Study (July 2011).

This study identifies and assesses all areas of open space and recreational facilities in the borough. It provides a record of existing sites, assigns quality and quantity standards, evaluates the adequacy of these facilities and provides a framework for action.

This document is the most recent and up-to-date evidence base relating to areas of open space, sports and recreational facilities in the Borough and should be utilised in the determination of planning applications.

#### **Appraisal:-**

The main issues for consideration are the principle of development and five year housing land supply, Market Bosworth housing numbers and demonstrating housing need, Market Bosworth Neighbourhood Forum and the emerging neighbourhood development plan, impact upon the countryside, overall appearance, impact upon residential amenity, highway considerations, affordable housing and infrastructure improvements, drainage and flood risk, archaeology, ecology, noise, impact upon tree and other matters.

#### Principle of Development and Five Year Housing Land Supply

In March 2012 the National Planning Policy Framework (NPPF) was published and introduced the 'presumption in favour of sustainable development' and advice on housing land supply.

There are two methods which are used to determine a council's five-year land supply; the 'Liverpool' method, which spreads the shortfall from previous years over the remainder of the Plan period, and the 'Sedgefield' method, which places the shortfall into the next five years' supply.

HBBC uses the 'Liverpool' method, and this was supported by planning inspectors in two appeal decisions, i.e. Land east of Groby Cemetery, Groby Road, Ratby: ref 2181080 ("Bloors") and Land at Shilton Road, Barwell: ref 2188915 ("Shilton Road"), determined, respectively, on 22 January 2013, and 17 May 2013. Neither inspector sought to impose a 20% buffer.

Using the 'Liverpool' method, and having regard to that method, HBBC's housing land supply figure as of April 2013 was 5.58 years' supply including a 5% buffer.

Members will be aware from the agenda report dealing with appeal decisions that the decision letter on the 'Three Pots' appeal published on 3 January 2014 concluded that HBBC did not have a five-year land supply and considered that the 'Sedgefield' method was the more appropriate method. The inspector also concluded that there had been persistent under delivery by the Council and that a 20% buffer should be applied.

HBBC believes that there are grounds to challenge the Three Pots appeal decision, in particular the inspector's departure from the approach in the Bloors and Shilton Road decisions promulgated in January and May 2013, and a challenge will be made to his decision.

As members are also aware, the Bloor's decision has been further appealed to the High Court. The hearing took place on 16 December 2013, but there is no indication yet as to when the judgment can be expected.

All three appeal decisions are material considerations. The weight to be given to a material consideration is a matter for the committee as the deciding body.

The Three Pots decision is the latest decision and casts doubt on the Bloor's and Shilton Road decisions in so far as the calculation of housing land supply is concerned. However, the Bloor's decision has been further appealed and the decision is not yet known. If the Bloor's court decision supports the inspectors in Bloors and Shilton Road, then, as the Three Pots inspector himself acknowledges, it could be that his conclusion on housing land supply would be undermined.

The current situation is unsatisfactory for the Council, for developers and PINS. The judgement in Bloors will hopefully clarify the position in relation to the appropriate method to be used in calculating housing land supply and the application of the appropriate buffer.

Pending that judgement, the committee needs to take a position in relation to its housing land supply. Whilst the Three Pots decision, the latest appeal decision, argues for the Sedgfield method and a 20% buffer, the Bloor's and Shilton Road appeals (determined only in January 2013 and May 2013 respectively) support the Liverpool method and do not consider that the Council has persistently under-delivered thereby incurring the 20% buffer awarded by the Three Pots inspector. There is therefore a different and, as yet unresolved, difference of view on the most appropriate method.

In light of that, it is considered that in all the circumstances outlined above the Council can reasonably continue to calculate its housing land supply by the methodology supported on appeal in Bloors and Shilton Road.

As such the Borough Council has a 5.58 years supply of housing land (as of April 2013) and therefore the Borough Council's housing supply policies can be considered up to date. The housing supply policy relating to this planning application is contained within Core Strategy Policy 11 which identifies a minimum of 100 dwellings to be allocated in Market Bosworth.

Even with a 5 year supply of housing decision takers should consider housing applications in the context of the presumption in favour of sustainable development as stated within the NPPF. It is important to note that to maintain a rolling five year supply of housing, planning permission should be granted if it accords with the development plan and within the context of the presumption in favour of sustainable development.

Paragraph 15 confirms that policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

Paragraph 12 states that the NPPF 'does not change the statutory status of the development plan as a starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved unless other material considerations indicate otherwise'.

The NPPF is a material consideration in determining applications. Annex 1 states that for 12 months from the day of publication, decision makers may give full weight to relevant policies adopted since 2004. In other cases and following the 12 month period due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The Core Strategy was adopted in 2009 and the policies within it are considered to be generally consistent with the NPPF, some of the saved policies with Local Plan adopted in 2001 are considered consistent as discussed throughout this report.

The NPPF states that decision takers should grant planning permission unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

#### Market Bosworth Housing Numbers and Demonstrating Housing Need

The Core Strategy establishes a spatial vision for Key Rural Centres which seeks to allocate development to maintain existing services whilst maintaining separate village identities. Core Strategy Policy 11 states land will be allocated for a minimum of 100 new homes. Adjustments in housing calculations from the period of adoption, including demolitions and expired permissions results in a residual housing minimum of 112 homes for Market Bosworth. However, since the adoption of the Core Strategy a number of dwellings have been permitted leaving a residual housing requirement for Market Bosworth of 42 dwellings.

The applicant is proposing to erect 65 dwellings on the site north of Station Road which is an over provision of 23 dwellings. It must be emphasised however that the figure in Core Strategy Policy 11 is a minimum figure to provide for flexibility.

As a result of this proposed overprovision the applicant must demonstrate the need for this additional housing.

The demonstration of the need for the over-provision of housing should be considered inline with the sustainability of the settlement (Social, Economic and Environmental) to accommodate the overprovision, the benefits this additional development will bring to the local community and the impact that the overprovision will have in the context of the Core Strategy spatial vision.

During the course of the application, the applicant has produced a revised Planning Statement, strengthening their justification for the addition of 23 dwellings, over the residual for Market Bosworth.

The statement discusses the sustainability credentials of Market Bosworth and lists its amenities of Public Houses, restaurants, banks, a post office, police station, vets, primary school, high school and grammar school. The statement refers to encouraging developments of this nature, enables the sustainability of the rural centre of Market Bosworth to continue, by bringing in new families, young working professionals and ensuring continued population growth within the settlement, rather than people moving from the area. The statement also confirms that the scheme meets the transport sustainability standards as the development has been designed in a manner to ensure that it is in a well connected area that is not dominated by the car.

The Core Strategy recognises that key rural centres such as Market Bosworth have a role to play in ensuring a continuous supply of deliverable housing land and delivering required new homes in the rural area.

The scheme provides a 40% affordable housing provision. This is 40% of the total number of dwellings proposed. Given that the scheme seeks permission for 23 additional dwellings over and above the residual figure for the settlement, an additional 7 affordable units are proposed.

For the reasons above and the reasons discussed within this report, it is considered that exceeding the minimum number of dwellings by this quantum would not result in any significant adverse impacts that would sustain a reason for refusal.



### Preferred Options Site Allocations and Generic Development Control Policies DPD (Feb 2009).

The application site was identified in the Preferred Options Site Allocations and Generic Development Control Policies DPD (Feb 2009) as a preferred option for residential development and open space. The application site spans the eastern half of MKBOS01 which was identified for residential development.

### Pre-submission Site Allocations and Development Management Policies DPD

The Site Allocations DPD identifies land to be allocated for housing in Market Bosworth to meet the Core Strategy housing figure identified in Policy 11.

The Pre-submission version of the Site Allocations document, unlike the preferred options version, does not identify the application site as a residential site to meet the Core Strategy housing requirement for Market Bosworth. Instead a site to the south of Station Road titled MKBOS02: Land South of Station Road and Heath Road has been identified. This is a mixed use allocation with an accompanying policy titled SA2: Land South of Station Road and Heath Road, Market Bosworth. This policy informs the allocation and requires the following:-

- Provision of between 0.5 ha to 1 ha of additional B1,B2 and B8 employment land;
- Provision of a minimum of 42 dwellings
- Provision of doctors surgery or alternative community facility
- Allotment provision
- A safe pedestrian access off Station Road
- Open space in line with policy 19
- Affordable housing provision in line with policy 15

The justifications for this amendment from the preferred options document to the pre-submission version are identified in the Site Allocations Rural Justification Paper and are as follows:-

- Preferred Option public consultation responses indicate a preference for this site for residential development over the previously identified preferred option site MKBOS01 and Alternative Options 1 and 2.
- The Employment Land and Premises Review (July 2013) recommends a 0.5-1 ha extension to Station Road Industrial Estate. The allocation of this site for mixed uses enables this extension to be brought forward and the extension enables access to the residential development to the east.
- The Landscape Character Assessment (July 2006) identifies that the landscape setting of Market Bosworth should be protected including open land which penetrates the town centre. The site would be largely screened by the public highway to the north, presenting the least visually intrusive option and would not impact on open land penetrating toward the Market Place.

The Pre-submission Site Allocations and Development Management document was approved at Full Council on 21 January 2014 to proceed to public consultation and subsequent submission to the Secretary of State.

The public consultation will run from 17 February to 31 March 2014 under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Subject to the

representations received, the plan is expected to be submitted to the Secretary of State in August 2014. An examination in public is likely to be held in January 2015.

### Emerging Market Bosworth Neighbourhood Development Plan

The NPPF Core Planning Principles (paragraph 17) identify that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. The Market Bosworth Development Forum has been established to bring forward a Neighbourhood Development Plan. The Forum's first draft of policies to guide development up to the end of the plan period (2026) were submitted to the Council on Tuesday 19 November 2013. These policies are currently being worked up prior to going out for consultation. The Forum has indicated that it is their intention to allocate land to meet Market Bosworth's residual housing requirement (42 dwellings) and provide a planning policy to support and guide this identified development opportunity.

### Weight of Emerging Policy Documents

The Planning System: General Principles (ODPM 2005) advises that the refusal of planning permission on grounds of prematurity will not usually be justified especially where an emerging plan has no early prospect of submission for examination. This guidance does accept that there may be circumstances where a proposed development is so substantial that refusal on prematurity grounds is justifiable because it would prejudice the plan by predetermining decisions about scale, location or phasing of development.

If planning permission is to be refused on the grounds of prematurity it needs to be demonstrated clearly how the grant of permission would prejudice the outcome of the plan process. Also, when a plan is at the consultation stage with no early prospect of submission for examination, refusal on prematurity grounds will seldom be justified because of the delay which this would impose in determining the future use of the land in question.

Paragraph 216 within Annex 1: Implementation of the NPPF provides guidance on the issue of attributing weight to an emerging plan. It states:-

From the day of publication, decision-takers may also give weight (unless other material considerations indicate otherwise) to relevant policies in emerging plans according to:-

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).

A Guidance Note published by the Secretary of State in January 2005 (which was not cancelled by the NPPF) advises that the refusal of planning permission on prematurity grounds is "seldom justified" where a local plan is still subject to consultation and has no early prospect of submission for examination.

That advice has recently been repeated by the Minister for Planning, Nick Boles, who stated in Parliament:-

*"I want to share with my right hon. and hon. friends the difficulty of the position that some of them want the Government to take, which is the suggestion that an emerging plan should*

*immediately be given substantial weight in any decision on a planning application. That could simply create the problem that every community in the country that wanted to oppose a development might start the process of working up a neighbourhood or local plan and then take their own sweet time about it. That would immediately create an opportunity for communities to block all development by simply saying that they were engaged in a plan-making process. That is why there must be a sense that a plan has reached a relatively advanced stage before it can be given substantial weight."*

The Minister's statement is reflected by Draft National Planning Policy Guidance which has been published on the circumstances in which planning permission might be refused on grounds of prematurity.

It advises:-

*"While emerging plans may acquire weight during the plan-making process, in the context of the National Planning Policy Framework - and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account).*

*Such circumstances are likely to be limited to situations where both:-*

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan*
- b) the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made).*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."*

The Ministerial statement and the Draft National Planning Practice Guidance are each material considerations. Local planning authorities refuse planning permission on the grounds of prematurity at their peril unless a draft plan is at an advanced stage of preparation, and the proposal would predetermine a decision that is central to the plan as a whole.

In addition, there is case law which assists in the interpretation of weight to be attributed to emerging planning documents. From an assessment of the case law, it has indicated that emerging policy documents can be afforded limited weight.

As discussed earlier, the Site Allocations and Development Management Document, is in its early stages having been approved at Full Council on 21 January 2014 to proceed to public consultation and subsequent submission to the Secretary of State.

The Market Bosworth NDP Forum's Neighbourhood Plan is in the early stages of preparation with the referendum currently scheduled for May 2014. Therefore the emerging Neighbourhood Plan has not been currently drafted. In addition, there are a number of stages still to be fulfilled by the Forum, which includes:-

- a) drafting a plan
- b) consulting with the public on the draft plan
- c) ensuring compliance of the draft plan with the NPPF
- d) an independent examination
- e) a referendum.

As there is no draft plan and no public consultation on a draft plan, there can be no relevant policies to which to object. In addition, because there are no relevant policies due to the fact no draft plan has been produced or consulted upon, it is not possible to ascertain a degree of consistency with the policies in the National Planning Policy Framework. It is for these reasons that only limited weight can be attributed to the Market Bosworth NDP, due to its stage of production.

Accordingly, for the reasons outlined above, while the emerging Site Allocations DPD and the Neighbourhood Plan are helpful in that they set out the Council and Forum's likely intentions, the documents are at an early stage of preparation and can only be afforded limited weight in the determination of the application.

It is considered that whilst the prematurity argument is a complex issue, having regard to the matters discussed above it is not considered that prematurity argument is applicable in this case as the Market Bosworth NDP or the Site Allocations DPD, have not sufficiently progressed to be given sufficient weight in the determination of applications.

While there is some sympathy with the views expressed as part of the consultation that the emerging Site Allocations DPD and Neighbourhood Plan should be given weight to allow this proposal to be resisted, this position is likely to be difficult to defend in the event of an appeal. On balance, therefore, the principle of development is considered acceptable.

#### Impact upon the Countryside

As discussed earlier in this report the residential part of the application site in policy terms lies outside of the defined settlement boundary for Market Bosworth and is therefore within an area designated as countryside.

Paragraph 17 of the NPPF states that planning should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria i-iii within Saved Policy NE5 remain generally relevant to development within the countryside and consistent with the NPPF. The Policy states that development will only be permitted where the following criteria are met:-

- i) it does not have an adverse effect on the appearance or character of the landscape
- ii) it is in keeping with the scale and character of existing buildings and the general surroundings
- iii) where necessary it is effectively screened by landscaping or other methods.

Saved Policy NE5 (criteria i-iii) of the Local Plan is considered to be consistent with the intentions of the NPPF and therefore carry weight in the determination of this application.

The site is bound to the south by Station Road and beyond Station Road to the south of the road by residential properties. To the south west of the road is a designated employment site. Due north of the application site is the Kyngs Golf and Country Club. The land immediately adjoining the site to the west (beyond application ref: 13/00778/FUL) is not subject to this application and remains in its existing agricultural use. To the west of this lies the Battlefield Line Railway and beyond this the residential development on land known as Waterside Mede adjacent to Beulah House (ref's: 02/00845/OUT; 03/00652/REM; 04/00577/REM). The land immediately adjoining the site to the east is not subject to this application and remains in its existing agricultural use.

Accordingly whilst the site would still be bound immediately to the east and west by agricultural use, the land immediately beyond, to both sides is residential, with the land to the south residential and industrial in use. It is therefore considered that this site is not a traditional, 'typical' and open countryside location, as it is located in close proximity to development.

In addition, it is considered that the proposed residential development would occupy a natural 'infill' to the north of Station Road.

The density, layout and appearance of the proposed residential development is discussed later in this report, but it is considered that there is no identified harm upon the character and appearance of the countryside. Therefore it is considered that the residential scheme would not have a significantly detrimental impact upon the character and appearance of this countryside setting.

### Overall Appearance

Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. This is considered to be consistent with the intentions of the NPPF and therefore carries weight in the determination of this application.

### Density

The application proposes 65 dwellings on a 2.98 hectare site equating to a net density of 21.8 dwellings per hectare (dph). Paragraph 47 within the NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy 16 of the adopted Core Strategy seeks at least 30 dwellings per hectare within and adjoining Key Rural Centres. It also states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.

In this case, it is considered the characteristics of the site justify a lower density. The site is located on the edge of the settlement, and outside of the settlement boundary and therefore in an area of countryside. It is considered that schemes should assimilate in the countryside and as such density has a key role to play within this. It is therefore considered that a higher density would be to the detriment of the surrounding countryside. This lower density scheme is therefore considered more suitable in this location.

## Layout

The layout proposes a main access road off Station Road, running to the eastern periphery of the site - with a road running east to west through the centre of the site and four smaller roads from this creating smaller cul-de-sac style areas.

The on site informal equipped and un-equipped play space is located within the centre of the site and formal play space to the west. Plots 9-12, 39-43 and 18-20 provide natural overlooking upon the central play space.

Plots 4-6 and 61-65 provide a strong attractive tree lined frontage to the east of the site, whilst plots 1-4, 12 and 13-17 face Station Road, creating a strong defined streetscene.

All private amenity spaces are provided to the rear of the plots and dwellings which occupy prominent positions on corner plots have been carefully considered to ensure that there are no dull or blank frontages.

Whilst not all dwellings achieve the 12.5 metre depth private amenity space, the amenity spaces are commensurate in size to the dwellings that they serve, and the differing sizes provide greater choice for future occupiers.

## Affordable Housing Location

Members should be aware that tenure split, design and location of affordable housing units within the scheme has been subject to scrutiny by the Council's Housing and Enabling Officer.

The scheme provides 5 units to the site's south frontage with Station Road, with a further two (Plots 25-26) and four (Plots 29-32) in the north western corner which are interspersed with open market dwellings. A further 6 units are proposed to the east of the hedgerow in the centre of the site, with affordable plots 44-48 and affordable plots 52-56 broken up by the road between them and other open market dwellings.

The Council's Housing and Enabling Officer is in agreement with the current siting of the affordable housing units as it reflects the preference of the Social Providers.

The scheme proposes the full 40% affordable housing provision and therefore 26 dwellings. The scheme provides affordable housing in many locations across the site ensuring a separation between the affordable units and integration within the wider open market dwellings. It is therefore considered that this layout is the preferred option and best achievable result. Accordingly, it is considered that the current siting of the affordable housing units is acceptable.

## Scale and Design

The surrounding area consists of single and two-storey proportions to the South of Station Road, with the Pipistrelle Drive development consisting of 2-storey and above.

The scheme proposes a mixture of 2, 3 and 4-bed detached, semi detached and terraced dwellings of predominantly two storey proportions, so is considered reflective of existing surrounding dwellings. There are 2 plots (plots 61 and 65) which are of 2 and a half storey proportions (two storey with accommodation in the roof slope) however they occupy key focal views and are located to the eastern periphery of the site - and not on the Station Road frontage and are therefore considered to be acceptable on this basis.

In terms of footprint, the proposed dwellings occupy fairly similar footprints to dwellings on Station Road. It is considered that the footprint and configuration of plots 1-4 and 12-17 facing the road frontage are acceptable in this setting, as they are reflective of the existing surrounding dwellings.

In relation to the visual appearance of the built environment, there are a range of house types proposed within the scheme. Each house type proposes different materials and design features such as bay windows, canopies, dormers, arched and flat brick headers, brick and stone cills and other brick detailing which adds additional interest to the external appearance of the site as a whole.

During the course of the application, there have been alterations to the design to ensure that some house types include external chimney stacks, to reflect the local vernacular.

In respect of other visual elements there is a mixture of frontage, side and rear parking with single and double garages providing both natural surveillance and attractive streetscene.

The subservient scale, roof design and architectural detailing on the garaging is reflective of the style of the dwellings to which they serve.

Details have not been provided in respect of existing and proposed finished floor levels. Accordingly a condition to this affect is recommended.

Accumulatively as a result of the differing styles, features, materials and sizes it is considered that an attractive scheme would be provided.

#### Hard and Soft Landscaping

In respect of other visual elements there is a mixture of frontage parking, and single and double garages which are subservient in scale and using similar materials to the proposed dwellings. Parking courts and roads are broken up with both hard surfaced and permeable materials-which will be secured by way of condition.

The application shows indicative landscaping details. It is considered necessary to impose a planning condition which secures comprehensive details of all landscaping on site to ensure that it is reflective of this countryside setting. Tree species will be negotiated once a comprehensive landscaping plan has been submitted to the Local Planning Authority, which will be secured by way of a planning condition.

In respect of the future maintenance of the landscaped areas a separate condition requiring a landscape management scheme to be submitted to and approved in writing to the Local Planning Authority is suggested. It is considered that this should include the retention of one owner and maintenance and re-stocking regime over a 20 year time period.

Policy NE12 criterion (d) requires that the application be accompanied by details of the proposed arrangements to ensure that continued maintenance of landscaping. As such it is considered necessary to impose a condition ensuring that the scheme is 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.

Elevational details have not been provided in respect of the 1.8 metre high brick wall or timber and therefore a condition is suggested to secure these details for approval in order to ensure that the fencing is appropriate in its appearance.

In summary, it is acknowledged that the site falls outside of the settlement boundary of Market Bosworth, within an area defined as countryside and objections have been raised regarding the prominent, important location of this site when entering Market Bosworth.

It is, however considered that this site, given the surrounding land uses does not represent a traditional, 'typical' and open countryside location of intrinsic beauty and the proposed residential development would occupy a natural 'infill' to the north of Station Road.

The proposed dwellings reflect the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of the area and overall provides strong attractive streetscenes. The variation in design is welcomed and the scale and design of garaging and scale of garden sizes is considered acceptable.

It is therefore considered that on balance, having regarding to the matters raised above that the scheme would not have an un-acceptable adverse impact upon the countryside, in this case.

As such, the scheme is considered to be in accordance with guidance contained within Saved Policies NE5 (criteria i-iii), BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001, Policy 16 of the Core Strategy 2009, the principles outlined in the Council's SPG on New Residential Development and the overarching guidance contained within the NPPF.

#### Impact on Residential Amenity

Criterion i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties, this policy is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

The residential dwellings most immediately impacted upon as a result of the proposal would be those to the south of Station Road, given their proximity to the site, however given that they are sited on the opposite side of the road it is considered there is adequate distance to ensure that there would not be any significant adverse impacts upon the occupiers of the neighbouring dwellings as a result of this scheme.

All other neighbouring dwellings are located at sufficient distances away not to be impacted upon as a result of the proposal.

The internal arrangements of the plots within the site are not considered to give rise to any significant overbearing, overlooking and overshadowing upon the future occupiers.

It is considered necessary to impose a condition to obscure glaze the first floor windows shown to be serving bathrooms, en-suites and wc's and to ensure that they are top hung or fixed shut, in the interests of preserving the amenities of future occupiers.

In summary, the proposal is considered to have minimal impacts upon the amenities of existing and future neighbouring residents, subject to the imposition of planning conditions. As such the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.



### Highway Considerations; Access, Parking Provision and Impact on the Local Highway Network

Saved Policies T5, T9, NE5 (criterion iv) and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and are therefore given weight in the determination of this application. Policy T11 is not considered to be wholly consistent therefore carries little weight in the determination of this application.

The application is accompanied by access proposals, a Travel Plan and Transport Statement.

The scheme proposes at least 2 no. car parking spaces per dwelling. Open market dwellings all have detached garaging with larger dwellings having double garages. Overall the parking provision is commensurate to the number of bedrooms proposed.

The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection to the scheme, subject to the imposition of planning conditions.

The Director of Environment and Transport (Highways) considers that the application site is located within a reasonable walking distance to the town centre, and proposes off-site works to provide a right-turn ghost island which is acceptable from a safety and capacity point of view.

The Director of Environment and Transport (Highways) has requested that a 2.5 metre wide footway should be provided across the blue/red line frontage of the site and that in the interests of permeability the inclusion of a pedestrian link from the play space to Station Road at the western end of the site. Accordingly the applicant has provided amended plans to show an increase from the previously proposed 2 metre wide footway to 2.5 metres and the positioning of a pedestrian link to the play space from Station Road.

In response to the suggested conditions from the Director of Environment and Transport (Highways):-

Suggested Condition 2: Prior to first occupation, a pedestrian link from the play area to the western end of the site to Station Road shall be provided in accordance with details that have first been submitted and agreed in writing by the LPA.

During the course of the application the applicant has provided amended plans to reflect this. Accordingly this condition is not required to be carried forward.

Suggested Condition 3: Any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space and once provided, shall thereafter permanently remain available for car parking.

The internal dimensions of all garages have been checked and they comply with the required measurement. Accordingly this condition is not required to be carried forward.

### Affordable Housing and Infrastructure Improvements

The application proposes 65 residential units which attracts infrastructure contributions.

Developer contributions requests must meet all three tests contained Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL) if they are to be considered lawful. CIL requires that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

## Affordable Housing

Policy 15 of the adopted Core Strategy is considered to be consistent with the NPPF which seeks to identify the size, type, tenure and range of housing that is required and plan housing development to reflect local needs, particularly for affordable housing. The NPPF states that Local Planning Authorities should where they have identified that affordable housing is needed, set policies for meeting this need on site. Notwithstanding the fact that affordable rent is now within the definition of affordable housing at a national level, Policy 15 is considered to remain relevant to the consideration of this application.

This site is in a rural area and therefore Policy 15 of the adopted Core Strategy indicates that 40% of the dwellings should be for affordable housing, which would give 26 units on site for affordable housing. Of these 26 units, 19 (75%) should be for affordable rented housing and 7 (25%) for intermediate tenure.

There are currently the following number of applicants on the Council's housing register for Market Bosworth (28 October 2013):-

1 bedroomed properties	276
2 bedroomed properties	206
3 bedroomed properties	78
4 or more bedroomed properties	30

The proposed 19 affordable rented dwellings would comprise 12 two bedroomed dwellings and 7 three bedroomed dwellings and of the 7 intermediate tenure dwellings would comprises of 3 two bedroomed dwellings and 4 three bedroomed dwellings.

In terms of CIL compliancy this scheme has triggered the request for affordable housing, in line with Core Strategy Policy 15. It is considered that there is an identified need for a range of affordable units in Market Bosworth as such it is considered necessary to provide them within this development and therefore is directly related. The amount and type requested is also considered fairly and reasonably related in scale and kind to the development proposed. It is therefore considered that the request for affordable housing requirements meets the requirements of the Community Infrastructure Levy (CIL) 2010.

Accordingly the scheme would meet the requirements of Policy 15 of the adopted Core Strategy, supported by the Council's Supplementary Planning Document on Affordable Housing.

Should the application be approved then the provision of affordable housing would be secured through a S106 agreement.

## Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

The Open Space, Sport and Recreational Facilities Study (July 2011) identifies and assesses all areas of open space and recreational facilities in the borough. It provides a record of existing sites, assigns quality and quantity standards, evaluates the adequacy of these facilities and provides a framework for action.

This document is the most recent and up-to-date evidence base relating to areas of open space, sports and recreational facilities in the Borough and should be utilised in the determination of planning applications.

In relation to Market Bosworth the study identifies the following:-

- formal Parks and Gardens have a quantity level lower than the recommended standard with all residents outside the catchment area of a formal park
- natural and Semi-natural open space (below 10ha) is adequately accessible but there are opportunities to improve the quality of the spaces
- amenity Green Space - There is an adequate level of provision with adequate accessibility but with opportunities to improve the quality of the spaces
- provision for children - Accessibility for residents to the east and centre of the settlement is poor. There are opportunities to improve the quality of the spaces but the quantity is at an acceptable level
- provision for young people - Currently all residents are outside the catchment for this typology and there is a below standard level of quantity
- outdoor Sports is well provided for in the settlement
- allotments have good accessibility for residents but are below standard in both quantity and quality.

In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed. To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD. The request for any developer must be assessed in light of the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

#### REC2: Formal Play Provision

Saved Policy REC2 states that:-

"For developments of 20 and 100 dwellings, pro rata provision for open space will be sought. However, it may be that the area of land which could be provided in relation to such development would not be of practical value as public open space for formal recreational activates. In such instances the Local Planning Authority may alternatively seek to negotiate a financial contribution towards the provision of new recreational facilities within the vicinity of the site or towards the improvement of existing facilities in the areas."

This is to be partially secured through this application and partly through application ref: 13/00778/FUL.

This site provides 1936 square metres of formal play space (with the adjacent development providing 664 square metres of formal play space).

Accumulatively the two applications provide a total of 2,600 square metres which is the exact requirement of formal play space for a development of 65 dwellings. It is considered on implementation that there would be users as a result of the development and that a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

Accordingly this application, in direct correlation to the adjacent site would provide an area of formal play space for users as a result of the development and the existing community.

Given that the scheme provides the full 2,600 square metres as required by Policy REC2 then there is only a maintenance contribution to be taken over a 20 year period which equates to £34,320.00.

### REC3: Informal Play Provision

The scheme proposes to provide all forms of informal play space on site.

Informal Equipped Children's Play Space: - The application proposes to provide 325 square metres of equipped play space within the site (LEAP), which is the requirement for a development of this size. It is considered on implementation that there would be users as a result of the development which would add to the wear and tear of this equipment and therefore a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

Given that the scheme provides the full 325 square metres as required by Policy REC3 then there is only a maintenance contribution to be taken over a 20 year period which equates to £45,955.00.

Informal (Un-equipped) Children's Play Space: -The scheme proposes to provide 1,064 square metres of informal children's play space which is in excess of the area required for a development of this size (which is 975 square metres). It is considered on implementation that there would be users as a result of the development and that a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

Given that the scheme provides (and exceeds) the square metres as required by Policy REC3 then there is only a maintenance contribution to be taken over a 20 year period which equates to £11,278.40.

As such, the contribution sought is £34,320.00 for the maintenance of the formal play space, £45,955.00 for the maintenance of the informal children's equipped play space (LEAP) and £11,278.40 for the maintenance of the areas of informal children's non equipped play space totalling £91,553.40.

It is considered that the play and open space contributions are necessary, are directly related to the development and fairly and reasonably relate in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policies 1 and 19 of the adopted Core Strategy, Policies REC2 and REC3 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

### Other Developer Contributions

The developer contributions have been assessed against the tests in the CIL Regulations 2010.

In terms of the police requests, the police have not demonstrated that the impact of the development is sufficient to render the contributions requested necessary to make the development acceptable in planning terms and that as such test one is not met.

It is considered that the library request has not demonstrated whether the contribution is necessary and it is not clear exactly what the contribution would be spent on; the spending proposals seem vague and unspecified.

In respect of the civic amenity request it is estimated that there will be an additional 19 tonnes of waste generated by the development or an increase of 0.2% and given that figure, it is difficult to see that a contribution is necessary as the impact from this development would be minimal.

In respect of improvements to bus stops, information boards and provision of bus shelter the request has not demonstrated that they are required to make the development acceptable in planning terms.

In relation to the education, travel packs and health requests these are all considered to meet the three tests within the CIL Regulations 2010.

Accordingly it is considered that the following requests are CIL compliant:-

- 26 no. affordable units
- £91,553.40 for play and open space maintenance on site
- £325.00 per pass for 2 passes in each Travel Pack - 1 per dwelling
- £194,135.21 towards Secondary School sector for the Market Bosworth School and Bosworth Academy
- £15,030.00 towards the refurbishment of current consultation rooms to standard clinic rooms at the Market Bosworth Surgery.

As such the affordable housing, play and open space, and contributions towards travel packs, Market Bosworth Surgery and Market Bosworth School and Bosworth Academy are considered to be compliant with the CIL Regulations 2010 and accordingly are to be encompassed within a Section 106 Agreement should be application be approved.

#### Drainage and Flood Risk

The application has been accompanied by a Flood Risk Assessment. Following concerns expressed by the Head of Community Services (Land Drainage) the applicant has provided additional information relating to anticipated stormwater and existing downstream capacities and re-consultation has been undertaken.

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

The scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) all of whom raise no objection to the scheme subject to the imposition of a planning condition.

In respect of foul sewage the scheme proposes an on site foul water pumping station. The applicant has confirmed that this would be adopted by Severn Trent Water, under a Standard 104 Agreement.

No details have been provided of the external appearance of the proposed pumping station accordingly a condition is recommended to secure these details.

In summary, Severn Trent and the Head of Community Services (Land Drainage) have no objection to the scheme, subject to the imposition of planning conditions. Accordingly it is considered that the proposed works will be in accordance with Saved Policy NE14 of the Local Plan and overarching intentions of the NPPF.

### Archaeology

The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE13.

Saved Policy BE16 states that the Local Planning Authority will seek to enter into a legal agreement or impose conditions requiring that satisfactory archaeological investigation and recording be carried out. Policy BE16 is considered to have high consistency with the intention of the NPPF and as such the policy should be given weight in consideration of this application.

The scheme has been considered by Directorate of Chief Executive (Archaeology) who raises no objection subject to conditions for an appropriate programme of archaeological mitigation, in the form of a Ridge and Furrow Earthwork Survey to be undertaken prior to the commencement of development. The condition is considered to meet the relevant tests and as such will be imposed.

In summary subject to the imposition of a planning condition the scheme is not considered to have any significant detrimental impacts upon archaeological sites of importance and is therefore in accordance with Saved Policies BE13 and BE16 and the overarching intentions of the NPPF.

### Ecology

The application has been accompanied by an Ecological Appraisal and Great Crested Newt Survey. Following an objection raised by the Directorate of Chief Executive (Ecology) a revised Great Crested Newt Report and Mitigation Strategy and additional information showing location of ponds, trapping plan and newt culvert design have been received during the course of the application and re-consultation undertaken.

The Directorate of Chief Executive (Ecology) has confirmed that the amended Great Crested Newt Survey has satisfied the original concerns and recommends that a condition be imposed ensuring the development is undertaken in accordance with the mitigation strategy set out within the revised Great Crested Newt Survey Report and Mitigation Strategy.

Following concerns raised by officers an amended layout has been received which shows the location of the newt pond, as required within the mitigation strategy and re-consultation strategy.

The Directorate of Chief Executive (Ecology) has confirmed that the revised GCN mitigation strategy and accompanying plans are satisfactory, and have no further comments to make on the application.

## Noise

Saved Policy BE1 (criterion h) states that planning permission will be granted where the development is not adversely affected by activities in the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development.

Following discussions with the J.J Churchill's the owners of the factory on the adjacent industrial estate, who had expressed concerns over their possible impact on the housing development and concern over the possibility of future complaints regarding their operation, an additional assessment was requested and supplied by the applicant, using noise levels provided by J.J. Churchills.

The Head of Community Services (Pollution) has considered the assessment and accepts that the assessment uses a worst case scenario and that with appropriate mitigation to attenuate the noise from Station Road and the industrial estate that the noise levels contained within the current guidance documents can be achieved. The mitigation measures to attenuate the noise include mechanical ventilation and acoustic fencing.

Accordingly the Head of Community Services (Pollution) raises no objection to the scheme, subject to the imposition of a noise attenuation condition to secure the suggested mitigation measures.

It is therefore considered what whilst the issue of noise upon the future occupiers of the development from the nearby road and industrial estate is a complicated issue, it is considered that suitable mitigation measures can be employed in order to attenuate the noise and it is therefore considered on balance that the development would not be adversely affected by activities in the vicinity.

## Impact Upon Trees

The application has been accompanied by an Arboricultural Survey. During the course of the application the Head of Corporate and Scrutiny Services (Tree Officer) has requested a tree survey which complies with the Council's requirements.

Accordingly an updated arboricultural report and plan have been submitted and re-consultation undertaken with the Head of Corporate and Scrutiny Services (Tree Officer).

Following further comments from the Head of Corporate and Scrutiny Services (Tree Officer) car parking spaces to plots 15 and 16 have been amended to reduce the impact upon the horse chestnut tree.

## Other Matters

### Sustainability

Inline with Policy 24 of the adopted Core Strategy, the residential units to be constructed on this site will need to be constructed in accordance with the Building a Greener Future. This standard is inline with Building Regulations and therefore the development will automatically be constructed to this continually evolving standard.

### Recycling, Waste Collection and Storage

The Head of Business Development and Street Scene Services (Waste Minimisation) recommends a condition to secure a scheme for the provision for waste and recycling collection points. Given that there are cul-de-sacs and smaller access drives it is considered necessary to impose a condition to show where the collection points would be.

### Letters of Representation

In respect of other objections received which have not already been addressed within the report above:-

The site does not fall within a Conservation Area.

This application is defined by the 'red edge' on the submitted site layout plan. The Council does not know whether further applications will be submitted and this has no bearing upon the determination of this application.

There is no requirement for an additional independent evaluation of the wildlife on site, as Directorate of Chief Executive (Ecology), Natural England and the Environment Agency have been consulted on the application.

This application is not judged with or against other applications in Market Bosworth as each application is considered on its own merits.

A right to a view is not a material planning consideration.

Materials would be secured by way of a planning condition (See Condition 3).

There is no requirement for a landscape and visual impact assessment to be undertaken for this application.

Offices may overlook the site, but there has been no identified harm with this.

The existing conditions are still applicable to the JJ Churchill's planning permission ref: 12/00229/FUL. There would not be any additional restrictions or conditions placed on that permission, through this application.

There is a road way between the site and adjacent industrial site and details of boundary treatments to the children's play spaces is suggested to be secured by way of condition (See Condition 4).

There is no reason to suggest that this application will result in restrictions to the Churchill site.

### Use of private drive

Rights of access are not material planning considerations. The application site excludes the byway used as a private driveway to the neighbouring 'Stables' and there is no intention that vehicles are to enter the site either to access any part of the development or the play space. The Local Planning Authority is unable to control future road users and if they enter or use the private driveway.

### Infrastructure

The existing parking issues within the town centre are not a material planning consideration within this application.

Those requesting financial contributions are only able to request the amount that would be relative to the impacts as a result of this application and not over and above. Accordingly the monies requested are commensurate with the scale of the development.



### Maintenance of Landscaping and Play and Open Space

The Parish Council has been approached about maintaining the on site play space and landscaping, however they have expressed reservations and have requested further information. The contributions that would be obtained from the developer through the Section 106 obligation would be released to the parish for their use for maintaining the area. Should the Parish not wish to adopt the spaces, then the Borough Council will need to negotiate and propose an alternative solution.

Breaking up the play areas will not increase the costs. The provision and maintenance costs are calculated upon the size of the spaces.

### Routing of Construction Traffic

The Borough Council would not be able to impose a condition as it would be difficult to differentiate between the general traffic and the specific construction traffic, and therefore it would not be enforceable. This would not be in accordance with paragraph 71 of circular 11/95 and the same argument in respect of enforceability would apply for a Section 106 Agreement.

### Provision of Bungalows

The Council's Housing and Enabling Officer has confirmed that whilst there is evidence in the housing needs survey for bungalows, this is only one source of evidence and that there should be a balance between the need to both meet the identified local need and the wider housing needs in the borough. The Council's Housing and Enabling Officer has pursued the option of bungalows, however the applicant has confirmed that providing bungalows would reduce the overall 40% affordable housing offer. Accordingly the Council's Housing and Enabling Officer wishes to maintain the current offer of the full 40% affordable housing requirement for a mix of 2 and 3 bedroomed family homes.

The Council's Core Strategy Policy requires the mix of 75% for social rent and 25% for intermediate tenure.

The Section 106 Agreement will contain a requirement for applicants in the first instance to have a local connection to Market Bosworth.

### Conclusion

In conclusion, the NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The Borough Council currently has a five year housing land supply however Market Bosworth has a minimum residual housing requirement which weighs in favour of the application. The adopted Core Strategy requires the allocation of land for the development of a minimum of 100 new homes and whilst the scheme would exceed the residual of 42 by 23 dwellings, it is accepted that the requirement is a minimum and this quantum of development would not result in any adverse harm to the site or settlement.

It is considered, based on the most up to date guidance, that neither the emerging Site Allocations DPD nor the emerging Neighbourhood Plan are sufficiently progressed at this time to be afforded enough weight to justify refusal on the grounds of prematurity.

The proposed vehicular access, pedestrian walkways and off site highway improvements are considered acceptable from a highway safety perspective and there are no noise, ecological, drainage, flooding or archaeological concerns, subject to the imposition of planning conditions. The development will also contribute to the provision of affordable housing, public play and open space facilities, landscaping, footpath improvements and contributions towards travel packs (highways) and improvements to Market Bosworth Surgery (health) and Market Bosworth School and Bosworth Academy (education).

The S106 agreement is currently under negotiation and subject to the acceptability of this, it is recommended that full planning permission be granted, subject to the imposition of planning conditions.

The application is accompanied by a PPA allowing a 3 month timeframe to complete the S106 agreement from the date of committee.

**RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of open space facilities, landscaping, footpath improvements, travel packs and contributions towards education and health improvements the Chief Planning and Development Manager be granted powers to issue full planning permission, subject to the conditions below. Failure to complete the said agreement within 3 months of the date of committee may result in the application being refused.**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the core strategy allocation, would not have an adverse impact upon the character and appearance of the countryside flooding, ecology, biodiversity and archaeology or residential amenity; provides areas of formal, on site equipped and un-equipped green spaces and would contribute to the provision of affordable housing and other infrastructure and services. Furthermore, the proposal includes off-site highway improvement works to ensure that the development will not adversely impact upon highway and pedestrian safety.

Hinckley and Bosworth Local Plan (2001):- Policies RES5, IMP1, BE1 (criteria a, i, g), BE13, BE16, REC2, REC3, NE5 (criteria i-iv) NE12 (criteria b and d), NE14, T5 and T9.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7, 11, 15, 16, 19 and 24.

Supplementary Planning Documents (SPD): Play and Open Space, Affordable Housing, Sustainable Design and Supplementary Planning Guidance (SPG): New Residential Development, Rural Needs.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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

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

Planning Elevations and Plans Plots 1, 4, 12, 61,62,64,65 Drawing no. MB/DG; Planning Elevations and Plans Plots 2, 3, 5,6,10,11,18,19,27,28,41,42,57,58 Drawing no. MB/DGS; Planning Elevations & Plans Plots 6, 21, 43, 51 Drawing no. MB/978B; Planning Elevations and Plans Plots 7, 8, 9,20,21,39,40,43,46,51,63 Drawing no. MB/SG; Planning Elevations & Plans Plots 7, 11,20,42,58 Drawing no. MB/1274; Planning Elevations & Plans Plots 9, 27, 46 Drawing no. MB/978B-OP; Planning Elevations and Plans Plots 15, 26, 32,38,45,54 Drawing no. MB/AF654-OP; Planning Elevations and Plans Plots 16, 29, 33,34,47,55 Drawing no. MB/AF767; Planning Elevations & Plans Plots 22, 23 Drawing no. MB/654; Planning Elevations & Plans Plot 24 Drawing no. MB/654-OP; Planning Elevations & Plans Plots 49, 59 Drawing no. MB/767; Planning Elevations & Plans Plots 50, 60 Drawing no. MB/767-OP; Planning Elevations Plot 61 Drawing no. MB/Burleigh-2; Planning Plans Plot 61 Drawing no. MB/Burleigh-1; Planning Elevations Plot 65 Drawing no. MB/Burleigh-2/OP; Planning Plans Plot 65 Drawing no. MB/Burleigh-1/OP; Planning Plans Drawing no. MB/1763-1 and Construction Details Kerbs, Channels and Footway Edgings, Drawing no. SD/11/2 received by the Local Planning Authority on 11 July 2013;

and amended details, as follows:-

Planning Plans & Plans Plots 5, 10,18,41,57 Drawing no. MB/98 received by the Local Planning Authority on 5 August 2013;

Planning Elevations & Plans Plots 1 & 62 Drawing no. MB/1585; Planning Elevations & Plans Plots 2, 8,39,40,63 Drawing no. MB/1274-OP Rev A; Planning Elevations & Plans Plots 3, 19, 28 Drawing no. MB/98-OP Rev A; Planning Elevations Plots 4, 12, 64 Drawing no. MB/1763-2; Planning Elevations and Plans Plots 13,14,25,31,36,37,44, 52, 53 Drawing no. MB/AF654 Rev A; Planning Elevations and Plans Plots 17, 30, 35, 48, 56 Drawing no. MB/AF767-OP Rev A received by the Local Planning Authority on 6 August 2013;

Frontage Footway Drawing no. 1612 - 201 Rev. B received by the Local Planning Authority on 9 August 2013;

Figure 2 Proposed Site Access, Drawing no.004 Rev A received by the Local Planning Authority on 12 August 2013;

Planning Layout Drawing no. EMS.2289\_03-2 D received by the Local Planning Authority on 22 October 2013.

- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings, garages and pumping station shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence until elevation details and materials for all boundary treatments are submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 No development shall commence unless and until a detailed scheme of the external appearance of the proposed pumping station and programme of implementation shall first be submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved scheme.

- 6 No development shall commence until the proposed ground levels of the site and proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 7 Notwithstanding the submitted plans no development shall commence until comprehensive details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-
  - a) Planting plans;
  - b) Written specifications;
  - c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
  - d) Maintenance schedule;
  - e) Implementation programme;
  - f) Areas to be grassed;
  - g) Treatment of hard surfaced areas (including the footway access from the site to Station Road).
- 8 The approved soft and hard landscaping scheme shall be carried out in accordance with the approved details. 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.
- 9 No development shall commence until a Noise Impact Assessment for the noise from the proposed pumping station, which includes remediation works where required and programme of implementation shall first be submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details.
- 10 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme and mitigation measures shall subsequently be implemented in accordance with the approved details prior to the occupation of the first dwelling and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

The scheme shall include:-

- a) Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- b) Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- c) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.

- d) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
  - e) Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
  - f) Retention of existing on site drainage ditches, associated pipework and flood flow routes.
  - g) Finished floor levels are set no lower than 150mm above external finished ground levels, and above the top water level of storm water storage facilities where applicable.
- 11 No development shall commence until a scheme for foul drainage has been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. The details shall demonstrate that any additional flows discharging into the foul drainage network will not cause deterioration in the discharge quality or operation of any existing storm overflows/combined sewer overflows upstream or downstream on the network, or cause an increase in spill frequency or volume in the foul drainage system.
- 12 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation have first been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the approved programme of archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.
- 13 No development shall commence until a detailed construction environmental management plan has first been submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved scheme. The details shall include:-
- a) how, during the site preparation and construction phase of the development, the impact on local residents and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination
  - b) a plan showing how such controls will be monitored
  - c) procedure for the investigation of complaints.
- 14 No dwelling hereby approved shall be occupied unless and until a scheme providing for waste and recycling storage points across the site shall first be submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary. The collections points should be implemented prior to the first occupation of the dwellings to which they serve.
- 15 No dwelling hereby approved, shall be occupied unless and until the highway works as shown on approved plans Figure 2 Proposed Site Access, Drawing no.004 Rev A and Frontage Footway drawing no. 1612-201 Rev B have been provided and are available for use.
- 16 No dwelling hereby approved, shall be occupied unless and until car parking provision has been provided within the respective curtilage of each dwelling in accordance with Planning Layout Drawing No. EMS.2289\_03-2 D received by the Local Planning Authority on 22 October 2013. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for vehicular parking.

- 17 Before the start of the development, facilities shall be provided and maintained during the carrying out of the development to enable vehicle wheels to be washed prior to the vehicle entering the public highway. Such facilities shall be used as necessary to prevent material being carried out onto the highway.
- 18 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 19 The development hereby permitted shall only be carried out in accordance with the approved (revised) Great Crested Newt Survey Report and Mitigation Strategy, dated October 2013 (including the mitigation measures detailed within it) Pond Location Plan Figure 1 Drawing no. MLB/RJS; GCN Capture Proposals Figure 2, Drawing no. 5356-E-02; Newt Culvert Design Figure 3, Drawing no. RLS/SLS and Design Drawing Figure 4, Drawing no. 5356-E-02 received by the Local Planning Authority on 21 October 2013.
- 20 The windows at first floor serving wc's, bathrooms and en-suites as shown on the submitted drawings shall be fitted with obscure glass and be top hung and retained this way thereafter.
- 21 No development shall commence until a scheme for protecting the proposed dwellings from noise from the adjacent industrial estate, nearby road and proposed pumping station, which includes remediation works where required and programme of implementation shall first be submitted to and approved in writing by, the Local Planning Authority. The scheme shall be designed to achieve good internal noise levels as detailed in BS8233 and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.
- 22 No development shall commence until a landscape management scheme has first been submitted to and approved in writing by the Local Planning Authority, and all works and agreements which form part of the scheme shall be implemented upon the occupation of the first dwelling hereby approved. The scheme shall include details of the ownership and maintenance and re-stocking regime over a 20 year period.

**Reasons :-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3-6 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 In the interests of visual amenity and to ensure that the proposed development contributes to the preservation and enhancement of the local to accord with Policies BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 In the interests of visual amenity, to accord with Policies BE1 (criterion a) and NE12 (criterion b) and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.

- 9 To safeguard the amenities of the future occupiers of the proposed dwellings, in the absence of submitted details to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, protect the water quality, minimise the risk of pollution and ensure future maintenance of the surface water drainage system to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.
- 11 To protect the water quality and minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within the National Planning Policy Framework.
- 12 To ensure satisfactory historical investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 To safeguard the amenities of surrounding residential dwellings and future occupiers of the proposed dwellings to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 14 In the interests of visual amenity and to ensure there is adequate facilities for waste and recycling storage to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 15 To ensure a satisfactory form of development and in the interests of highway safety to accord with Policy T5 and T9 of the adopted Hinckley and Bosworth Local Plan 2001.
- 16 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 17 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 18 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 19 To ensure that satisfactory mitigation measures are implemented to accord with the intentions of the National Planning Policy Framework.
- 20 To ensure that the development is not detrimental to the privacy and amenity of future occupiers of the residential properties to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 21 To safeguard the amenities of the future occupiers of the proposed dwellings, in the absence of submitted details to accord with Policy BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan 2001.

- 22 To ensure a strong common link between the proposed buildings, spaces and landscape features to accord with Policy BE1 (criterion i) of the Hinckley and Bosworth Local Plan 2001.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 6 In relation to Condition 12 the Written Scheme of investigation shall include an assessment of significance and research questions and:-
  - The programme and methodology of site investigation and recording
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

- 7 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile browsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.



The applicant should follow the guidance given in the Agency's publication 'Pollution Prevention Guideline 6' (PPG 6) 'Working at demolition and construction sites'.

- 8 There is network in the area. Any disconnections or diversions for existing supplies are to be applied for in the legal manner and all works are to comply with g56 and h59 (47). If a new supply is required for the development an application must be submitted. Contact Western Power Distribution on 01455 232260.

**Contact Officer:-** Ebony Mattley Ext 5691

**Item:** 02

**Reference:** 13/00778/FUL

**Applicant:** Miss Amy Watts

**Location:** Land At Station Road Market Bosworth

**Proposal:** Development for 664 sqm of formal play space (linked with application 13/00520/FUL)

**Target Date:** 23 December 2013

#### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major application.

This application should be read in conjunction with that of application ref: 13/00520/FUL.

#### Application Proposal

Full planning permission is sought for an area of play space measuring 664 square metres.

This application has arisen as a result of the applicant attempting to secure the full formal play space provision, for the development subject of application 13/00520/FUL.

The applicant has submitted this additional application rather than withdrawing the adjacent application 13/00520/FUL and re-submitting a new application covering the two areas.

During the course of the application revised Great Crested Newt Report and Mitigation Strategy and ecological plans have been submitted to reflect this application in context with the adjacent application. Re-consultation has been undertaken with the Directorate of Chief Executive (Ecology).

#### The Site and Surrounding Area

The rectangular shaped site measuring 0.10 hectares immediately adjoins the play space proposed as part of application ref: 13/00520/FUL.

The site is bound to the north by the Kyngs Golf and Country Club, to the south by Station Road and to the west by agricultural fields.

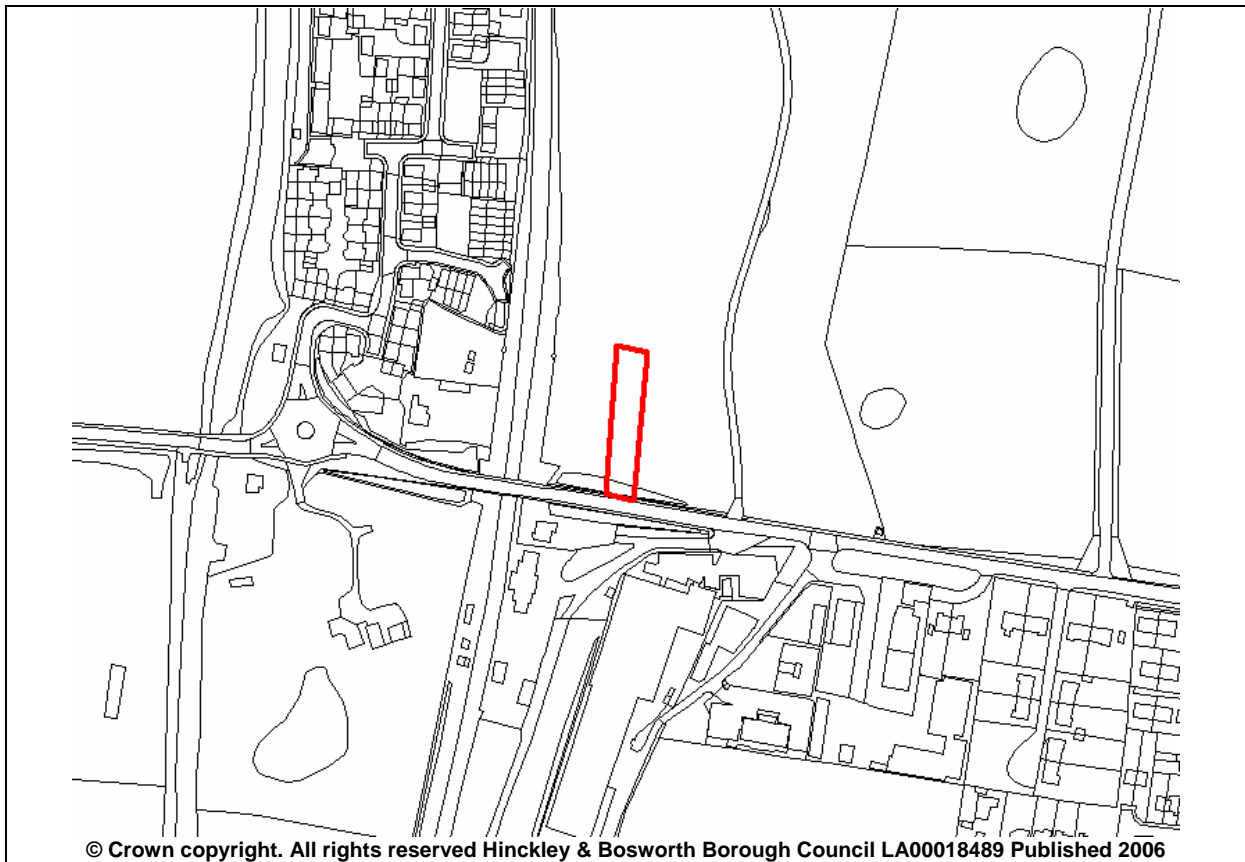
The site is located outside the settlement boundary of Market Bosworth, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

Technical Document submitted with application

None relevant.

**Relevant Planning History:-**

13/00520/FUL	Erection of 65 dwellings and associated works including 2 no. balancing ponds, formal play area space, public open space	Pending Consideration
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**Consultations:-**

No objection has been received from:-

Natural England  
Environment Agency  
Directorate of Chief Executive (Archaeology)  
Head of Community Services (Pollution Control)  
Head of Business Development and Street Scene Services (Waste Minimisation).

No objection subject to condition has been received from:-

Severn Trent Water Limited  
Directorate of Chief Executive (Ecology).

Market Bosworth Parish Council has no objections to the proposed development of formal play space but in connection with application ref: 13/00520/FUL raises the following concerns:-

- a) drainage, especially surface water drainage
- b) infilling of ponds and impact on endangered species
- c) doubt play area will remain dry
- d) newt tunnels and amphibian fencing should be retained
- e) inconsistent plans.

Market Bosworth Society has no objection to the inclusion of this area into the overall plan but remain concerned about:-

- a) the suitability of this ground as a play area
- b) existing pond has been removed from the plan
- c) is the scheme for 63 or 65 dwellings
- d) question the competence of this developer and their ability to deliver a development that reflects the planning statement or site plan.

Site notice and press notice were displayed and neighbours notified.

Three letters of objection have been received raising the following objections:-

- a) Market Bosworth cannot cope with any more property's without ruining it
- b) there is already no parking and its difficult to travel through Market Bosworth at school times
- c) subsidence in buildings opposite the site and with more dwellings will cause more structural issues
- d) rare crested newts
- e) high risk of noise complaints from future occupiers given shifts, proximity, noisy works, factory doors being open, and future expansion at adjacent JJ Churchill site
- f) Churchill planning consent has a noise attenuation requirement which will add to building costs and is sensitive to any further regulation/operating restrictions
- g) roadway too close to industrial estate junction
- h) HGVs cannot gain access through the village due to a weight restriction and have to turn around
- i) play areas are too close to the industrial estate and development too close to a busy and growing industrial estate
- j) original objections not addressed.

### **Policy:-**

#### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012  
The Community Infrastructure Levy (CIL) Regulations 2010

#### Local Plan 2006-2026: Core Strategy 2009

Policy 19: Green Space and Play Provision

## Hinckley and Bosworth Local Plan 2001

Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation

### Supplementary Planning Guidance/Documents

Play and Open Space (SPD)

### Other Material Policy Guidance

The Open Space, Sport and Recreational Facilities Study (July 2011)

This study identifies and assesses all areas of open space and recreational facilities in the borough. It provides a record of existing sites, assigns quality and quantity standards, evaluates the adequacy of these facilities and provides a framework for action.

This document is the most recent and up-to-date evidence base relating to areas of open space, sports and recreational facilities in the Borough and should be utilised in the determination of planning applications.

### **Appraisal:-**

#### Principle of Development

The principle of residential development is discussed within application ref: 13/00520/FUL. The residential scheme for 65 dwellings is required to provide 2,600 square metres of formal play space, however that application is only able to provide 1936 square metres within the site boundary. Accordingly this application seeks to provide the remaining 664 square metres shortfall.

#### Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policies REC2 seeks to deliver open space as part of residential schemes. Policy REC2 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

The Open Space, Sport and Recreational Facilities Study (July 2011) identifies and assesses all areas of open space and recreational facilities in the borough. It provides a record of existing sites, assigns quality and quantity standards, evaluates the adequacy of these facilities and provides a framework for action.

This document is the most recent and up-to-date evidence base relating to areas of open space, sports and recreational facilities in the Borough and should be utilised in the determination of planning applications.

In relation to Market Bosworth the study identifies the following:-

- a) formal Parks and Gardens have a quantity level lower than the recommended standard with all residents outside the catchment area of a formal park
- b) natural and Semi-natural open space (below 10ha) is adequately accessible but there are opportunities to improve the quality of the spaces
- c) amenity Green Space - There is an adequate level of provision with adequate accessibility but with opportunities to improve the quality of the spaces

- d) provision for children - Accessibility for residents to the east and centre of the settlement is poor. There are opportunities to improve the quality of the spaces but the quantity is at an acceptable level
- e) provision for young people - Currently all residents are outside the catchment for this typology and there is a below standard level of quantity
- f) outdoor Sports is well provided for in the settlement
- g) allotments have good accessibility for residents but are below standard in both quantity and quality.

In time it is intended that Policy REC2 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed. To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19.

Accordingly, this application is determined in accordance with the requirements of Policy, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

Due to the residential element of the adjacent development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC2 supported by the Play and Open Space SPD.

The request for any developer contributions must be assessed in light of the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations provide that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

#### REC2: Formal Play Provision

Saved Policy REC2 states that:-

*"For developments of 20 and 100 dwellings, pro rata provision for open space will be sought. However, it may be that the area of land which could be provided in relation to such development would not be of practical value as public open space for formal recreational activities. In such instances the Local Planning Authority may alternatively seek to negotiate a financial contribution towards the provision of new recreational facilities within the vicinity of the site or towards the improvement of existing facilities in the areas."*

This is to be partially secured through this application and partly through application ref: 13/00520/FUL.

This site provides 664 square metres of formal play space (with the adjacent development providing 1936 square metres of formal play space).

Accumulatively, the two applications provide a total of 2,600 square metres, which is the exact requirement of formal play space for a development of 65 dwellings. It is considered, on implementation, that there would be users as a result of the development and that a maintenance contribution would be required to ensure that the quality of these spaces would be maintained.

Accordingly, this application, in direct correlation to the adjacent site, would provide an area of formal play space for users as a result of the development, in addition to existing users from the community.

Given that the scheme provides the full 2,600 square metres as required by Policy REC2 there is only a maintenance contribution to be taken over a 20 year period which equates to £34,320.00.

This application will be tied into the Section 106 Agreement to secure the remainder of the formal play space the other equipped and un-equipped play and open space facilities, landscaping on site, provision of affordable housing units, footpath improvements and contributions towards travel packs (highways) and improvements to Market Bosworth Surgery (health) and Market Bosworth School and Bosworth Academy (education).

### Other Matters

In response to the letters of objection these matters are discussed within application ref: 13/00520/FUL.

Severn Trent Water Limited has raised no objection subject to the imposition of planning condition. This scheme does not propose any foul sewage, however there are no drainage plans in respect of surface water and therefore a condition is recommended.

The Directorate of Chief Executive (Ecology) has confirmed that the submitted Great Crested Newts mitigation strategy and accompanying plans are satisfactory, and address their previous comments and that implementation of the strategy should be a condition of the development.

Should members be minded to approve the adjacent development re: 13/00520/FUL then there will be a requirement within the Section 106 Agreement relating to the provision of this site (including the necessary monies, transfer and adoption) which will be subject to specific clauses within the agreement.

### Conclusion

In conclusion, it is considered that this formal open space is required for a planning purpose, it is directly related to the development and fairly and reasonably related in scale and kind to the wider proposal, and therefore is justified in this case.

Accordingly the scheme would meet the requirements of Policies 1 and 19 of the adopted Core Strategy, Policy REC2 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

**RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision and maintenance of open space facilities the Chief Planning and Development Officer be granted powers to issue full planning permission, subject to the conditions below. Failure to complete the said agreement within 3 months of the date of committee may result in the application being refused:-**

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it provides an area of on site formal play space.

Hinckley and Bosworth Local Plan (2001):- Policy REC2.

Local Plan 2006-2026: Core Strategy (2009):- Policy 19.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Plan (Scale 1:1250) and drawing no. EMS.2290\_03-2 D received by the Local Planning Authority on 17 October 2013.
- 3 No development shall commence until elevation details and materials for all boundary treatments are submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence until drainage plans for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 5 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved (revised) Great Crested Newt Survey Report and Mitigation Strategy, dated October 2013 (including the mitigation measures detailed within it).

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem to accord with guidance contained within the National Planning Policy Framework.
- 5 To ensure that satisfactory mitigation measures are implemented to accord with the intentions of the National Planning Policy Framework.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:-** Ebony Mattley Ext 5691

**Item:** 03

**Reference:** 13/00905/FUL

**Applicant:** Mr Lee Griffin

**Location:** Land Rear Of 71 Dragon Lane Newbold Verdon

**Proposal:** Substitution of house types for plots 29-46, 52-61, 93-94 with the erection of 8 new dwellings revising scheme total from 94 to 102 dwellings with associated garages and access

**Target Date:** 21 February 2014

#### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major application.

#### Application Proposal

This application seeks consent for a re-plan and erection of an additional 8 dwellings to application 11/00489/FUL which gave consent for the erection of 94 dwellings with associated garages, parking and associated infrastructure. The current application relates to the northern section of the site and seeks consent for the substitution of plots 29-46, 52-61 and 93-94 to accommodate the additional dwellings. The proposal retains the position of the access roads with the changes occurring within the originally approved site area and layout. The proposal seeks consent to replace 7 detached dwellings, and 4 semi-detached properties with 12 semi-detached dwelling and 3 terraced dwellings. Other changes relate to the appearance and design of the dwellings, however the scale and type of those dwelling remain the same.

The proposal maintains the approved access between 69 and 75 Dragon Lane, and there are no changes to the southern part of the site, much of which is completed and some properties occupied.



## The Site and Surrounding Area

The application site relates to land located to the west of number 57 to 141 (odd) Dragon Lane, Newbold Verdon, adjacent to the western edge of the defined settlement boundary. To the north and west the application site adjoins open countryside, whilst to the east the proposal adjoins the built form of Newbold Verdon.

The site consists of a partially constructed residential estate consisting of detached, semi-detached and terraces. All 2 storey including the block of flats. The scheme includes a central area of open space which contains an equipped play area. Access to the site is from a single point on Dragon Lane.

Minor alterations have been made to the elevations, to overcome concerns raised by officers and to ensure the design reflects the character of the comprehensive scheme, and additional information regarding landscaping, drainage and floor levels has been submitted. An additional 10 day consultation has been undertaken which expires 23rd January 2014.

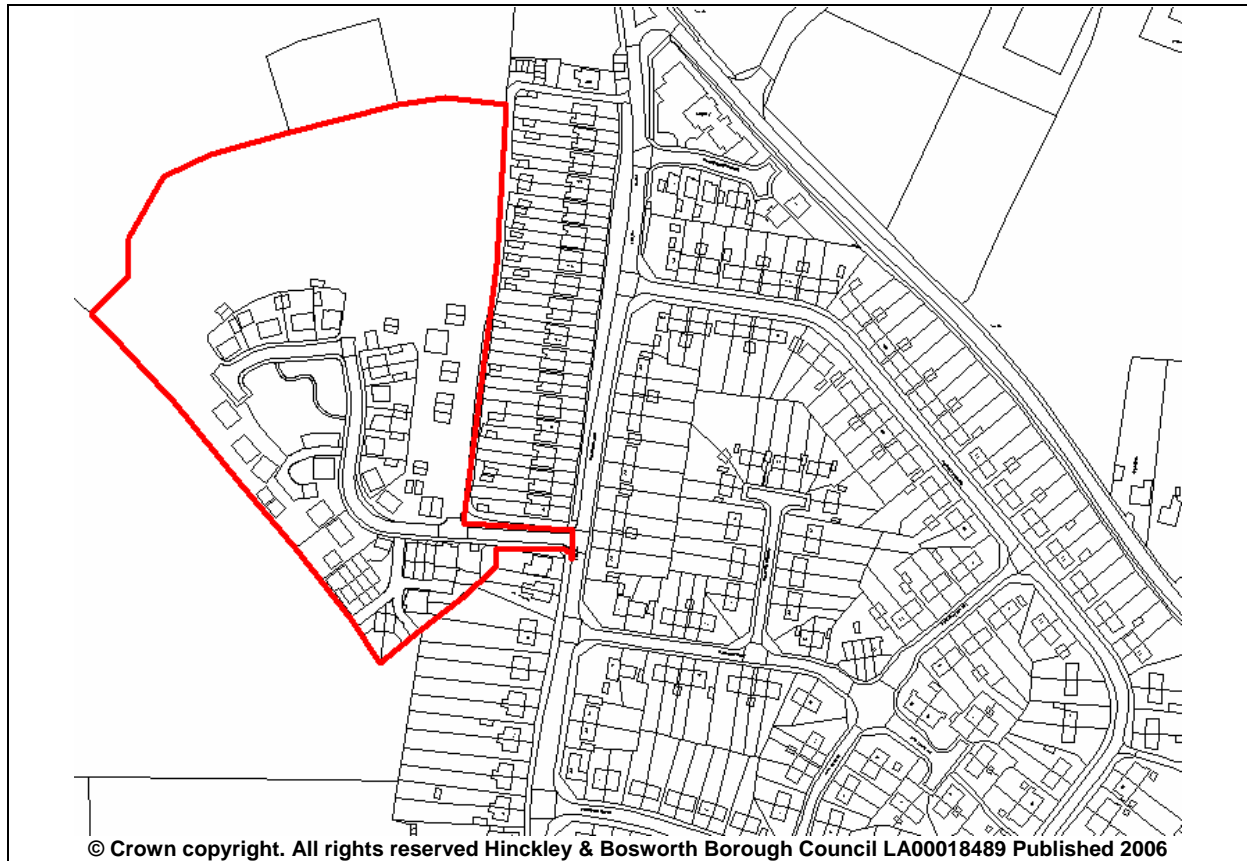
## Technical Documents submitted with application

Design and Access Statement

Heads of Terms

### **Relevant Planning History:-**

13/00470/FUL	Substitution of housetypes for 8 plots, no. 20 and 22-28 inclusive with associated garages, car parking and infrastructure	Approved	05.12.13
12/00888/FUL	Erection of 4 No. dwellings, 4 one bed apartments and Associated garages (part amended scheme) of previously approved development 11/00489/FUL	Approved	24.07.13
12/00887/FUL	Erection of 9 No dwellings (part amended scheme) of previously approved development 11/00489/FUL	Approved	24.07.13
12/00886/FUL	Erection of 3no. dwellings, 4 No. 1 Bed- apartments and associated structures (part amended scheme) of previously approved development 11/00489/FUL	Approved	24.07.13
11/00489/FUL	Proposed demolition of No 71 Dragon Lane and erection of 94 dwelling with associated garages, car parking and infrastructure	Approved	19.03.12



### **Consultations:-**

No objection has been received from:-

Environment Agency  
Head of Community Services (Land Drainage)  
Director of Environment and Transport (Highways).

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:-

- a) Directorate of Chief Executive (Ecology) - No response received.
- b) Director of Children and young Peoples Services (Education) - Notes that there is an existing S106 agreement for £144,796.98 towards Market Bosworth High School. The additional 8 dwellings would increase the high school education contribution to £159,097.91.
- c) Director of Environment and Transport (Civic Amenity) - Requests an additional contribution of £376 attracted by the additional 8 dwellings.
- d) Director of Adults and Communities (Libraries) - no request received.

Site notice and press notice were displayed and neighbours notified.

At the time of writing the report comments have not been received from:-

Head of Business Development and Street Scene Services  
Newbold Verdon Parish Council  
Neighbours  
Head of Community Services (Pollution).

## **Policy:-**

### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2013  
The Community Infrastructure Levy (CIL) Regulations 2010

### Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key Rural Centres  
Policy 11: Newbold Verdon, Key Rural Centre  
Policy 15: Affordable Housing  
Policy 16 : Housing Mix and Design  
Policy 14: Rural Areas: Transport.  
Policy 19: Green Space and Play Provision

### Hinckley and Bosworth Local Plan 2001

Policy NE5: Development in the countryside  
Policy RES5: Residential Proposals on Unallocated Site.  
Policy BE1: Design and Siting of Development  
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation  
Policy REC3: New Residential Development - Outdoor Play Space for children  
Policy NE14: Protection of Surface Waters and Ground Water Quality  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy T9: Facilities for Cyclists and Pedestrians  
Policy T11: Traffic Impact Assessment

### Supplementary Planning Guidance/Documents

New residential Development (SPG)

## **Appraisal:-**

The main considerations with regards to this application are the principle of the additional houses including, any material changes to policy since the original application was considered, housing supply; the impact of the additional dwellings on the character and appearance of the development, consideration of amenities, developer contributions and assessment of conditions.

### Principle

The principle of the development was established under application 11/00489/FUL which granted consent for the erection of 94 dwellings with garages, parking and associated works. This scheme has been implemented and associated conditions discharged.

### Policy

Since the original scheme was considered the NPPF has been published which superseded the Planning Policy Guidance Notes and Planning Policy Statement's. The Regional Spatial Strategies have also been revoked. The NPPF has a presumption in favour of sustainable development at its core. Paragraph 14 of the NPPF states that decision takers should 'approve decisions that accord with the development plan without delay', where policy adopted since 2004 can be given full weight (paragraph 214).

The NPPF defines sustainability as having three strands, a social, economic and environmental. The proposal would comply with the social strand by contributing to the supply of housing; to the economic by contributing to the economy through employment created by the construction of dwellings; and to the environmental by making the best use of available land.

The housing requirement for Hinckley and Bosworth of 450 dwellings per annum is specified by the Core Strategy over the plan period 2006 to 2026. Past performance is assessed against this requirement as the starting point for identifying the number of dwellings required over the next five years.

The Council has employed a positive methodology in calculating the five-year housing land supply position, following good practice based on the advice provided by DCLG, the Planning Inspectorate (PINS), and the Planning Advisory Service (PAS). An appropriate evidence base (the Strategic Housing Land Availability Assessment (SHLAA)), recent case law, recent discussions with other local authorities, and correspondence with developers and landowners in regards to deliverability, are all utilised to develop a robust and transparent assessment of future housing supply that is in conformity with the NPPF.

There are two methods which are used to determine a council's five-year land supply; the 'Liverpool' method, which spreads the shortfall from previous years over the remainder of the Plan period, and the 'Sedgefield' method, which places the shortfall into the next five years' supply.

HBBC uses the 'Liverpool' method, and this was supported by planning inspectors in two appeal decisions, ie Land east of Groby Cemetery, Groby Road, Ratby: ref 2181080 ("Bloors") and Land at Shilton Road, Barwell: ref 2188915 ("Shilton Road"), determined, respectively, on 22 January 2013, and 17 May 2013. Neither inspector sought to impose a 20% buffer.

Using the 'Liverpool' method, and having regard to that method, HBBC's housing land supply figure as of April 2013 was 5.58 years' supply including a 5% buffer.

Members will be aware from the agenda report dealing with appeal decisions that the decision letter on the 'Three Pots' appeal published on 3 January 2014 concluded that HBBC did not have a five-year land supply and considered that the 'Sedgefield' method was the more appropriate method. The inspector also concluded that there had been persistent under delivery by the Council and that a 20% buffer should be applied.

HBBC believes that there are grounds to challenge the Three Pots appeal decision, in particular the inspector's departure from the approach in the Bloors and Shilton Road decisions promulgated in January and May 2013, and a challenge will be made to his decision.

As members are also aware, the Bloor's decision has been further appealed to the High Court. The hearing took place on 16 December 2013, but there is no indication yet as to when the judgment can be expected.

All three appeal decisions are material considerations. The weight to be given to a material consideration is a matter for the committee as the deciding body.

The Three Pots decision is the latest decision and casts doubt on the Bloor's and Shilton Road decisions in so far as the calculation of housing land supply is concerned. However, the Bloor's decision has been further appealed and the decision is not yet known. If the Bloor's court decision supports the inspectors in Bloors and Shilton Road, then, as the Three Pots inspector himself acknowledges, it could be that his conclusion on housing land supply would be undermined.

The current situation is unsatisfactory for the Council, for developers and PINS. The judgement in Bloors will hopefully clarify the position in relation to the appropriate method to be used in calculating housing land supply and the application of the appropriate buffer.

Pending that judgement, the committee needs to take a position in relation to its housing land supply. Whilst the Three Pots decision, the latest appeal decision, argues for the Sedgfield method and a 20% buffer, the Bloor's and Shilton Road appeals (determined only in January 2013 and May 2013 respectively) support the Liverpool method and do not consider that the Council has persistently under-delivered thereby incurring the 20% buffer awarded by the Three Pots inspector. There is therefore a different and, as yet unresolved, difference of view on the most appropriate method.

In light of that, it is considered that in all the circumstances outlined above the Council can reasonably continue to calculate its housing land supply by the methodology supported on appeal in Bloors and Shilton Road.

The Core Strategy was adopted in 2009 and accordingly policies within it can be afforded considerable weight. Core Strategy Policy 11 seeks to allocate land for a minimum of 110 new homes within the Parish of Newbold Verdon. As of April 2013 there was a residual of 21 dwellings in Newbold Verdon. The approved scheme has been counted towards the completions within Newbold Verdon and therefore the additional 8 dwellings now sought, would count towards the remaining residual. Accordingly the proposal to increase the number of dwellings within a site where the principle has been established is considered to be in accordance with the spatial strategy of the Core Strategy, in particular Policy 11.

The original application had a net density of 30 dwellings per hectare (dph) excluding the public open space. With the additional dwellings this increases to 34dph, still in accordance with Policy 16 of the Core Strategy and the environmental strand of sustainability by using natural resource prudently.

The proposal is still considered to be in accordance with the Councils Core Strategy and the objectives of the NPPF. The principle of the proposal is therefore considered to be acceptable.

### Layout and Design

The proposal maintains the general layout of the roads and private driveways within the residential proposal and seeks consent for changes to the dwellings within the blocks of built form. These changes include the substitution of larger detached dwellings with smaller semi-detached properties (plots 38-43, 57/58, 61/62, 93/94 and 96/97) which enables the additional dwellings to be accommodated within the original development area. The proposals maintain a distance of at least 20m between rear elevations, this matches the distances achieved in the original application and provides gardens of appropriate sizes. Whilst removing some detached dwellings, the proposal maintains a good mix of properties maintaining variety within the proposal.

The substituted house types and additional dwellings have been designed to reflect and carry forward design characteristics already approved within the site. These include the inclusion of chimneys, arched brick details over windows and door openings, bay windows and brick corbelling detail. On corner plots visual interest has been provided on all elevations that face a highway or public space. The design of the proposal is considered to compliment the dwellings already completed within the development and therefore accord with Policy BE1 criteria a, of the Hinckley and Bosworth Local Plan.

## Amenities

The only changes to the periphery of the site adjacent to existing neighbouring dwellings affect plots 56 and 60, located to the rear of no 139 and 129 Dragon Lane respectively. The rear elevations of these properties are located in excess of 35m from the proposed dwellings. The SPG on New Residential dwellings suggests that there should be at least 14m between a window serving a habitable room and a two storey elevation, and 25m between facing windows serving habitable rooms. There are no windows proposed facing the properties on Dragon Lane, and the distances between the existing properties on Dragon Lane and the proposed dwellings is in excess of that required by the SPG. It is therefore not considered that the proposal would detrimentally affect the amenities currently enjoyed by residents of these properties.

Within the residential proposal the re-plan maintains the previously approved separation distance between properties. This at 20m is slightly below the distance recommended by the SPG however is considered acceptable given the layout and design of the site as a whole.

## Developer Contributions

The application proposes a development of residential units which attracts infrastructure contributions. Requests for developer contributions must be considered against the statutory tests in the Community Infrastructure Levy Regulations 2010 (CIL). CIL provides that, where developer contributions are requested, they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

The extant consent was subject to a S106 agreement. This secured the following contributions which were assessed in accordance with the CIL regulations at the time:-

- 19 dwellings for social rented accommodation and 18 dwellings as intermediate housing equating to 40% of the properties as affordable dwellings.
- 2 adult, 6 month bus passes to be offered per dwelling.
- £20,148.00 towards the improvement and widening of footpath S21.
- £4,299 towards improvements to the Barwell Civic Amenity Site to accommodate the increase use of the facilities as a result of the development.
- £144,796.98 towards improving facilities at Market Bosworth High School.
- £79,729.32 towards on site open space consisting of £17,513.32 towards the maintenance of the informal open space and £62,216.00 towards the maintenance of the on site equipped space.
- £52,818.00 towards formal open space at Alans Way comprising £29,052.00 towards improvements of the facility and £23,760.00 towards the maintenance.

It is considered that as these contributions were assessed at the time of the previous application, and secured within a signed and sealed S106 agreement, there is no need to reassess the validity of the contributions again.

As a result of consultation on the current proposals the following responses have been received:-

- a) Directorate of Chief Executive (Ecology) - No response received.
- b) Director of Children and Young Peoples Services (Education) - Notes that there is an existing S106 agreement for £144,796.98 towards Market Bosworth High School. The additional 8 dwellings would increase the high school education contribution to £159,097.91.

- c) Director of Environment and Transport (Civic Amenity) - Requests an additional contribution of £376 attracted by the additional 8 dwellings.
- d) Director of Adults and Communities (Libraries) - no request received.

### Play and Open Space

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Spaces Strategy 2005-2010 and Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport and Recreation Facilities Study once the Green Spaces Delivery Plan has been completed.

To date only the Open Space, Sport and Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3, SPD on Play and Open Space and the Green Spaces Strategy 2005-2010 and Audits of Provision 2007 update.

Due to the residential element of the development the proposal triggers a requirement for a contribution towards to provision and maintenance of formal and informal play and open space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD.

The original consent proposed an area within the centre of the site as an equipped play space with informal play space surrounding it. Contributions were sought towards the maintenance of this site and towards provision and maintenance of the Alans Way formal site.

The additional 8 dwellings increase these contributions to the following:-

- £79,729.32 towards the maintenance of the on site provision consisting of £15,921.20 towards the informal open space and £69,993.00 towards maintenance of the on site provision.
- £58,093.20 comprising £31,957.20 towards improvement of the Alans Way Recreational Site, and £26,136.00 towards the maintenance.

### Affordable Housing

Policy 15 of the Core Strategy requires residential proposals in the rural area comprising 4 dwellings or more to provide 40% of the dwellings as affordable units. The additional 8 dwellings therefore require 40 dwellings across the site to be affordable units, an additional 3 dwellings to that previously required. The plans show these as being proposed to the north of an existing block of affordable dwellings. It is considered that the affordable housing provision is acceptable and in accordance with Policy 15 of the Core Strategy.

### Conclusion on Contributions

As no contributions have yet been paid, it is therefore proposed that the revised S106 agreement secures the following contributions:-

- 2 adult, 6 month bus passes to be offered per dwelling.
- £20,148.00 towards the improvement and widening of footpath S21.

- £4,675 towards improvements to the Barwell Civic Amenity Site to accommodate the increase use of the facilities as a result of the development, and;
- £159,097.91 towards improving facilities at Market Bosworth High School.
- £79,729.32 towards the maintenance of the on site provision consisting of £15,921.20 towards the informal open space and £69,993.00 towards maintenance of the on site provision.
- £58,093.20 comprising £31,957.20 towards improvement of the Alans Way Recreational Site, and £26,136.00 towards the maintenance.
- Clause to secure 3 additional affordable at a split of one for intermediate tenure and two for rented.

### Conditions

As this application relates to a larger comprehensive development, the previous conditions should be re-considered.

The original application (reference 11/00489/FUL) was subject to pre-commencement conditions requesting details of the finished external materials (condition 3), ground levels (condition 4), landscaping (condition 5), and details of trapped gullies (condition 10). These details have been provided prior to determination and accord with details that were submitted to discharge the conditions. Therefore there is no need to impose these conditions on this consent.

Other conditions related to the commencement of development (condition 1). Since development has commenced this condition is no longer required. Condition 2 listed the plans approved and this will be re-imposed, listing the relevant plans considered and found acceptable under this application. Condition 6 is still required with an amendment to ensure that the landscaping scheme is implemented in accordance with the approved details in an acceptable timeframe. Conditions 7, 8, 9, 11 and 12 requiring wheel washing facilities, hard surfacing, scheme to be implemented in accordance with the approved Flood Risk Assessment, gradient and on site parking facilities respectively are still considered necessary and reasonable are considered precise and enforceable and therefore are still valid conditions and should be re-imposed. Condition 13 requires all garages to remain available for parking to ensure that there is adequate off street parking provision. All the plots subject to this application have off street parking provision for 2 cars on the driveways and therefore it is not considered that the garages are required for parking provision and not necessary for the acceptability of the scheme. It is therefore proposed not to re-impose this condition.

### Conclusion

This application seeks consent to amend the approved layout of an implemented scheme. The proposal increases the number of dwellings from 94 to 102 within the same site area, through proposing smaller semi-detached units in place of larger detached dwellings. The design and appearance of the proposal is considered to be in keeping with the originally approved scheme, whilst the changes to the house types maintain a mix of properties and dwelling types within the development. The proposal maintains the road layout and the location of the on site play provision. The proposal is considered to be in accordance with Policies 11, 15 and 16 of the Core Strategy, and Policies BE1 (criteria a, g and i), and T5 of the Local Plan 2001.



## **RECOMMENDATION:-**

**That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing and financial contributions towards civic amenity, play and open space, education, bus passes and footpath improvements the Chief Planning and Development Manager shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by 21 February may result in the application being refused:**

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the previous development on the site, the proposed substitution of house types and additional dwellings would respect the character and appearance of the original proposal, maintaining separation distances and the form of development. The proposal is considered to be acceptable subject to the completion of a S106 to secure relevant contributions.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, REC6, BE7, RES5, IMP1, BE1, REC2, REC3, NE14, T3, T5, T9 and T11.

Local Plan 2006-2026: Core Strategy (2009): - Policies 7, 14, 16 and 19.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- M119\_EM\_LP\_101A (Location Plan scale 1:2500), 2B3P-PL01, 2B3P-PL02, 2B3P-PL03, 2B3P-PL04, 2B3P-PL05, GL1.G02[DET]01 Rev A, received 22 November 2013.

305.C-PL02.Rev B, 305.C-PL01.Rev B, 304.C-PL02. Rev B, 304.C-PL01.Rev B, 303.C-PL03, 303.C-PL02.REV A, 303.C-PL01.REV A, 421.C-PL01.REV A, 421.C-PL02 Rev A, 421.C-PL04 Rev A, 412.C-PL02. Rev A, 412.C-PL01.Rev A, 406.C-PL01. Rev A, 406.C-PL02.Rev A, 400.C-PI01.Rev A, 421.C-PL03, 421.C-PL05.Rev A, Received 9 January 2014.

M119\_EM\_R03 H (Site Location), 430.C-PL01 Rev A, 411SP.C-PL01 Rev A, 430.C-PL02 Rev A, 411SP.C-PL02 Rev A, M119\_202\_4\_E (external works drawing) Received 10 January 2014.

JAB 11-174-03 Rev B, JBA 11-174-02 Rev B received 14 January 2014.

- 2 The hard and soft landscaping scheme shall be carried out in accordance with the details provided within the first available planting season following completion of the development. The soft landscaping 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.

- 3 For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
- 4 Before the first occupation of any dwelling hereby approved, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.
- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2011, reference number V141-AR, compiled by Bloor Homes, attached to planning permission 11/00489/FUL, and the following mitigation measures detailed within the FRA:-
  - a) A scheme for the provision and implementation of surface water run-off limitation to existing greenfield run-off rates as detailed in Section 15.1: Residual Risk assessment & Mitigation;
  - b) Provision, implementation and maintenance of a Sustainable Drainage (SuDS) system with storage provided up to the 100 year plus 30% climate change allowance as detailed in section 15;  
  
The SuDS scheme shall:-
    - Incorporate the utilisation of soakaway and / or above ground permanently wetted balancing areas or other sustainable drainage techniques;
    - Have the ability to accommodate surface water run-off on-site up to the
    - critical 1 in 100 year event plus an appropriate allowance for climate
    - change, based upon the submission of drainage calculations;
    - Address responsibility for the future maintenance of drainage features.
  - c) Finished floor levels should be set no lower than 150mm above ground levels as detailed in section 15.2.
- 6 The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the Highway boundary.
- 7 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

**Reasons:-**

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

- 3&4 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To prevent flooding elsewhere by ensuring the satisfactory disposal of surface water from the site at greenfield run-off rates. To prevent flooding elsewhere by ensuring the satisfactory storage of surface water from the site. To reduce the risk of overland flow flooding to the proposed development and future occupants. In accordance with paragraphs 100-104 of the National Planning Policy Framework.
- 6 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:-** Sarah Fryer Ext 5682

**Item: 04**  
**Reference: 13/00966/FUL**  
**Applicant: Mr & Mrs P Bills**  
**Location: I C Fields Farm Rogues Lane Hinckley**  
**Proposal: Erection of agricultural workers dwelling**  
**Target Date: 6 February 2014**

#### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it proposes an agricultural workers dwelling requiring an agricultural appraisal to be undertaken.

#### Application Proposal

The application seeks full planning permission for the erection of a permanent agricultural workers dwelling in association with Bills Farm Services Ltd. It has been stated that the enterprise has been established for 15 years and consists of a livestock rearing system and an agricultural contracting business. There are a total of 23.3 hectares of land associated with the business. This is broken down into 5.5 hectares owned at I C Fields Farm and 17.8 hectares rented on agricultural tenancies. On site there are a number of livestock buildings, an office and a silage clamp. Planning permission has been granted for two further agricultural buildings.

The present livestock numbers are stated as being:-

- 10 Suckler Cows
- 1 Stock Bull 150 Veal Calves per annum
- 120 Ewes plus 20 store Lambs

There are currently three members of staff employed within the business on a full-time basis: Mr Bills and his two sons. They currently live 3.5 miles away in Hinckley.

The proposed dwelling is brick build and is to be sited adjacent to the existing agricultural buildings, approximately 190 metres to the east of the existing site access off Rogues Lane. This is to have a 'T' shaped footprint of approximately 172.2 sqm and will provide living areas, a farm office and cloak room at ground floor, and three bedrooms at first floor. The dwelling is of a bespoke design; having gabled projections (with differing ridge and eaves heights) either side of the dominant mass and a two storey projecting gable to the rear. Architectural features have been incorporated including an external brick chimney stack to one gable end, a brick plinth and arched headers (to openings). The red edge of the application site encapsulates the proposed dwelling and thus it is assumed that residential curtilage will surround the dwelling.

## The Site and Surrounding Area

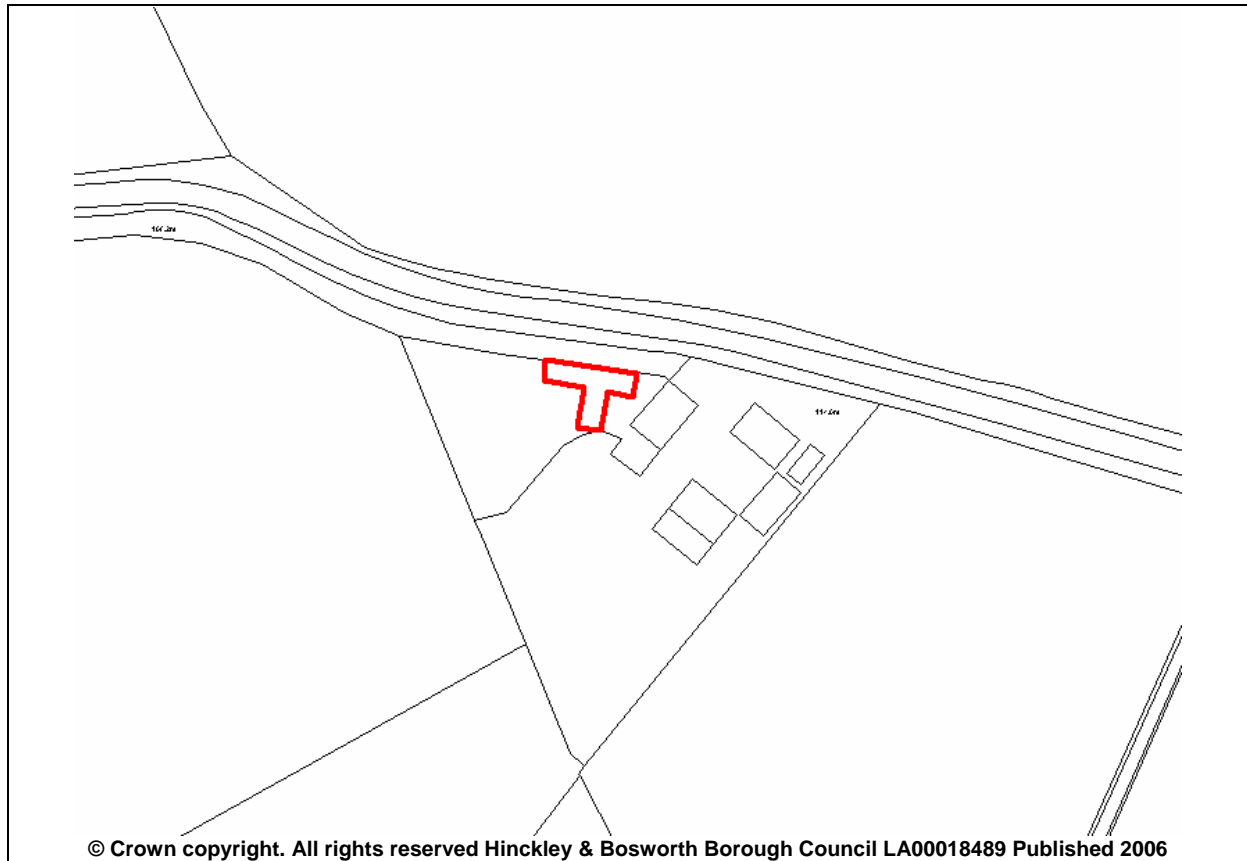
The application site is confined to the access and driveway which leads to a parcel of land on which the dwelling is proposed. The remainder of the applicants land ownership comprises 5.5 hectares and extends to the south, east and west. The existing farmyard, which comprise of a number of livestock buildings, an office and a silage clamp are clustered in the north eastern corner of the site. The site is enclosed by native hedgerow. Rogues Lane has a predominantly undeveloped rural character; where development exists it comprises of agricultural enterprises set well back from the highway. There are two relatively large farms to the east and south east of the site.

## Technical Documents submitted with application

Rural Workers Dwelling Appraisal  
Cattle Movement Records (Confidential)

### **Relevant Planning History:-**

13/00802/FUL	Erection of agricultural workers dwelling	Withdrawn	16.10.13
13/00241/FUL	Erection of agricultural workers dwelling	Withdrawn	31.07.13
08/01161/FUL	Erection of 2. No agricultural buildings	Approved	19.02.09
03/00129/FUL	Erection of two barns and extension of existing barn	Approved	26.03.03
01/01097/FUL	Erection of two agricultural buildings	Approved	21.12.01
89/00934/4	3 Bedroomed dwelling for use with existing farmland	Refused	21.11.89



### **Consultations:-**

No objection has been received from:-

Director of Environment and Transport (Highways)  
Head of Community Services (Land Drainage).

No objection subject to conditions has been received from Head of Community Services (Pollution).

The Borough Council's Independent Agricultural Consultant has undertaken a desk-based assessment of the proposal including the financial information submitted by the applicant and raises concerns as to whether there is an existing, essential need for the siting of a permanent agricultural workers dwelling on site.

Comments have not yet been received from:-

Western Power Distribution  
Head of Business Development and Street Scene Services (Waste Minimisation).

### **Policy:-**

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

## Local Plan 2006-2026: Core Strategy 2009

None relevant.

## Hinckley and Bosworth Local Plan 2001

The site is located in the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development  
Policy RES12: New Agricultural Dwellings  
Policy NE2: Pollution  
Policy NE5: Development in the Countryside  
Policy NE12: Landscaping Schemes  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy T5: Highway Design and Vehicle Parking Standards

## Supplementary Planning Guidance/Documents

New Residential Development (SPG)

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, siting and design, impact on the character and appearance of the surrounding landscape, residential amenity, highway safety and other matters.

### Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. Paragraph 55 of the NPPF states that isolated new homes in the countryside should be avoided unless special circumstances exist, an example of which is the essential need for a rural worker to live permanently at or near their place of work in the countryside. Paragraph 28 of the NPPF supports sustainable economic growth in rural areas and the development of agricultural and other land based businesses.

Whilst only limited weight can be afforded to Saved Policy NE5 of the adopted Local Plan following the release of the NPPF, whilst seeking to safeguard the character and appearance of the countryside the policy acknowledges the need to accommodate development that is important to the local economy that cannot be provided within or adjacent to an existing settlement. Saved Policy RES12 of the adopted Local Plan is considered to have a high degree of conformity with the NPPF and states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; and the availability of suitable alternative accommodation in the local housing market.

Whilst the policy framework provides for the development of agricultural workers dwellings in the countryside in principle, it is clear that this is an exception to the general restraint on new residential development in the countryside that has remained a strong and consistent element of national planning policy and should be subject to special justification being demonstrated in respect of the essential functional requirements of the enterprise, the lack of alternative accommodation that would fulfil that requirement and the sustainability of the development.

The NPPF in paragraph 7 states that there are three dimensions to sustainable development (social, environmental and economic). The economic role is particularly relevant to the provision of agricultural worker's accommodation as the need for it must derive from the requirement of the farm business and not from the personal aspirations of the individuals concerned. The policy exception reflects support for agriculture as an economic activity; therefore, to allow such accommodation where a farming enterprise was not economically sustainable would not be justified.

The Borough Council's Agricultural Consultant has assessed the current proposal against national policy guidance and local plan policies and has had regard to recent appeal decisions.

**Functional Test:-** Is the agricultural holding of a nature that requires a person to live on the site, having regard to the security and efficient operation of the holding?

The agricultural appraisal makes reference to "the management and supervision of the livestock "giving rise to the essential requirement to live on site at IC Fields Farm and states that "consideration should also be taken with respect to the other businesses based at the farm". Following a review of the accounts the consultant suggests that the principle activity for the enterprise appears to be that of farm contracting. It is elaborated, that on further inspection of the accounts submitted with the previous application (13/00241/FUL), the livestock enterprise did not appear to be in operation to any great extent as there were no corresponding figures included for key livestock income and costs. Furthermore, it was stated within the agricultural appraisal (submitted with the previous application) that: "the last three accounts do not show the calf rearing enterprise as it was run on a 'hobby' basis by the applicant". The livestock numbers provided with application 13/00241/FUL (the previous application) were: 10 suckler cows, 1 stock bull and 150 veal calves per annum raised from bucket stage to 12 months of age. Furthermore, the suckler cow enterprise was said to comprise of: "all year round calving of 10 commercial suckler cows, with progeny used as homebred replacements and the rest finished". The updated appraisal, submitted with this application refers to a "fledgling veal calf enterprise" that will be expanded, as oppose to being established. The consultant continues that on inspection of the cattle movements submitted with this application, the breakdown of livestock activity does not confirm the assertion that the veal calf enterprise is operated on a "hobby basis" given the (relatively high) numbers of animals in question. Accordingly there appears to be a disparity in terms of the numbers of animals on site (as illustrated within the cattle movement records) and those illustrated within the accounts.

Given the disparities between the accounts and the cattle movement records, the agent has been requested to clarify the situation. In response it has been confirmed that the calf-rearing (veal) enterprise is a fledgling business which is planned to be expanded in line with the business forecasts and animal numbers included with this application. There are no details of the cattle illustrated within the cattle movement records within the previous accounts for the business. Accordingly on this basis, it is considered, in line with the consultants opinion that cattle of the numbers illustrated within the movement records can be managed without on-site supervision and thus a functional need does not solely derive from this. However based on the numbers of animals projected for the veal calf enterprise, this, in association with the existing livestock operations could generate a need for the ready availability of a worker at most times and thus the functional need be achieved.

**Financial Test:-** Is the holding sufficiently viable to sustain any additional full time worker in full time employment?

The labour requirement of the proposed livestock enterprise, as identified within the agricultural appraisal submitted is 1.26 full-time equivalents.



The consultant has reviewed the business accounts provided, which cover a period from 2009 to 2012. During this time the business made an average loss of £2,661.50 per annum and had an average net worth of -£31,467.50 per annum. This said, the forecasts associated with the expansion of the livestock (veal calf enterprise) as illustrated within the agricultural appraisal submitted with the current application are considered to be sound and realistic. The consultant continues that these forecast a surplus of £8,385, after the cost of labour for 1.26 full-time equivalents (of £17,785) has been taken into account. Based on this (proposed veal calf enterprise), it could be concluded that the holding could be sufficiently viable to sustain any additional worker in full time employment.

Availability of Alternative Accommodation:- What is the availability of alternative accommodation in the local housing market?

A search of the local housing market has identified 53 properties for sale within a one mile radius of the application site, of which there were a number of two bed-roomed properties advertised from £115,000 and three bedroomed semi-detached properties advertised at a cost from £129,950. The consultant has confirmed that the functional requirements of the enterprise would be best served by a dwelling on site in respect of the needs of reproductive livestock and young livestock. Further, as evidenced within the financial forecasts, the construction of a suitable dwelling in this regard could be met by the business.

Based on the above discussion, it is considered that if the suckler cow and calf-rearing (veal) enterprises were to operate at the stated level of performance, then there would be the need for a key worker to be present on site, and thus an on site dwelling would be justified. This need however is a potential one rather than being for an existing activity. Further, the livestock element of the business could be considered to be potentially financially viable if operated in accordance with the submitted forecasts and therefore it is considered that the enterprise has demonstrated that it is planned on a sound financial basis.

When considering the wording of paragraph 55 of the NPPF, which makes reference to the "essential need for a rural worker to live permanently at or near their place of work in the countryside" and the wording of saved policy RES12, which states "the agricultural holding 'must' be of a nature that requires a person to live on the site and 'must' be sufficiently viable to sustain any additional worker in full time employment; in accordance with the above discussion, the projected livestock numbers and business forecasts, which accompany the application illustrate that in the future, the enterprise could sustain a permanent dwelling, but presently this "essential" need is not considered to have been met. Consequently, the applicant has been advised to withdraw the existing planning application and apply for a temporary agricultural workers dwelling. This would allow time for the enterprise to develop in accordance with the projections outlined within the business forecast. The applicant declined to do this and wishes the current application to be determined on its merits.

In line with the above, the development of a permanent agricultural dwelling (as proposed) is not considered to be in accordance with the principles of Saved Policy RES12 (criteria a and b) of the adopted Local Plan or paragraph 55 of the NPPF. Therefore in principle the development is not considered acceptable.

#### Siting, Design and Impact on Landscape

The NPPF in paragraphs 56 and 58 identify good design as a key aspect of sustainable development and seeks to ensure that development is visually attractive as a result of good architecture and appropriate landscaping. The design criteria i, ii and iii of Saved Policy NE5 require that development in the countryside does not have an adverse impact on the character or appearance of the landscape, is in keeping with the scale and character of existing buildings and general surroundings, is effectively screened by landscaping. Saved

Policy BE1 (criteria a, c and e) require that development complements or enhances the character of the surrounding area with regard to scale, layout, design, materials and architectural features; has regard to the safety and security of individuals and property; and incorporates landscaping to a high standard.

In terms of its siting, the proposed dwelling will be situated at the head of the access drive adjacent to the northern (road facing) boundary of the site. Although surrounding examples of agricultural dwellings are at a considerable depth from the highway, in this case as the existing farm buildings are situated within a similar position, (albeit further to the south east) the proposed location is considered to be the most logical and functional position in order to serve the needs of the holding. In terms of impacts on the surrounding landscape, given the mature boundary hedge (to the road frontage) only fleeting views of the proposal would be available from this direction. From the east and south, views of the dwelling would be obscured by the presence of the existing agricultural buildings and when viewed from the west, the dwelling would be seen against the backdrop of the existing buildings. Accordingly, the proposed siting of the dwelling is not considered to have any materially adverse impacts on the character, openness or visual amenity of the surrounding landscape. Nor will it be visually prominent within the street scene.

The design proposed is somewhat dictated by the internal layout of accommodation. This has resulted in an unbalanced dwelling with a disjointed façade. The fenestration has limited uniformity (in terms of size and emphasis), the proportion and massing of the gables are irregular, the main entrance lacks prominence and there are monotonous expanses of brickwork (to all but the western elevation). However this said, architectural features have been incorporated such as a brick plinth, arched headers, an exposed dental course and an external full height chimney stack, which improve the appearance of the property.

Accordingly, notwithstanding the 'in principle' objection to the development, on balance, although the design solution proposed is not ideal, due to the screening offered by the surrounding mature vegetation and the existing buildings on site, the dwelling will not occupy a prominent position within the surrounding landscape or street scene and therefore the proposal is not considered to result in any materially adverse impacts in terms of the character of the surrounding countryside or landscape which would warrant refusal of the application on such grounds. Furthermore, due to its siting the dwelling would be well related to the existing access and agricultural buildings. The proposal is therefore considered to be in accordance with Saved Policies NE5 (criteria i, ii and iii) and BE1 (criteria a and c) of the adopted Local Plan together with the overarching principles of the NPPF.

#### Residential Amenity

Saved Policy BE1 (criterion i) requires that development does not adversely affect the occupiers of neighbouring properties.

The dwelling would occupy a relatively isolated position, with the closest dwelling being that associated with Highfields Farm, to the east. As this would be roughly 170 metres from the proposed dwelling, the scheme is not considered to give rise to any impacts in terms of residential amenity. The proposal is therefore in accordance with Saved Policy BE1 (criterion i) of the adopted Local Plan.

#### Impact on Highway Safety

Saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan require development to provide adequate visibility for road users and adequate provision for off-street parking and turning facilities for residents and visitors so as not to have any adverse impact on highway safety.

The dwelling would be accessed via the existing farm access, off Rogues Lane. This comprises a double width (approx 10 metres) gated access and a hard surfaced driveway. The Director of Environment and Transport (Highways) has considered the proposal and has recommended Standing Advice, with a note to the Officer to consider the siting of any gates, access geometry and surfacing. As the access is existing and serves the needs of the current agricultural holding and the siting of a permanent dwelling would theoretically result in fewer vehicle trips associated with the site, the recommendation of conditions to upgrade the access are not considered to be reasonable or necessary and thus subject to the application being recommended for approval, none will be imposed.

There is adequate vehicle parking and turning space on the site.

Accordingly in terms of sustainability and highway safety, the proposal is not considered to result in any further material impacts on highway grounds. The proposal is therefore in accordance with Saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

#### Other Issues

In this case, there are no public children's play areas within 400 metres of the proposed dwelling therefore there is no justification/requirement for any developer contributions towards the provision or future maintenance of such facilities.

#### Conclusion

Whilst the national and local planning policy framework provides for accommodation for agricultural workers in the countryside in principle, it is clear that this should be subject to special justification being demonstrated in respect of the essential functional requirements of the enterprise, the lack of alternative accommodation that would fulfil that requirement and the economic sustainability/viability of the development. In this case, the independent agricultural appraisal report concludes that whilst there may be a potential functional requirement generated by the combined (projected) veal calf enterprise and the existing livestock operations, which would be best served by an on site dwelling, this is a potential need, as oppose to an existing need. Similarly, whilst the business forecasts submitted in support of the proposal demonstrate that the enterprise is based on a sound financial basis; these future predictions do not demonstrate that there is currently an existing "essential" need for a permanent dwelling on site. Accordingly, the application does not provide the required justification for an exception to be made to the general restraint on new residential development in the countryside. The proposal is therefore contrary to Saved Policies RES12 (criteria a, b and c) of the adopted Local Plan together with the overarching principles of the NPPF, with particular reference to paragraph 55, and is recommended for refusal.

**RECOMMENDATION:- REFUSE, for the following reasons:-**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, however in this instance the matter of the principle of development remains in conflict with the development plan and the application has been refused.

**Reasons:-**

- 1 In the opinion of the local planning authority, the application does not demonstrate that there is an existing essential need for a permanent agricultural workers dwelling associated with Bills Farm Services Ltd at I C Fields Farm. Accordingly the proposed development would result in an unwarranted intrusion of residential development in the countryside to the detriment of its intrinsic character and open and undeveloped appearance. The proposal would therefore be contrary to Policy RES12 (criteria a, b and c) of the adopted Hinckley and Bosworth Local Plan and the overarching principles of the National Planning Policy Framework with particular reference to paragraphs 17 and 55.

**Contact Officer:-** Eleanor Overton Ext 5680

**Item:** 05

**Reference:** 13/00970/HOU

**Applicant:** Mr & Mrs Waugh

**Location:** 65 De La Bere Crescent Burbage

**Proposal:** Extensions and alterations to dwellings

**Target Date:** 20 January 2014

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as objections have been received from five different addresses and the application has been called-in by Councillor John Moore for reasons of significant impact on residential amenity, overdevelopment and the number of vehicles visiting the site raising issues of potential business usage.

**Application Proposal**

This application seeks full planning permission for householder extensions and alterations to a detached bungalow. The proposal includes a single storey rear extension with a pitched roof (including roof lights) to provide a garden room, a single storey front/side extension with a pitched roof (including roof lights) to the front of the existing flat roof garage to provide a store and covered porch, the conversion and alteration of the existing garage to an additional (third) bedroom or home office, other alterations which include adjustments to the type and position of openings/egress, the formation of additional hard standing in the front garden for a parking space.

The proposed rear extension measures 3.2 metres in depth x 4.2 metres in width, with an eaves height of 2.3 metres and a ridge height of 3.8 metres. The proposed front/side extension projects 5.7 metres forward of the existing garage at a width of 2.7 metres with an eaves height of 2.5 metres at the front and 3.2 metres at the rear and a ridge height of 4.5 metres. Other alterations are proposed to the existing garage (formation of a cavity wall) and fenestration. The use of matching external materials is proposed.

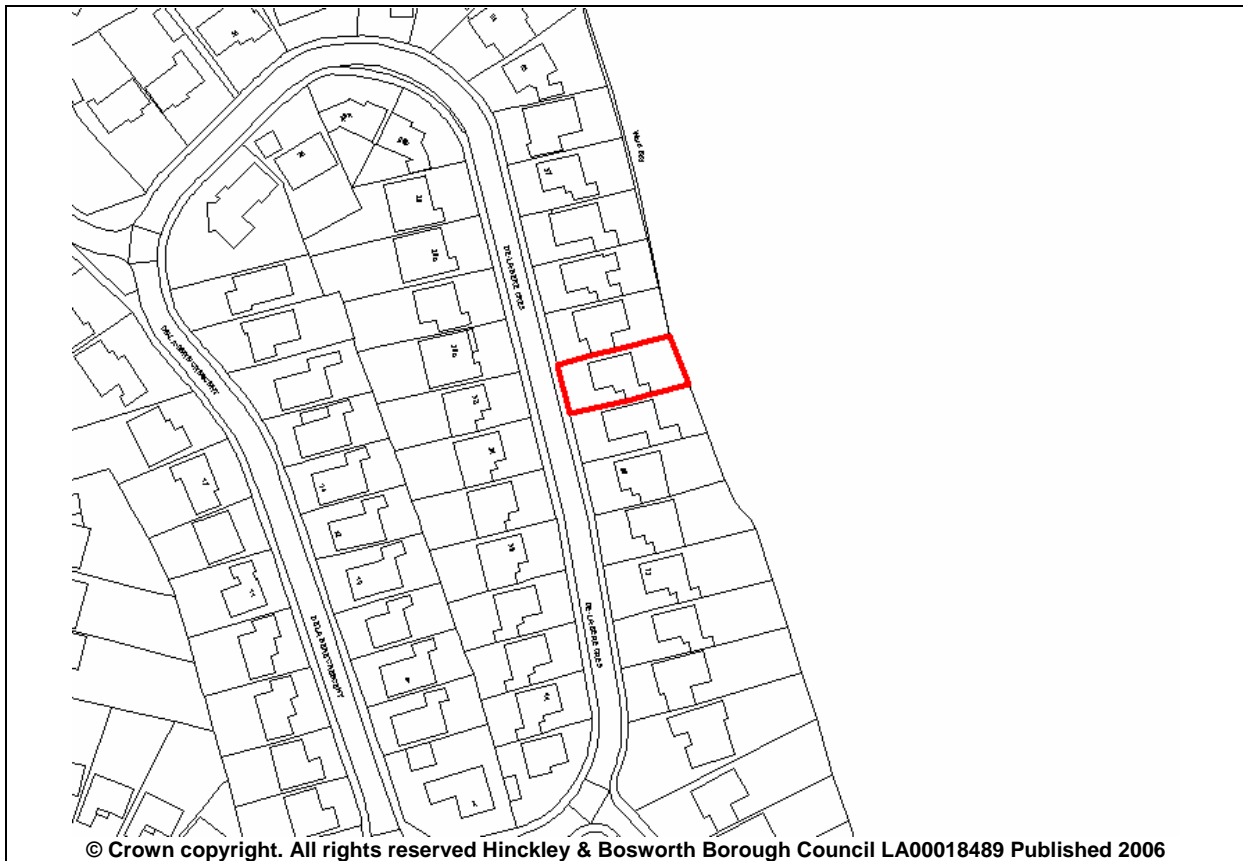
## The Site and Surrounding Area

The application property is a detached bungalow with a gable fronted design and flat roof garage attached to the side elevation. The dwelling is constructed of brown facing bricks and grey concrete interlocking roof tiles with white uPVC window frames and doors. It is located on a residential estate in Burbage and within a row of similar detached bungalows. There are open fields to the east (rear). Ground levels fall gradually from north to south and west to east. The rear garden is enclosed by 1.8 metre high timber fencing panels supported by concrete posts. The bungalow benefits from three off-street vehicle parking spaces (one within the garage and two on the front driveway).

An amended plan has been received to provide a vehicle parking space within the front garden and to amend the design of the roof of the front/side extension from a gable to a hipped roof form. Re-consultation has been undertaken.

### **Relevant Planning History:-**

None relevant.



### **Consultations:-**

No objection has been received from Head of Community Services (Land Drainage).

Burbage Parish Council objects to the application. Members raise concerns that a business is being operated and the parking of multiple vehicles causes congestion on the road. The conversion of the existing garage will reduce available off-street parking and exacerbate existing parking and access problems. Planning Committee members are requested to undertake a site visit and wider consultation of the surrounding area should be carried out.

Site notice erected and neighbours notified, five letters received raising the following objections/concerns:-

- a) loss of light and tunnel effect due to additional rear projection
- b) loss of two off-street parking spaces leading to on-street parking on a narrow road and difficulty in manoeuvring for other residents
- c) noise and disturbance from construction and associated deliveries
- d) removal of garden for hard-standing will be detrimental to character of the area and increase surface water run-off
- e) business use will generate increase in traffic
- f) alterations are out of keeping and inconvenient to other occupiers.

Following the receipt of amended plans to change the design of the roof of the front/side extension, the consultation period remains open at the time of writing and closes on 24 January 2014. Any further consultation responses received before the closing date will be reported and appraised as a late item.

### **Policy:-**

#### National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

#### Local Plan 2006-2026: Core Strategy 2009

None relevant.

#### Hinckley and Bosworth Local Plan 2001

The application site is outside the settlement boundary of Burbage as defined on the Hinckley and Bosworth Local Plan Proposals map.

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

#### Supplementary Planning Guidance/Documents

House Extensions (SPG)

Burbage Village Design Statement (BVDS)

### **Appraisal:-**

The main considerations with regard to this application are the principle of development, design and appearance and impact on the character and appearance of the dwelling, the surrounding area, the amenities of the occupiers of neighbouring properties and highway safety.

#### Principle of Development

The application proposes extensions and alterations to an existing dwelling within the settlement boundary of Burbage. The NPPF provides a presumption in favour of sustainable development, as this proposal is for extensions and alterations to an existing dwelling it is considered to be sustainable and the proposal is therefore compliant with the NPPF and acceptable in principle subject to all other planning matters being appropriately addressed.

## Design and Appearance

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area. The adopted SPG on House Extensions provides additional design guidance. The Burbage Village Design Statement (BVDS) describes the De La Bere Crescent area as having 'mainly standard designed detached bungalows, semi and detached properties of brick construction with garages and open plan front gardens'. The BVDS guidance note GN 2.7 requires extensions, conversions and alterations to use materials and be of a design and scale compatible with original buildings.

The proposed single storey front/side extension projects 5.7 metres forward of the existing flat roof garage just off the side boundary at a width of 2.7 metres and with an eaves height of 2.5 metres and a ridge height of 4.0 metres. The proposal is set back from the main front elevation by 1.2 metres in accordance with SPG and set back from the highway boundary by 8 metres and as a result will not be prominent within the street scene. The proposed hipped roof over the front part of this extension is subordinate to the main roof of the dwelling in accordance with SPG and will enhance the overall character and appearance of the dwelling within the street scene by screening the flat roof element located to the rear. The hipped roof design is also similar to that over the garage of the adjacent dwelling to the north (No. 63) and is therefore characteristic of the street scene.

The proposed single storey rear extension projects 3.2 metres from the existing rear elevation and is 4.2 metres in width with an eaves height of 2.3 metres and a ridge height of 3.8 metres. It is set off the side boundary by 1.5 metres. As a result of its single storey scale, subordinate gable roof form in accordance with SPG and location to the rear of the dwelling it will complement the character of the existing dwelling and will have no adverse impact on the character or appearance of the street scene.

The proposed roof lights, conversion of the garage to accommodation and other alterations to the fenestration are also acceptable in design terms. The provision of an additional area of hard-standing within the front garden will not adversely affect the open plan character of the street scene or result in any adverse impact on surface water drainage.

The extensions and alterations are to be constructed in matching materials to provide a unified appearance with the existing dwelling.

Overall, by virtue of their siting, scale, design and appearance, the proposals will complement the character of the existing dwelling and surrounding area and are therefore in accordance with Policy BE1 (criterion a) of the adopted Local Plan, together with the general principles of the NPPF, the adopted SPG on House Extensions and GN 2.7 of the Burbage Village Design Statement.

## Neighbours Amenities

Policy BE1 (criterion i) of the adopted Local Plan requires that development does not have any adverse impact on the amenities of neighbouring properties.

As a result of the consultation process objections have been received on the grounds that the alterations are out of keeping and inconvenient to other occupiers and that the additional rear extension will result in a loss of light and tunnel effect.

63 De La Bere Crescent is a detached bungalow located to the north of the application site and on a slightly higher ground level (approximately 0.2 metres). There is a combination glazed door/window serving a dining room on the rear elevation of No. 63 located approximately 3 metres off the side boundary and set back approximately 5 metres from the

existing rear elevation of the application dwelling. The proposed single storey rear extension will be set off the side boundary by approximately 1 metre and will project a further 3.2 metres from the existing rear elevation with an eaves height of 2.3 metres and a ridge height of 3.8 metres. Whilst this will result in the application dwelling projecting a total of approximately 8.2 metres beyond the dining room door/window of No. 63, as a result of the single storey scale, separation distance of approximately 4 metres and the offset siting of the proposal no adverse overbearing impact or tunnelling effect or loss of light will result on the amenity of the occupier of No. 63. There is also a side elevation window set off the boundary by approximately 4 metres but this faces towards the side elevation of the existing bungalow therefore the proposal will not have any additional or adverse impact on this window.

67 De La Bere Crescent is a detached bungalow located to the south of the application site and on a slightly lower ground level (approximately 0.1 metres). There are two side (north) elevation windows facing the application dwelling, a secondary kitchen/dining room window/door and a bathroom window that are set off the side boundary by approximately 1 metre. The bathroom window faces towards the existing flat roof garage and will not be affected by the proposal. The proposed front/side extension will project just inside the side boundary forward of the secondary kitchen/dining room window of No. 67 but by virtue of the amended plan that extends the flat roof further forward and replaces the larger gable with a smaller hipped roof design with a lower ridge height, the proposal will not result in any significant or adverse overbearing impact on the secondary kitchen/dining room window of No. 67.

Due to the siting of the proposals and separation distances there will be no adverse impact on any other neighbouring property.

Notwithstanding the objections received, as a result of the siting, scale and design of the extensions and alterations and the separation distances to neighbouring dwellings, the proposals will not result in any adverse overbearing impact or loss of privacy from overlooking on the residential amenity of neighbouring dwellings. The proposals are therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan and the adopted SPG on House Extensions.

### Highway Safety

Policy BE1 (criterion g) of the adopted Local Plan requires that there is adequate on and off-street parking for residents and visitors. The BVDS describes the De La Bere Crescent area as having 'ample garaging/parking facilities'.

As a result of the consultation process objections have been received on the grounds that the proposal will result in the loss of two off-street parking spaces leading to on-street parking on a narrow road and difficulty in manoeuvring for other residents due to on-street parking by visitors to the dwelling.

The proposed conversion of the garage to additional living accommodation and the proposed front extension to form a store will result in the loss of two off-street parking spaces (one within the garage and one on the existing driveway). However, the amended proposals include the formation of one new hard standing parking space within the front garden and the retention of one parking space on the retained driveway (8 metres in length). The provision of two off-street parking spaces is in accordance with adopted parking standards to serve the resultant three bedroom dwelling. Notwithstanding neighbours concerns regarding the narrowness of the road and difficulty in manoeuvring, De La Bere Crescent is adopted public highway with a width of approximately 5 metres and of adequate width to enable vehicles to pass each other. The proposal is in accordance with Policy BE1 (criterion g) and T5 of the adopted Local Plan and therefore acceptable.



## Other Issues

Objections have been received on the grounds that the proposal will result in the use of the premises for business use and will generate an increase in traffic.

The BVDS guidance note GN 2.8 states that, where appropriate, housing designs incorporating small office accommodation which would enable residents to work from home, thus reducing dependency on the car and road congestion at peak times, should be considered.

This is a householder application for extensions and alterations to a dwelling and does not either imply or seek planning consent for a material change of use of the premises for business purposes. The proposed floor plan includes reference to the conversion of the existing garage for use as a home office or third bedroom, both of which are ancillary residential uses. The provision of a home office is sustainable and consistent with the overarching intentions of the NPPF and BVDS guidance note GN 2.8.

The proposals would not result in any overdevelopment of the site as over 90 square metres of private amenity space would be retained.

Objections have also been received regarding noise and disturbance to neighbouring occupiers and traffic congestion during the construction phase, however, this will not result in any long term or permanent adverse impacts to either residential amenity or highway safety. Any adverse impacts could be dealt with under statutory nuisance legislation.

## Conclusion

By virtue of its siting, scale, design, appearance and separation distances to neighbouring properties, the proposals will complement the character of the existing dwelling and will not result in any adverse impacts on the character of the street scene, the amenities of any neighbouring properties or highway safety. The proposals are compliant with Policies BE1 (criteria a, g and i) and T5 of the adopted Local Plan, the SPG on House Extensions and guidance within the BVDS together with the overarching principles of the NPPF and are therefore recommended for approval subject to conditions.

## **RECOMMENDATION:- Permit subject to the following conditions:-**

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is sustainable development, would complement the scale, character and appearance of the existing dwelling and would not have any adverse impact on the character of the street scene, residential amenity or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, g and i) and T5.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 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 at 1:1250 scale Drawing Number 1006\_02 received by the local planning authority on 25 November 2013 and Existing and Proposed Block Plans, Floor Plans and Elevations Drawing No. 1006\_01 Rev D received by the local planning authority on 14 January 2014.
- 3 The materials to be used on the external elevations of the extensions and alterations hereby permitted shall match the corresponding materials of the existing dwelling.
- 4 The proposed off-street vehicle parking space shall be constructed and surfaced in permeable materials prior to the commencement of the construction of the front/side extension hereby permitted and once constructed shall be permanently maintained for parking at all times thereafter.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance in the interests of visual amenity to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure adequate off-street parking space is available to serve the dwelling in the interests of highway safety to accord with Policies BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:-** Richard Wright                      Ext 5894

**Item:** 06  
**Reference:** 13/00979/FUL  
**Applicant:** Mr Mike Hurst  
**Location:** Land Rear Of 106 Main Street Markfield  
**Proposal:** Erection of 2 dwellings with associated parking  
**Target Date:** 30 January 2014

#### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as more than five letters of neighbour representation have been received and it has been called in by Councillor Lay on grounds that it will have an adverse impact on the character of the Conservation Area and on the residential amenity of surrounding dwellings.

#### Application Proposal

The application seeks full planning permission for the erection of two dwellings on land to the rear of 104 to 106 Main Street, Markfield.

In further detail, the scheme comprises of a link attached development of two dwellings having a roughly 'L' shaped footprint. The dwellings are to be positioned within the southern corner of the site, with plot 1 running adjacent to the south western boundary, with its private amenity space extending further to the north west, and plot 2 backing onto the south eastern boundary, with its amenity space being to the south and north. Seven parking spaces, divided into two groups, set at a right angle to one another are arranged along the western and north eastern perimeters of the site. Three of the seven spaces are designated for the commercial units on Main Street. A hard-surfaced courtyard will separate the dwellings and parking areas. To reflect the change in levels across the site, plot two has been submerged, which results in the proposal having a stepped ridge height. The scheme has a simplistic linear form, which draws on characteristics and design principles of historic agricultural buildings. The development is inward facing, with limited detail or openings on the external elevations. Fenestration is simplistic, aligned and of a uniform appearance and materials common of the locality have been proposed. The existing stone wall, which encloses the site is to be partially demolished to the north of the access and re-aligned. Its re-construction will be of original stone.

#### Site and Surrounding Area

The application site comprises a parcel of land which was historically part garden area and part parking area serving the commercial units fronting Main Street. The site is within the settlement boundary of Markfield and the Conservation Area. It is irregular in shape and has an area of 0.20 acres.

The Nook narrows from a wide junction with Main Street to a single track lane constrained by development on the back edge of the highway on the eastern side, and a high granite stone wall to the western side. This forms part of a series of high stone walls around the site. The wall is currently only broken by the existing access to the site. A significant part of the character of The Nook is derived from the narrowness and enclosed nature of the road. The

Nook slopes down and widens towards number 19, resulting in a far more open character. A public footpath provides pedestrian access from Main Street through The Nook to Rectory Road. The application site follows this trend resulting in the rear of the properties to Main Street being located significantly higher than properties situated at the southern end of The Nook.

To the west, the application site adjoins the rear boundaries of numbers 102 - 110 Main Street, which comprise of residential and commercial units and the Methodist chapel (104 Main Street) which is an important landmark building within the Conservation Area. To the south west the site bounds land to the rear of 100 and 102 Main Street. Main Street has a strongly defined linear character. The south eastern boundary partly adjoins a flat roofed single garage, after which point, the remainder of the boundary fronts The Nook. Dwellings within the Conservation Area have developed organically, are predominantly two storeys, and are set off the pavement. This results in them having a strong relationship with the street scene.

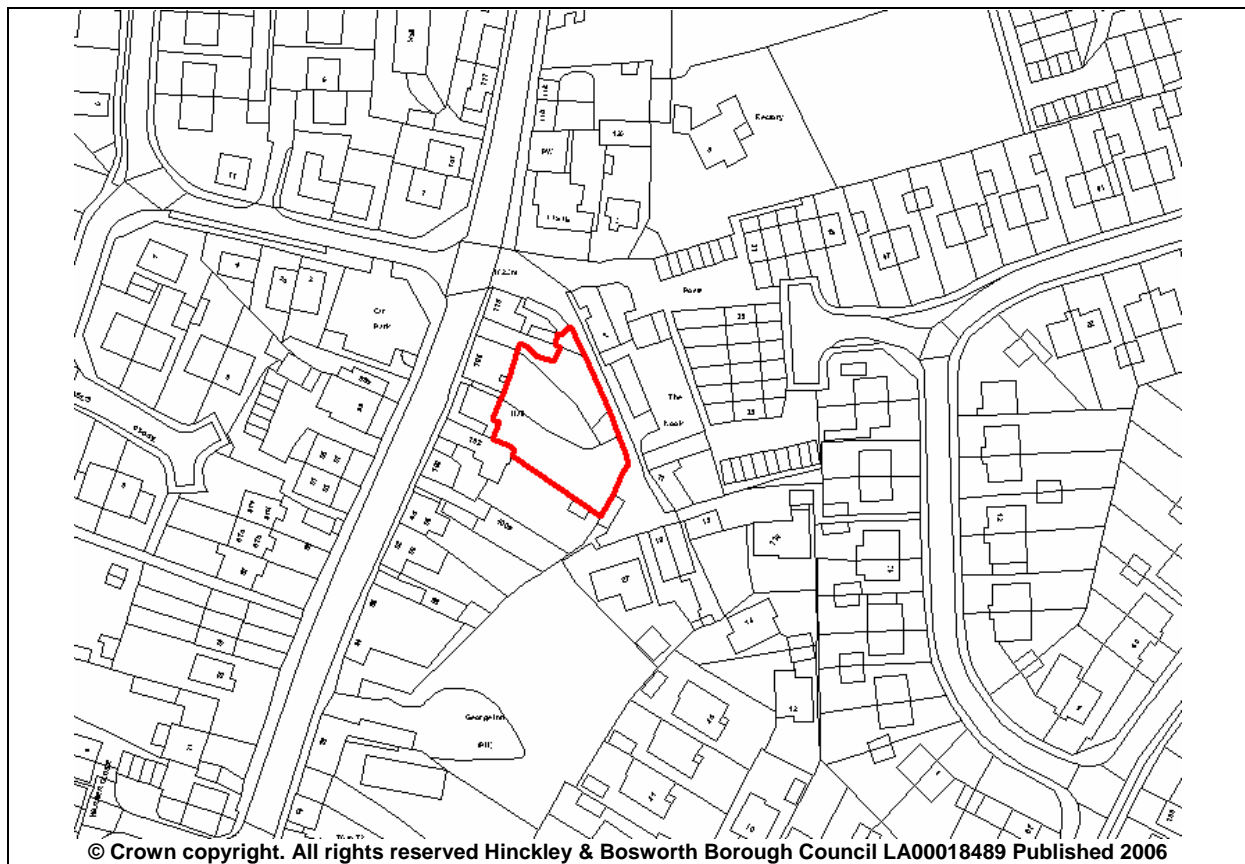
Technical Documents submitted with application

Design and Access Statement

Draft Heads of Terms: Unilateral Undertaking for Play and Open Space Contribution

**Relevant Planning History:-**

11/00111/FUL	Erection of two dwellings with associated parking and access	Withdrawn	11.04.11
09/00551/FUL	Erection of four flats with associated parking and access	Refused	30.09.09
89/00981/4	Erection of one dwelling (outline)	Refused	26.09.89
86/00493/4	Residential development one or two houses (outline)	Refused Dismissed at appeal	01.07.86
83/00779/4	Erection of a bungalow and garage and formation of an access (outline)	Refused Dismissed at appeal	25.10.83



**Consultations:-**

No objection has been received from:-

Head of Community Services (Pollution)  
Conservation Officer.

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)  
Head of Community Services (Land Drainage).

Markfield Parish Council object to the application on the following grounds:-

- a) detrimental to character of Conservation Area - part of original granite wall to be removed, so part of character lost
- b) will compromise existing parking arrangements
- c) will be overbearing and will have a visually intrusive impact on residential amenity
- d) have an adverse impact on the appearance and character of the landscape and general surrounds
- e) scale of proposal would result in increased noise and disturbance from traffic
- f) detrimental to highway safety.

Site notice posted and neighbours notified, six letters of representation received raising the following issues/concerns:-

- a) the site is not waste land as stated within Design and Access Statement
- b) part of private mature garden will be lost to accommodate development

- c) cars have never been parked on site
- d) overdevelopment
- e) unacceptable siting - too close to The Nook
- f) drainage issues and will compound existing flooding situation
- g) limited landscaping proposed
- h) loss of trees and shrubs not recognised within Design and Access Statement
- i) the site does not abut rear boundary of Church Hall - land ownership needs to be confirmed
- j) site is within Conservation Area and National Forest and therefore residential development should not be allowed.
- k) not in keeping with the character of the area
- l) widening of the access will have adverse impact on character of The Nook
- m) will result in property de-valuation
- n) will result in adverse impact on views from surrounding dwellings
- o) will result in overlooking
- p) will have a detrimental impact on highway safety
- q) comments in support of scheme stating it appears that previous issues concerning privacy to neighbouring properties have been overcome.

At the time of writing the report, no comments have been received from the Head of Business Development and Street Scene Services (Waste and Recycling).

**Policy:-**

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012  
Community Infrastructure Levy (CIL) Regulations 2010

Local Plan 2006-2026: Core Strategy 2009

Policy 7 - Key rural centres  
Policy 8- Key rural centres relating to Leicester  
Policy 21: National Forest  
Policy 22: Charnwood Forest

Hinckley and Bosworth Local Plan 2001

The site is within the settlement boundary of Markfield as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development  
Policy BE7: Development in Conservation Areas  
Policy RES5: Residential Proposals on Unallocated Sites  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy NE12: Landscaping Schemes  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy IMP1: Contributions towards the Provisions of Infrastructure and Facilities  
Policy REC3: New Residential Development Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

New Residential Development (SPG)  
Play and Open Space Guide (SPD)  
Sustainable Design (SPD)  
Markfield conservation Area Appraisal

## **Appraisal:-**

The main considerations with regards to this application are the principle of development, siting, layout and design, impact on the character of the area and Conservation Area, residential amenity, highway safety, impact on public play and open space and other matters.

### Principle of Development

The site is located within the settlement boundary of Markfield as defined in the adopted Local Plan Proposals Map.

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. The application site is located in a sustainable location within a reasonable distance of local services and public transport. The proposals will contribute to the social role of sustainable development by providing additional housing to contribute to meeting the current shortfall in Markfield.

Adopted Core Strategy Policies 7 and 8 support residential development within the settlement boundary of Markfield to deliver a minimum of 80 new residential dwellings. In this case, this figure has been met. However, 80 was the minimum figure required and on balance, the provision of a further two units is considered to constitute a minor overprovision and will not compromise the spatial vision or character of the settlement.

Policy RES5 of the adopted Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. This policy can now be given only limited weight since the publication of the NPPF which provides a presumption in favour of sustainable development. The site is considered to be in a sustainable location close to local amenities and services. However, the NPPF at paragraph 53 suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such, as part of the site was historically garden area its development should be considered against local policies to determine if it would harm the local area. Finally, paragraph 111 is supportive of the development of brownfield sites, such as this, stating that planning should encourage the effective use of land by re-using land that has been previously developed.

### Layout, Design and Impact on the Character and Appearance of the Conservation Area

Policy BE1 of the adopted Local Plan is considered to have a high degree of conformity with the NPPF and can therefore be given significant weight in the determination of this application. This policy relates to the design and siting of development and seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. Criterion (a) of Policy BE1 seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area. Policy BE7 is also considered to have a high degree of conformity with the NPPF and thus should also be attributed significant weight in the determination of this application. This requires developments within Conservation Areas to preserve or enhance their character. The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, is well integrated into its surroundings, offers a good standard of security and amenity to future residents and protects the amenity of existing occupiers. In addition, paragraph 64 within the NPPF states that permission should be refused for development of poor design that fails to

take the opportunities available for improving the character and quality of an area and the way it functions and paragraph 131 of the NPPF states that where determining development within Conservation Areas, the desirability of new development making a positive contribution to the local character and distinctiveness should be considered.

The proposed development has sought to take inspiration from the simplistic pitched roofed form of surrounding properties which front The Nook, through proposing a similar form, incorporating a pallet of materials common of the vernacular (render and stone) and through providing a stepped ridge line (in response to the variation in levels). Furthermore, aesthetic appeal has been generated through the introduction of a linking feature of lesser scale and the incorporation of simplistic, aligned fenestration.

The layout, scale and form of plot two is considered to be reflective of dwellings on the opposite side of The Nook. However its elevation and architectural detail, is not replicable of surrounding properties and results in an inward facing development. This said, to achieve a development with its principle elevation fronting The Nook would result in the loss of the boundary wall which is a strong feature in the area. Accordingly, on balance although the scheme results in an inward facing development, which has a limited relationship with the street scene, the solution proposed results in the most appropriate option.

The position of plot one results in the most efficient use of this brownfield site, whilst also preserving the prominent characteristics of the Conservation Area. Although part of the site would have historically constituted garden land, given the sites location within the settlement boundary and retail area, development pressures are high. In the wider area, similar pressures have resulted in a loss of the majority of open spaces (such as the Co-op site and the land to its rear). Accordingly plot two, and the development in its entirety, continues the previous organically grown development of the area and thus is not considered detrimental to its character in terms of form and grain.

Of central importance to the character of this part of the Conservation Area is the granite stone wall which results in a strong form of enclosure and forms the sites boundary. Following a detailed discussion between the Conservation Officer and Director of Environment and Transport (Highways) a solution has been achieved which will ensure that the majority of this feature will be retained, whilst also resulting in an acceptable solution from a highway safety point of view. Accordingly, in this respect the scheme is considered to preserve the character of the Conservation Area.

Concerns have been raised that the proposal would result in overdevelopment of the site. The site comprises a relatively large plot of undeveloped land within the settlement boundary. In line with Core Strategy policy 16, the density has been calculated at 25 dph, this is lower than the 30 dph as advised for developments within Key Rural Centres such as this. When considered in relation to the grain and density of the surrounding development; the sites development with two dwellings is not considered dissimilar to that within the surrounding area. Furthermore, the scheme provides the required areas of private amenity space and off road parking provision (as suggested within the SPG on New Residential Development) for a development of this scale. Accordingly it is not considered that the scheme result in overdevelopment of this site.

As discussed above, on balance, the proposed development is considered to preserve the prominent features within the Conservation Area, will be acceptable in terms of design and siting and will result in the sustainable re-use of this brownfield site. In this respect the proposal is considered to be in accordance with Policies BE1 (a and b), BE7 (a - d) and paragraphs 53, 64, 111 and 131 of the NPPF.



### Impact on the Amenities of Neighbouring Properties

Criterion (i) of Policy BE1 of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The NPPF seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

There is a kitchen/dining room window at first floor in the north-east elevation of Plot 2, this faces towards No 9 The Nook. Given that the dwellings would be separated by a highway, will be a distance of approximately 24 metres apart and offset from one another, any resultant overlooking would not be considered material. Given the orientation of plot 2 and its relationship with existing dwellings on the opposite side of The Nook, there will be no direct overlooking between any habitable room windows. Views from the ground floor window, which will serve a bedroom will be obscured by the boundary wall.

Ground and first floor windows are proposed in the western most gable of plot 1. These would have views towards the rear of 104 Main Street (Church Hall). As this is not a residential property and there would be a separation distance of approximately 34 metres between the two elevations, no material impacts in terms of overlooking will occur.

Concerns have been raised that the development will result in overbearing impacts and will over dominate surrounding properties. Given that it is proposed to submerge plot two into the ground, the ridge height of this, will be similar to that of properties on the opposite side of The Nook. Furthermore there will be a separation distance in excess of 13 metres between the closest points of plot two and the corresponding points on adjacent properties and they will be separated by highway. This is a similar relationship common of many residential developments. Accordingly the proposal is not considered to be overbearing or over dominant.

In terms of noise and disturbance associated with vehicle movements; although trips generated from the site may increase as a result of the proposal; notwithstanding the comment raised within a letter of neighbour representation which states that the site is not used for parking; it is considered that the site provides parking for the commercial units on Main Street, and therefore the potential increase is not considered to be of a material level that would warrant refusal of the application.

On balance, it is considered that as a result of the layout, scale and design of the proposal, the development does not give rise to any material adverse impacts on the residential amenity of the surrounding dwellings either by way of overbearing/overshadowing/over dominating impact, loss of privacy from overlooking or loss of amenity from noise and disturbance as a result of the increased use of the access. The proposal is therefore in accordance with Policy BE1 (criteria i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF.

### Access and Highway Safety

Criterion (g) of Policy BE1 seeks to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. These policies are considered consistent with the intentions of the NPPF and so are afforded weight in the determination of this application.

The Nook narrows significantly from the bell mouth junction with Main Street, constrained by buildings and the stone wall, which reduces the width to approximately 3m at its narrowest

point; and The Nook presently serves 6 properties. In the 1980's and early 90's there were a number of planning applications for one or two dwellings which were refused due to The Nook being unable to cater for the traffic generated by the development. Several of these applications were defended successfully at appeal.

This application proposes to demolish and re-align the stone wall to the north of the access and to provide two off road parking spaces for each dwelling and three for the commercial properties on Main Street.

The scheme has been considered by the Director of Environment and Transport (Highways) who states that whilst the proposed access remains less than ideal, the proposal will result in a significant improvement to the left-hand visibility splay. This, when considered in light of the historical use of the site for parking, is considered to constitute a highway gain. Concerns remain in relation to the intensification of traffic using The Nook, however these concerns have been weighed against the benefits brought about by the scheme and on balance, the development is considered to be acceptable on highway safety grounds. In addition, the proposed parking layout is considered acceptable.

Accordingly, the Director of Environment and Transport (Highways) recommends approval subject to conditions.

The suggested conditions seek to control the erection of gates etc, the provision and surfacing of parking, site drainage and widening of the site access. In relation to site drainage, this will be controlled through the drainage condition as recommended by Head of Community Services (Drainage) and thus will not be recommended. Further, as the proposed access is already far in excess of 4.25 metres, the recommended condition to ensure this width is not considered necessary. The remaining conditions are considered to be reasonable and necessary and so will be imposed if the application is approved.

Based on the above and subject to the recommended conditions, in terms of highway safety, the proposal is considered to be in accordance with Policy BE1 (criterion g) and Policy T5 of the adopted Local Plan.

#### Play and Open Space Contributions

The requirement for developer contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Core Strategy Policy 19 and Saved Local Plan Policy REC3 require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. Policy REC3 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policy REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study (2011) once the Green Spaces Delivery Plan has been completed. However, as the evidence base is not yet complete to complement Policy 19, this application is to be determined in accordance with the requirements of Policy REC3, the SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

As the proposed development will result in a net gain of 2 residential units and is within 400 metres of Mayflower Close (Neighbourhood equipped Area of Play) the application triggers a requirement for contributions in accordance with Policy REC3 and the Council's SPD on Play and Open Space. The quality of the space has been considered within the Quality and

Accessibility Audit update of 2007 which awarded a low quality score of 60%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this case contributions will be used to improve and maintain an equipped children's play space. The required contribution in this case would be £1250.80 per dwelling, a total of £2501.60 (made up of £1635.60 provision element and £866.00 maintenance element). The size of units proposed would appeal to families and given the proximity of the application site to this open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance. A Unilateral Undertaking is currently under negotiation to secure off-site play and open space financial contributions.

### Other Issues

Head of Community Services (Land Drainage) has recommended that surface water should be managed by sustainable methods and that the access way, parking and turning areas should be constructed in a permeable paving system. Accordingly a condition has been recommended to secure drainage details incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. If recommended for approval, this condition will be imposed. Concerns have been raised that the development will compound an existing flooding situation. The suggested drainage condition will address these concerns.

Issues raised within the letters of representation, not addressed elsewhere within the report will be appraised below:-

Limited landscaping proposed. It is not a requirement to submit landscaping details with a planning application of the nature proposed. This said, as the site occupies a prominent position with the Conservation Area, if recommended for approval, landscaping details can be requested by way of condition.

It has been stated that the loss of trees and shrubs is not recognised within the Design and Access Statement. Although trees on site are afforded a degree of protection given their siting within a Conservation Area, the trees that will be lost as a result of the proposed development are not considered to be specimens that contribute significantly to the character of the Conservation Area and thus their loss will not be to the detriment of the character of the area.

Concerns have been raised in respect of land ownership, impact on property values and loss of view from surrounding dwellings. These are not material planning considerations and have not been taken into consideration in the determination of this application.

### Conclusion

The proposed dwellings would be located within the settlement boundary of Markfield where there is a presumption in favour of development subject to all other matters being addressed. The development would not give rise to any significant material impacts upon the visual amenity of the area, occupiers (and future occupiers) of the neighbouring dwellings or highway safety and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Furthermore the proposal is considered to preserve the character of the Conservation Area. Accordingly the application is recommended for approval, subject to the imposition of planning conditions and a legal agreement to secure play and open space contributions. As a result the proposals are

considered to be in accordance with Policies 7 and 8 of the adopted Core Strategy, Policies BE1 (criteria a, and i), BE7 (a - d) and RES5, NE12, NE14, T5, IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan, the Council's adopted Supplementary Planning Guidance on New Residential Development and the overarching principles of the National Planning Policy Framework and is therefore recommended for approval subject to conditions.

**RECOMMENDATION : - That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space, the Chief Planning and Development Officer shall be granted delegated powers to granted planning permission subject to the conditions below.**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is within the settlement boundary of Markfield and by virtue of the siting, design, layout, mass and appearance is considered to preserve the character of the Conservation Area, would not have any adverse impact on the amenities of the occupiers of neighbouring properties or highway safety and would contribute to play and open space facilities.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), BE7 (a - d), RES5, NE12, T5, IMP1 and REC3.

Local Plan 2006-2026: Core Strategy: Policies 7 and 8.

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos. 5840P-02 Rev C, 5840P-03, 5840P-06 Rev C, 5840P-10 received by the Local Planning Authority on 5 December 2013.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and boundary wall shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Before any development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
  - a) proposed finished levels or contours
  - b) means of enclosure
  - c) hard surfacing materials

- d) existing trees and hedgerows to be retained and details of their protection
  - e) planting plans
  - f) written specifications
  - g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - h) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of any dwelling hereby approved. 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.
  - 6 Development shall not commence until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, along with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details.
  - 7 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
  - 8 Prior to occupation, the car parking layout shown on the approved plan shall be provided, hard surfaced in a porous hard bound material and marked out for use before any dwelling is occupied and shall thereafter be permanently so maintained.
  - 9 No development shall commence until the proposed ground levels of the site and proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) and Policy BE7 (criterion b) of the adopted Hinckley and Bosworth Local Plan.
- 4 To enhance the appearance of the development in accordance with Policies NE12 (criteria a - d) and BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criteria a) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the site is adequately drained and in the interests of the protection of surface waters and groundwater quality in accordance with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

- 7 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians in the public highway. In accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area. In accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that the development has a satisfactory visual appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 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 units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor

**Contact Officer:-** Eleanor Overton      Ext 5680

**Item: 07**

**Reference: 13/01015/FUL**

**Applicant: Mr Paul Batson**

**Location: Land Adj. 36 Kingsfield Road Barwell**

**Proposal: Erection of 5 dwellings with associated parking and access**

**Target Date: 29 January 2014**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as more than five letters of objections have been received from different addresses.

Application Proposal

This application seeks full planning permission for the erection of five detached dwellings on garden land to the rear of 36 and 38 Kingsfield Road Barwell. The scheme comprises of 1 x bungalow and 4 x one and a half storey chalet style detached dwellings. The bungalow (plot 1) is adjacent to the south eastern (rear) boundaries of numbers 36 and 38 Kingsfield Road. This has an 'L' shaped footprint and comprises a simplistic gabled property. To its south west is its private rear amenity space which adjoins a single pitched roofed garage (in the western corner of the site). The remaining 4 dwellings (further south east) are proposed to be separated by part of the access road and the off road parking spaces. Their layout reflects and follows the established building line (further north east) of numbers 17 and 19 Red Hall Drive and 40A and B Kingsfield Road. The proposed dwellings are of identical design, (albeit some minor architectural features and their materials differ). They comprise gabled fronted properties with oversailing eaves, central, canopied entrances with ground floor windows (of identical proportion) either side, and a first floor window directly above within the eaves. On their north eastern roof plain, a half hipped dormer is proposed. The dwellings are set back from the parking spaces to their fronts by individual landscaped areas with central access paths. A pedestrian access is proposed to the side of each dwelling, which leads to their enclosed rear gardens. All dwellings are three bed and two off road parking spaces have been provided for each. The development is to be served via an existing private access situated between Nos. 40 and 42 Kingsfield Road.

Surrounding Area

The plot is within the settlement boundary, is rectangular in shape (excluding the access) and comprises the rear gardens of numbers 36 and 38 Kingsfield Road Barwell. The site has an area of 0.17 hectares, is flat and is enclosed by a combination of vegetation and close board fencing. To the south east the site bounds rear gardens of dwellings on Greenhill Drive. To the north east is a relatively modern development of three dwellings (similar in design to those proposed). The remaining boundaries adjoin the rear gardens of properties along Kingsfield Road. The wider area is predominantly residential in character, however the design of dwellings and plot size is varied, resulting in a mixed character; this said, development follows a uniform building line, with dwellings set back from the road frontage. Given the considerable size and depth of plots on the adjoining section of Kingsfield Road, there are examples of back-land development within the vicinity.

Technical Documents submitted with application

Design and Access Statement

Draft Heads of Terms: Unilateral Undertaking for Play and Open Space Contribution

**Relevant Planning History:-**

None relevant.



**Consultations:-**

No objection has been received from Head of Community Services (Pollution).

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)

Head of Community Services (Land Drainage)

Head of Business Development and Street Scene Services (Waste and Recycling).

Barwell Parish Council do not object to the application subject to a Play and Open Space contribution being received.

Site notice posted and neighbours notified, eight letters of representation received raising the following issues/concerns:-

- a) overdevelopment of the site - design should be amended and number of dwellings reduced
- b) unnecessary development given the nearby Sustainable Urban Extension



- c) overlooking and privacy issues
- d) noise and disturbance from vehicle movements, construction and future occupants
- e) loss of view
- f) de-valuation of surrounding properties
- g) development over-dominates existing dwellings
- h) not in keeping with character of area
- i) site layout includes private land used as turning point for No.40a - therefore incorrect notice served
- j) does not comply with local and national planning policy
- k) does not comply with building regulations
- l) does not comply with County Council Highway standards
- m) does not comply with guidance on waste collection
- n) results in highway safety issues - inadequate turning and parking space, inadequate space for fire access
- o) development poorly designed
- p) development will result in the removal of existing shrubs/vegetation on site with no mention of replacement
- q) no mention as to provision of playspace
- r) access inadequate width
- s) no more than five dwellings should be served off private drive
- t) drainage and surface water runoff issues
- u) developer contribution proposed is considered inadequate
- v) the scheme should be considered by Planning Committee given the local controversial issues raised
- w) increased noise and vibration caused by use of security gates
- x) concern over future numbering of dwellings and likely confusion over the delivery of post and parcels etc
- y) conditions suggested relating to the re-siting of security gates, restrictions on construction hrs and methods and bin storage
- z) existing security and privacy offered by secure gated entrance would be lost
- aa) loss of light and overshadowing.

**Policy:-**

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012  
Community Infrastructure Levy (CIL) Regulations 2010

Local Plan 2006-2026: Core Strategy 2009

Policy 3: Development in Barwell  
Policy 19: Green Space and Play Provision  
Policy 24: Sustainable Design

Hinckley and Bosworth Local Plan 2001

The site is within the settlement boundary of Barwell as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development  
Policy RES5: Residential Proposals on Unallocated Sites  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy NE12: Landscaping Schemes  
Policy NE14: Protection of Surface Waters and Groundwater Quality

Policy IMP1: Contributions towards the Provisions of Infrastructure and Facilities  
Policy REC3: New Residential Development Outdoor Play Space for Children

#### Supplementary Planning Guidance/Documents

New Residential Development (SPG)  
Play and Open Space Guide (SPD)  
Sustainable Design (SPD)

#### **Appraisal:-**

The main considerations with regards to this application are the principle of development, the siting, layout and design of the proposed dwellings and impact on the character of the area, impact on the amenities of neighbouring properties, impact on highway safety, impact on public play and open space and other matters.

#### Principle of Development

The site is located within the settlement boundary of Barwell as defined in the adopted Local Plan Proposals Map.

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. The application site is located in a sustainable location within a reasonable distance of amenities and public transport. The proposals will contribute to the social role of sustainable development by providing additional housing to contribute to meeting the current shortfall in Barwell.

Adopted Core Strategy Policy 3 supports development within Barwell to deliver a minimum of 45 new residential dwellings within the settlement boundary in addition to 2500 dwellings in a Sustainable Urban Extension to the west of Barwell. The minimum number of dwellings supported by Policy 3 has not yet been achieved and there is still a requirement for 27 new dwellings therefore the scheme proposed will contribute to that requirement.

Policy RES5 of the adopted Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. This policy can now be given only limited weight since the publication of the NPPF which provides a presumption in favour of sustainable development. The site is considered to be in a sustainable location close to local amenities and services. However, the NPPF at paragraph 53 suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the proposed development of this residential garden should be considered against local policies to determine if it would harm the local area.

#### Layout, Design and Impact on the Character and Appearance of the Area

Policy BE1 of the adopted Local Plan is considered to have a high degree of conformity with the NPPF and can therefore be given significant weight in the determination of this application. This policy relates to the design and siting of development and seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. Criterion (a) of Policy BE1 seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area. The Council's

adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, is well integrated into its surroundings, offers a good standard of security and amenity to future residents and protects the amenity of existing occupiers. In addition, paragraph 64 within the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The surrounding area is of mixed residential character. Adjacent to the site, to the east, is back-land development of a similar design, layout and density to that proposed. Further east and to the south, properties on Red Hall and Greenhill Drive have a strongly defined character and are higher density. These dwellings are of simplistic two storey design; and are either gable fronted and detached, or gabled ended and semi-detached. The dwellings occupy uniform front and rear building lines and accommodate a standard plot size. Their layout, design and detail is typically reflective of a 1970/80s residential development. To the north west of the site, along Kingsfield Road, the density is far lower with dwellings occupying large plots (especially on the southern side of the road), and comprise of both houses and bungalows of varying design and age finished in a mix of brick and render. Despite this variation in design, dwellings follow a uniform building line. Further to the south west of the site, commercial development is introduced to the street scene.

Whilst the scheme will result in back-land development of the rear gardens of numbers 36 and 38 Kingsfield Road, which will have limited, if any connection with the street scene, the resultant relationship will not be dissimilar to that of the adjacent development (numbers 40 A, B and C) and thus it could be argued that the proposed development strengthens the character of the immediate area, when considering development at depth. Furthermore, it could equally be argued that the development continues the density and layout of development on the adjacent turning head of Red Hall Drive. Conversely, the development could be considered as further degrading to the character of the area, which is predominantly characterised by dwellings occupying a definitive building line and having a strong relationship with the street scene. Accordingly, when considering these points, on balance, having regard to the existing back-land development and the layout, grain and density of surrounding development, it is not considered that it could be argued that the proposed development, by virtue of its siting, would have a materially harmful impact on the character of the surrounding area. In this respect the development is not considered contrary to the intentions of Policy BE1 (a) nor to paragraph 53 of the NPPF.

When considering the design of individual dwellings; the elevations are of balanced proportion with symmetrical, aligned fenestration. Interest is added through incorporation of architectural features, comprising of decorative brick courses, arched headers and cill detail, canopy porches and hipped roofed dormers. Further, variation in appearance is also secured through the use of a differing, yet sensitive pallet of materials. In respect of their individual appearance and footprint, the dwellings are similar to the adjacent backland development, and given the varied residential character within both the immediate, and wider vicinity, it could not be argued that the design and scale of development proposed would be harmful to the character of the area. Accordingly, in accordance with paragraph 64 of the NPPF, it is not considered that the development results in poor design. On the contrary, the development is considered to compliment the surrounding development by way of layout, design, mass and scale and is therefore considered to be in accordance with Policy BE1 (a) in this respect.

Concerns have been raised that the scheme results in overdevelopment of the site. The SPG on New Residential Development requires that new developments have adequate private amenity space and expects developers to achieve 80 square metres of private amenity space (for the size of dwellings proposed), these requirements are adhered to in this

scheme. Furthermore, as discussed above, the separation distances as suggested with the SPG are also adhered to and the layout and density of the scheme is similar to that of surrounding development. Accordingly the proposal is not considered to result in overdevelopment of the site.

On balance, as a result of its layout, scale and design, and the layout of the existing adjacent back-land development, the proposal is not considered to have any materially adverse impacts on the character of the surrounding area and results in a development that will not appear out of place within this area of varying character. The development is therefore in accordance with Policy BE1 (criterion a), the Council's SPG on New Residential Development and the overarching principles of the NPPF.

#### Impact on the Amenities of Neighbouring Properties

Criterion (i) of Policy BE1 of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The NPPF seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

The dwellings most immediately impacted upon as a result of the proposal would be numbers 36 to 42 Kingsfield Road, 40 a-c Kingsfield Road and numbers 10 - 18 Greenhill Drive.

#### Numbers 40 and 42 Kingsfield Road

The access which will serve the development is sited between the above referenced dwellings. This is an existing access which currently serves Nos. 40a - c Kingsfield Drive. As a result of the proposed development (5 dwellings) the access will be used more intensely, resulting in additional noise and disturbance for the occupants of these dwellings. Criterion I of saved policy BE1 of the local plan seeks to ensure that developments do not have an adverse affect on the occupiers of neighbouring properties. Accordingly it must be considered whether or not the additional vehicle movements will have a material impact on the amenity of these residents. As mentioned, the proposal will result in additional noise, however the level generated by 5 dwellings is not considered to result in a materially adverse impact in this case which would warrant refusal of the application. Concerns have been raised that the existing electric gates result in reverberations through the adjacent dwellings when in use and result in an unacceptable impact on residential amenity. As the development will result in a further five dwellings using the gates, it is considered that there will be a material impact on the residential amenity of surrounding dwellings from associated noise and disturbance. Accordingly discussion have been undertaken with the developer who has confirmed that they would not object to the imposition of a condition requiring the removal and re-siting of the gates. According, if recommended for approval, a condition to this effect will be imposed.

#### Numbers 36 and 38 Kingsfield Road

Plot 1 is to be sited adjacent to the rear gardens of numbers 36 and 38 Kingsfield Road. There is a separation distance of 22 metres between the rear elevation of No. 38 and the side elevation of plot 1. In order to ensure that there will be no material impacts on the residential amenity of either dwelling, by way of privacy, overshadowing or over-dominance, a separation distance 25 metres between elevations containing principle windows is suggested within the guidance. In this case the separation distance is 22 metres, however as both elevations do not contain principle windows the guidance is not strictly applicable. As plot one comprises a bungalow, does not have any windows serving principle rooms on the facing elevation, and given the distance between the two dwellings there are not considered

to be any resultant material impacts in terms of residential amenity in this case. In terms of impacts on number 36 Kingsfield Road, the rear garden of plot 1 will be 22 metres from the rear elevation of this property. Although there will be some additional noise and disturbance generated through the use of this, the layout proposed is common of many modern residential developments and thus would not result in a significant impact in this respect.

#### Number 40A

The front elevation of plot one which contains a ground floor bedroom window will face the side elevation of Number 40A. There is a separation distance of 12 metres, and the internal access road is situated between these elevations. Accordingly, given this relationship and the fact that the bedroom window will have no direct views into any into any principle rooms of the adjacent dwelling, there are considered to be no impacts on the privacy of either the proposed or existing dwelling. As number 40A is sited adjacent to the access, it will suffer increased impacts in terms of noise and disturbance from additional vehicle movements. However, as discussed above, given the scale of development proposed such impacts are not considered to be significant.

#### Number 40B

This dwelling is sited adjacent to plot 2. Both the existing and proposed dwellings are of a similar height and style. There is a separation distance of roughly 2 metres between the two side elevations. Although plot 2 is staggered slightly further forward than number 40B, the relationship between the two dwellings is not considered to result in any over-dominance, overshadowing or overbearing impacts. The proposed relationship is similar to that found on many residential developments and is considered acceptable with regard to residential amenity. The dormer window of plot two will face the adjacent property, however as this will serve a non habitable room (bathroom) and will not have direct views into any habitable room or over principle outdoor amenity space, it is not considered to result in any overlooking.

#### Numbers 10 - 18 Greenhill Drive

Given the layout and orientation of plots 2 - 5, the rear elevations of the proposed dwellings will not be directly opposite the rear elevations of the dwellings to the rear. Furthermore there will be a separation distance in excess of 25 metres (worse case scenario) between the rear elevations of these properties. Although facing elevations would contain windows serving habitable rooms; resultant of the layout of the dwellings and the separation distances, the relationship is not considered to result in any material impacts in terms of residential amenity and more specifically in terms of privacy.

On balance, it is considered that as a result of the layout, scale and design of the proposal that the development does not result in any materially adverse impacts on the residential amenity of the surrounding dwellings either by way of overbearing/overshadowing/over dominating impact, loss of privacy from overlooking or loss of amenity from noise and disturbance as a result of the increased use of the access. The proposal is therefore in accordance with Policy BE1 (criteria i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF.

#### Access and Highway Safety

Criterion (g) of Policy BE1 seeks to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. These policies are considered

consistent with the intentions of the NPPF and so are afforded weight in the determination of this application.

The scheme proposes two off road parking spaces for each plot and will utilise the existing private drive with access from Kingsfield Road. The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection subject to conditions. The suggested conditions seek to control the erection of gates etc, the provision of turning facilities and surfacing, and the provision of parking spaces and their surfacing. As the required number of parking spaces are proposed by the scheme; subject to it being recommended for approval, this condition will be reworded (to ensure that the spaces are appropriately surfaced). The remaining conditions are considered to be reasonable and necessary and so will be imposed if the application is recommended for approval.

A number of highway safety concerns have been raised within the letters of representation. Further advice has been requested from the Director of Environment and Transport (Highways) in response to the issues raised.

In respect of the provision of visibility splays, it has been confirmed that 2m x 2m splays is an old standard and that in accordance with the principles set out within the Manuals for Streets (2) document the highway authority now accepts 1m x 1m. The 6Cs Design Guide is in the process of being amended to reflect this. However notwithstanding the above, there is considered to be ample visibility, both highway and pedestrian available from the site access in both directions.

Concerns have been raised in respect of the access width. Director of Environment and Transport (Highways) has commented that the plans submitted with the application show an access that far exceeds 4.8m in width for the first 5m and this is also clear on site. The required standard can easily be met regardless of ownership of the boundary wall.

In respect of turning provision, Director of Environment and Transport (Highways) are satisfied that turning provision can be provided within the site based on the dimensions of a standard family car. It would be unreasonable to expect emergency or service vehicle turning to be provided for a development of this size.

Finally Director of Environment and Transport (Highways) have commented that the standards set out in the 6Cs Design Guide are guidelines and therefore have to be applied flexibly. Given the nature of Kingsfield Road and the fact that a compliant access arrangement can be achieved, the proposal does not give rise to highway safety issues.

Based on the above and subject to the recommended conditions, in terms of highway safety, the proposal is considered to be in accordance with Policy BE1 (criterion g) and Policy T5 of the adopted Local Plan.

#### Public Play and Open Space Contributions

The requirement for developer contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Core Strategy Policy 19 and Saved Local Plan Policy REC3 require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. Policy REC3 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policy REC3 will be superseded by Core Strategy Policy 19 and the

evidence base of the Open Space, Sport & Recreation Facilities Study (2011) once the Green Spaces Delivery Plan has been completed. However, as the evidence base is not yet complete to complement Policy 19, this application is to be determined in accordance with the requirements of Policy REC3, the SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

As the proposed development will result in a net gain of 5 residential units and is within 400 metres of Masefield Close (Local Equipped Area for Play) the application triggers a requirement for contributions in accordance with Policy REC3 and the Council's SPD on Play and Open Space. The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded a low quality score of 24.1%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this case contributions will be used to improve and maintain children's play facilities within this open space. The required contribution in this case would be £1250.80 per dwelling, a total of £6,254.00 (made up of £4089 provision element and £2165 maintenance element). The size of units proposed would appeal to families and given the proximity of the application site to this open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance. A Unilateral Undertaking is currently under negotiation to secure off-site play and open space financial contributions.

#### Other Issues

The Head of Business Development and Street Scene Services (Waste Minimisation) recommends a condition to secure a scheme for the provision for waste and recycling storage across the site at the adopted highway boundary. As the scheme is for five dwellings which are accessed via a private drive, this condition is considered necessary and will be recommended.

Head of Community Services (Land Drainage) has recommended that surface water should be managed by sustainable methods and that the access way, parking and turning areas should be constructed in a permeable paving system. Accordingly a condition has been recommended to secure drainage details incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. If recommended for approval, this condition will be imposed. Concerns have been raised that the development will result in further drainage and surface water runoff issues. The suggested drainage condition (as discussed above) will ensure that this is not the case.

#### Sustainability

Policy 24 of the Core Strategy is concerned with Sustainable Design and Technology. It states that between the years of 2013 - 2016 all residential developments within Barwell will be required to comply with Code Level 4 of the Code for Sustainable Homes. A condition to this affect will be imposed.

Issues raised within the letters of representation, not addressed elsewhere within the report will be appraised below:-

Concerns have been raised that there will be noise generated from construction traffic. This is true of any development site, however given the relatively small scale of the development under consideration, the resultant noise and disturbance is not considered to result in a material level of harm and therefore does not necessitate the use of a condition to control such.

Loss of view does not comprise a material planning consideration and therefore is not considered in the determination of this scheme.

De-valuation of surrounding properties does not comprise a material planning consideration and therefore is not considered in the determination of this scheme.

It has been stated that the site layout includes private land used as turning point for No.40a. The applicant has been requested to clarify the situation in this respect, and information has been provided illustrating that the application site (denoted by the red line on the siteplan) is all within the ownership of the applicant.

It has been suggested that the development does not comply with building regulations. This is not a material planning consideration in the determination of this application and will be dealt with by the appropriate legislation and department.

Concern has been raised that existing shrubs/vegetation will be removed on site, with no mention of their replacement. Planning permission is not required for their removal. As the development proposes 5 dwellings it is considered reasonable to request that an appropriate landscaping scheme is submitted for the development.

Concerns have been raised over the future numbering of dwellings and likely confusion over the delivery of post and parcels etc. This is not a material planning consideration and will have no impacts on the determination of this application.

It has been suggested that existing security and privacy offered by secure gated entrance would be lost. This is a private matter and not subject to consideration under this application.

### Conclusion

The proposed dwellings would be located within the settlement boundary of Barwell where there is a presumption in favour of development subject to all other matters being addressed. The development would not give rise to any significant material impacts upon the visual amenity of the area, occupiers (and future occupiers) of the neighbouring dwellings or highway safety and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly the application is recommended for approval, subject to the imposition of planning conditions. As a result the proposals are considered to be in accordance with Policy 3 of the adopted Core Strategy, Policies BE1 (criteria a, c, e, g and i), RES5, NE12, NE14 (criteria a, b, c and d), T5, IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan, the Councils adopted Supplementary Planning Guidance on New Residential Development and the overarching principles of the National Planning Policy Framework and are therefore recommended for approval subject to conditions.

**RECOMMENDATION : - That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space, the Chief Planning and Development Officer shall be granted delegated powers to grant planning permission subject to the conditions below.**

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that



subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is within the settlement boundary of Barwell and by virtue of the siting, design, layout, mass and appearance would not have any adverse impact on the character or appearance of the area, the amenities of the occupiers of neighbouring properties or highway safety, would incorporate appropriate landscaping and would contribute to public play and open space facilities.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, c, e, g and i), RES5, NE12 (criteria a, b, c and d), T5, IMP1 and REC3.

Local Plan 2006-2026: Core Strategy (2009):- Policies 3, 19 and Policy 24.

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg No. BPB02, Elevations, Floor plans, Garage Plot 1, Elevations Plots 2 and 5, Elevations Plots 3 and 4, Floor Plans Plots 2 to 5 received by the Local Planning Authority on 4 December 2013.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Before any development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
  - a) proposed finished levels or contours
  - b) means of enclosure
  - c) hard surfacing materials
  - d) existing trees and hedgerows to be retained and details of their protection
  - e) planting plans
  - f) written specifications
  - g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - h) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of any dwelling hereby approved. 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.
- 6 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.

- 7 Prior to occupation the development hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.
- 8 The car parking layout shown on the approved plan shall be provided, hard surfaced and marked out for use before any dwelling is occupied and shall thereafter be permanently so maintained.
- 9 No development shall commence until a Code for Sustainable Homes 'Pre-Assessment' for each plot is carried out by a qualified code assessor, demonstrating that the residential units hereby approved can be constructed to a minimum of Code Level 4, has been provided to the Local Planning Authority. In addition, prior to the first occupation of the residential units hereby approved, a 'Final Certificate' demonstrating that the units have been constructed to a minimum of Code Level 4 shall be provided to the Local Planning Authority.
- 10 Development shall not commence until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, along with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details.
- 11 No development shall commence until the existing electric gates (adjacent to No.40 Kingsfield Road) as illustrated on Drawing No. BPB02 have been removed and a scheme for their re-siting has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented as approved.
- 12 Notwithstanding the details provided, no development shall take place until a scheme for the provision of waste and recycling storage and collection across the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as approved.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 4 To enhance the appearance of the development and to protect the privacy and amenity of neighbouring properties to accord with Policies NE12 (criteria a - d) and BE1 (criteria e and i) of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criterion e and i) of the adopted Hinckley & Bosworth Local Plan.
- 6 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed in the interests of highway safety to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

- 7 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area. In accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026 Core Strategy 2009
- 10 To ensure that the site is adequately drained and in the interests of the protection of surface waters and groundwater quality in accordance with policy NE14 of the adopted Hinckley & Bosworth Local Plan.
- 11 To ensure that the development does not result in an unacceptable impact on the residential amenity of surrounding dwellings in terms of noise and disturbance, to accord with Policy BE1 (criteria i ) of the adopted Hinckley & Bosworth Local Plan.
- 12 In the interests of visual amenity and to ensure there is adequate facilities for waste and recycling storage to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:-** Eleanor Overton Ext 5680

**Item:** 08  
**Reference:** 13/01039/FUL  
**Applicant:** Mr Andrew Tyler  
**Location:** Flutters Bingo Rugby Road Hinckley  
**Proposal:** Part demolition of redundant bingo hall and formation of car park (linked with application 11/00709/HYB)  
**Target Date:** 29 January 2014

### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has generated more than five objections.

### Application Proposal

Full planning permission is sought for part demolition of the bingo hall and formation of a car park.

The rear element of the bingo hall is set to be demolished, but the façade and a small proportion of the building currently standing on the corner between Rugby Road and Lancaster Road is set to be retained.

The proposed car park is set to provide 43 car parking spaces, which includes 3 disabled car parking spaces and 2 delivery spaces; a cycle rack is also provided.

This application intends to create a car parking area to serve the A1 Retail Unit approved under application ref: 11/00709/HYB.

Vehicular access will be taken from Lancaster Road. The scheme provides a pedestrian access between Lancaster Road to the north along the east of the car park to the A1 Retail Unit.

During the course of the application amended plans showing alterations to the size of parking spaces were received and re-consultation was undertaken with the Director of Environment and Transport (Highways) and neighbours for a period of 10 days.

Following concerns raised by the Director of Environment and Transport (Highways) further tracked drawings showing movements of an articulated lorry, rigid lorry and delivery van entering and exiting the site were submitted and subsequent amendments to the layout of the car park were received. Re-consultation was undertaken with the Director of Environment and Transport (Highways) and neighbours for a period of 10 days.

### The Site and Surrounding Area

The application is bound to the north by Lancaster Road and to the east by Hinckley Library, Salvation Army Building and Regents House. To the west are a number of retail units along Rugby Road and to the south a Snooker Club fronting Waterloo Road.

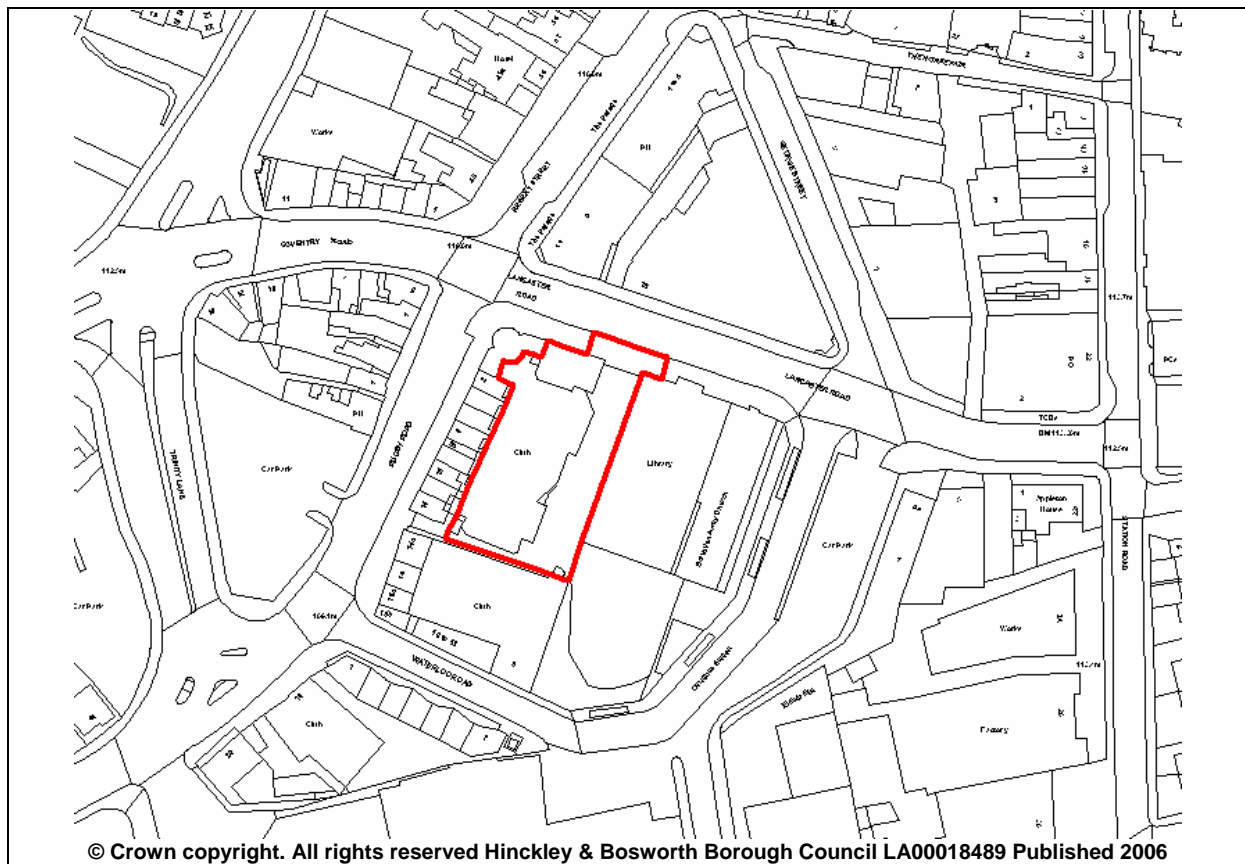
The site is located within the Hinckley Town Centre Shopping Areas, as defined by Hinckley Town Centre Area Action Plan 2011. It also lies to the south of, but is not within the Town Centre Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan 2001.

Technical Documents submitted with application

Archaeological Report  
 Flood Risk Assessment  
 Geoenvironmental report  
 Transport Statement

**Relevant Planning History:-**

11/00709/HYB	Demolition of existing bingo hall, retail units and former toilet block. Full application for the erection of A1 retail unit and associated surface car parking with new vehicular acc for the overall site. Outline application for the erection of D2 squash club and sui generic Territorial Army drill hall and associated facilities (with layout, appearance, scale and landscaping all reserved for future consideration	Approved	12.10.11
10/00743/OUT	Outline application including access, layout and scale, for the erection of a mixed use-development comprising retail (A1-A3 uses) leisure (D2 Uses) and offices (B1a Uses) together with all associated infrastructure and plant, public realm, landscaping and servicing. Works to include the provision of A part undercroft/part surface public car parking area and a new bus station	Approved	18.01.11



### Consultations:-

No objections from the Environment Agency.

No objection subject to conditions from:-

Severn Trent Water Limited  
 Director of Chief Executive (Archaeology)  
 Director of Environment and Transport (Highways)  
 Head of Community Services (Pollution)  
 Head of Community Services (Land Drainage).

65 letters of objection have been received raising the following concerns:-

- a) loss of iconic beautiful building
- b) within the heart of Hinckley, landmark building
- c) only decent building left in Hinckley, losing its soul
- d) great example of art deco architecture
- e) the town is dying, put Hinckley back on the map
- f) history and memories lost; once lost, it is gone forever
- g) short-sighted
- h) to knock it down is vandalism
- i) such a waste, just for a car park
- j) is a part of Hinckley's heritage
- k) entire building should be listed
- l) interior is more beautiful than the exterior
- m) building should be incorporated into the change, modern and old can mix well - like the Atkins

- n) turn it into a live music venue, entertainment venue, cinema, bowling alley, comedy club, day dances, craft fayres etc.
- o) should be used for a community use
- p) car park not required
- q) what will happen to Castle Street is the shops are in the bus station
- r) too many supermarkets and car parks
- s) car parks in close proximity
- t) build a multi storey car park at the leisure centre
- u) the council is meant to be committee to recycling - reuse this building
- v) why not redevelop the Britannia Centre?
- w) perhaps the hbbc would purchase the building?
- x) a private individual intends to buy it;
- y) find partnerships. The building could be ran as a co-operative that the community buys into as a company that the community has the opportunity to buy shares into.

As a result of the re-consultation, the consultation period remains open at the time of writing and closes on 2 February 2014. Any further consultation response received before the closing date will be reported and appraised as a late item.

### **Policy:-**

#### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

#### Local Plan 2006-2026: Core Strategy 2009

Strategic Objective 2: Regeneration of Urban Centres

Policy 1: Development in Hinckley

Policy 5: Transport infrastructure in the sub-regional centre

#### Local Plan 2006-2026: Hinckley Town Centre Area Action Plan 2011

Spatial Objective 2

Spatial Objective 4

Policy 9: Bus Station

Policy 13: Hinckley Town Centre Shopping Areas

#### Hinckley and Bosworth Local Plan 2001

Policy Retail 1: General Retail Strategy

Policy BE1: Design and Siting of Developments

Policy BE16: Archaeological Investigation and Recording'

Policy BE26: Light Pollution

Policy NE2: Pollution

Policy NE12: Landscaping Schemes

Policy NE14: Protection of Surface waters and Groundwater Quality

Policy T5: Highway Design and Vehicle Parking Standards

Policy T9: Facilities for Cyclists and Pedestrians

Policy T11: Traffic Impact Assessment

#### Supplementary Planning Guidance/Documents

None relevant.

## Other Material Policy Guidance

None relevant.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, siting and design, impact upon residential amenity, highway considerations and other matters.

#### Principle of Development

The site falls within the settlement boundary of Hinckley. There is a presumption in favour of development within settlement boundaries, subject to all other planning matters being appropriately addressed.

In addition, the Town Centre Boundary within the Hinckley Town Centre Area Action Plan (AAP) also reflects that of the Local Plan, and as such the site falls within the defined Town Centre in both documents.

#### Part Loss of Existing Unit

Objections have been raised regarding the loss of an important, historic and iconic building.

It is acknowledged that the building occupies a prominent position in the town centre and has some historic interest locally.

For the avoidance of doubt this application relates to the part demolition the Flutters bingo hall. The rear element of the bingo hall is set to be demolished, but the façade and a small portion of the building on the corner between Rugby Road and Lancaster Road is set to be retained.

It should also be noted that there is already consent for the demolition of the Bingo Hall with a condition that either the corner façade should be retained or demolished and replaced with a suitable replacement. This application does not propose to demolish anything more than has already been approved under reference 11/00709/HYB and meets the requirement of the condition for the corner façade to be replaced.

The building does not fall within a Conservation Area and is not a Listed Building.

In respect of the loss of the use of the bingo hall facility, this is not a material planning consideration; it is a commercial matter between the owner and the bingo company. .

There is an intention to convert the former entrance of the Bingo Hall to a separate retail unit, however this is not for consideration as part of this application.

The scheme has been considered by the Director of Historic and Natural Environment (Archaeology) who welcomes the retention of the Art Deco entrance building and the Rugby Road retail units, but feels that it is appropriate to undertake a Historic Building Photographic Survey prior to the proposed demolition of the rest of the building. As such it is considered that a condition to secure photographic recording for heritage purposes is imposed.

There is no in-principle objection to the part demolition of the building, given that the main façade is being retained and the part to be demolished is of little or no architectural value and therefore not worthy of retention. The Flutters bingo hall is not a Listed Building and has consent to be demolished through application ref: 11/00709/HYB.



### Formation of Car Park

The principle of the A1 Retail Unit to the south east of the site has already been established through the earlier grant of planning permission ref: 11/00709/HYB and this permission is still extant.

The site falls within an area defined as 'Hinckley Town Centre Shopping Areas' as defined by Hinckley Town Centre AAP 2011.

Policy 13 of the AAP states that ground floor development along Primary Shopping Frontages will be restricted primarily to A1 uses to protect the vitality and retail integrity of town centre's retail core, and A1-5 and D2 uses will be acceptable in the rest of the town centre.

The development does not propose any building along the frontages but is to be used in association with an A1 Retail Unit, which has already been consented.

As such there is no in principle objection to the formation of a car parking area in association with a previously approved retail unit to the adjoining site.

### Siting and Design

Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. This is considered to be consistent with the intentions of the NPPF and therefore carries weight in the determination of this application.

The car park is proposed to the north west of the A1 Retail unit it is set to serve. The site would be screened from the east by the Hinckley Library building, to the north west by the Flutters Bingo façade, to the west by the existing retail units on Rugby Road and to the south by units along Waterloo Road. The scheme also proposes 1.8 metre high timber fencing to the west and south.

Given the relatively low level nature of the car park and the surrounding buildings it is not considered that the car park results in any significant adverse visual impacts.

It is also considered that a high quality public realm will be created through varying surfacing and planting and boundary treatments which are all subject to the imposition of a planning condition to secure these further details.

In summary, it is considered that the layout of the scheme has been carefully considered and allows permeable routes for shoppers and pedestrians between this site and the previously approved retail unit, the wider bus station development and the town centre to accord with the aspirations with Spatial Objective 2 of the adopted AAP.

### Impact upon Residential Amenity

Criterion i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties, this policy is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

The residential dwellings most immediately impacted upon as a result of the development would be the flats and apartments located at first floor, above existing retail/mixed use units along Rugby Road, located to the west of the site.

It is considered however that the scheme for a car park will not give rise to any significant detrimental impacts over and above that of the existing use as a car park and bingo hall.

The Head of Community Services (Pollution) has reviewed the application and has recommended conditions due to the potential for noise, light and dust to affect the amenity of the local area.

Vibration normally occurs through the demolition and construction phases of the development and therefore a condition requiring a scheme for the management of vibration has been suggested.

Air quality can be impacted upon by dust and emissions and as such conditions relating to the management of dust during demolition, site preparation and construction works have been recommended.

Full details of the proposed lighting are as yet also unknown as such details of the external lighting to the site, including intensity of illumination for proposed lighting and lighting during construction works have been recommended as conditions.

In addition, conditions limiting the hours of demolition will help to ensure that there will be minimal impact upon the nearby properties.

In summary, the proposal is considered to have minimal impacts upon amenity of neighbouring residents. As such the scheme, subject to the imposition of planning conditions is considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan.

### Highway Considerations

Saved Policies T5, T9, and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application. Policy T11 is not considered to be wholly consistent therefore carries little weight in the determination of this application.

During the course of the application the layout of the car park has been amended to facilitate sufficient car parking spaces and the safe entrance and exit of servicing vehicles in a forward gear.

The existing vehicular access off Lancaster Road is set to be amended.

The vehicular access is proposed to accommodate both customer and delivery vehicles proposed from Lancaster Road along with the formation of a new car park comprising 38 car parking spaces, 3 disabled car parking spaces and 2 delivery van spaces and 10 cycle racks.

Leicestershire County Council's adopted highway design guidance requires 53 car parking spaces for a retail unit of the floorspace approved under 11/00709/HYB. However, it is considered that these are maximum standards that do not take into account linked trips within the town centre where alternative parking provision is available. In addition, the site is adjacent to Hinckley bus station and within walking distance of the rail station.

The previous scheme ref: 11/00709/HYB approved 32 car parking spaces and 3 disabled spaces, totalling 35 spaces, and therefore this scheme proposes car parking spaces over and above that previously accepted. As such, the provision of 38 car parking spaces and 3 disabled car parking spaces in this case is acceptable.

In addition, the maximum parking accumulation of a retail store of this size is estimated at reaching 27 between 14:00 and 15:00 on a Saturday, which would leave an excess of 14 spaces for other users.

Following the submission of the amended layout and amended tracked drawings, re-consultation was undertaken with the Director of Environment and Transport (Highways).

The tracked drawings now demonstrate that an articulated and rigid lorry and delivery van vehicle can enter and exit the site in a forward gear and without harm to highway safety.

The Director of Environment and Transport (Highways) has no objections subject to the imposition of conditions to ensure surfacing of the car parking and no gates, bollards or obstructions shall be erected to the vehicular access.

In summary, the car parking spaces have been considered in light of the sites town centre location and proximity to public car parking areas and on this basis are considered acceptable. Both walking and cycling are encouraged through routes and the provision of facilities for cycle parking. The access and servicing arrangements have been considered by the Director of Environment and Transport (Highways) who raises no objection, subject to the imposition of planning conditions. Accordingly, subject to the imposition of planning conditions the scheme is considered to be in accordance with Saved Policies T5, T9 and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan and achieves the aspirations of Spatial Objective 2 of the adopted AAP.

#### Other Matters

##### Drainage and Flood Risk

The site is located within Flood Zone 1 and, as such is categorised as an area with a 'low probability' of flooding. The application has been accompanied by a Flood Risk Assessment (FRA) which has been considered by statutory consultees.

The Environment Agency has no comments to make on this application.

Severn Trent Water has no objection to the scheme, subject to the imposition of a planning condition to secure drainage plans for the disposal of surface water and foul sewage.

The Head of Community Services (Land Drainage) has accepted the solution contained within the FRA and has referred to previous advice from the Environment Agency for a condition regarding trapped gullies.

In summary, the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) raise no objections to the scheme, subject to the suggested conditions. Accordingly it is considered that the proposed works will be in accordance with Policy NE14 of the Local Plan and guidance contained within the NPPF.

##### Land Contamination and Land Fill Gas

Saved Policy NE2 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

The application has been accompanied by a geo-environmental assessment which has been considered by the Head of Community Services (Pollution) who recommends that conditions relating to a risk based land contamination assessment and risk based landfill gas assessment be imposed.

As such conditions relating to land contamination and landfill gas are recommended to accord with Saved Policy NE2.

In summary, the scheme subject to the imposition of planning conditions is considered to be in accordance with Saved Policy NE2 of the Local Plan and the overarching intentions of the NPPF.

### Legal Agreement

A legal agreement is proposed which will link the construction of the A1 retail unit approved under reference 11/00709/HYB with the proposals in this application for the construction of the car park requiring the car park to be completed prior to the bringing into use of the A1 retail unit.

### Letters of Representation

Objections raised which have not been addressed within the main body of the report:-

The Authority can only consider the application that is made.

The re-development of the Britannia Centre is not for consideration in this application.

Part of the site is already a car park and the car park is to be used in conjunction with the previously approved A1 retail unit.

Purchasing and commercial arrangements, are separate, private matters.

### Conclusion

In conclusion, it has been considered that there is no in-principle objection to the part demolition of the Flutters building and formation of a car park in conjunction with an A1 Retail Unit, previously approved for the reasons detailed above.

The site is located within the settlement boundary of Hinckley, where there is a presumption in favour of sustainable development subject to all other matters being addressed and within Hinckley town centre, where there is specific local policy support for retail uses. The car park will provide vehicular parking which will extend and improve local shopping facilities.

Overall the site represents one of the key regeneration areas in the town centre and its redevelopment, as part of the wider bus station redevelopment, would contribute significantly to the Council's vision and primary spatial objectives, bringing a wider range of benefits to Hinckley town centre.

The scheme results in the retention of the Flutters building façade and the retail units along Rugby Road and a specific condition is imposed in terms of photographic recording to the rear part of the building that is set to be demolished.

Conditions have been imposed to address potential vibration, noise, air and lighting impacts in respect of residential amenity during construction.

The proposed access and car parking arrangements are not considered to give rise to any highway safety issues and the scheme is considered to enhance walking and cycling routes.

In addition, no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions and a legal agreement.

**RECOMMENDATION :- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 securing the completion of the car park prior to the bringing into use of the A1 retail unit approved under 11/00709/HYB the Chief Planning and Development Manager shall be granted delegated powers to granted planning permission subject to the conditions below.**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the site is in a sustainable location within the Hinckley town centre and would help facilitate an identified need for retail development in Hinckley. The site also represents one of the key regeneration areas in the town centre and its redevelopment, as part of the wider bus station redevelopment, would contribute significantly to the Council's vision and primary spatial objectives, bringing a wider range of benefits to Hinckley town centre. The design of the scheme is considered to be acceptable and would not be detrimental to visual or residential amenity or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies Retail 1, Policy BE1, BE16, BE26, NE2, NE12, NE14, T5, T9 and T11.

Local Plan 2006-2026: Core Strategy (2009):- Policies 1, 5.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Existing Site Plan Drawing No. 5326-001; Demolition Plan Drawing No. 5326-008; Proposed Elevations Drawing No. 5326-005 and Proposed Elevations Drawing No. 5326-006 received by the Local Planning Authority on 4 December 2013 and amended details, as follows: Proposed Site Plan Drawing No. 5326-007 received by the Local Planning Authority on 22 January 2014.
- 3 Demolition and construction hours shall be limited to 07:30-18:00hrs Monday to Friday and 08:00-13:00hrs Saturdays with no working on Sundays or Bank Holidays.
- 4 No development shall commence until a scheme for the management of dust, light, noise and vibration during the demolition, site preparation and construction works has first been submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

- 5 No development shall commence until details of site lighting during the construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.
- 6 No development shall commence until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-
  - a) Means of enclosure and boundary treatments
  - b) Hard surfacing materials
  - c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
  - d) Implementation programme.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. 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.
- 8 Notwithstanding the information provided, no development shall commence until a detailed drainage scheme including the disposal of surface water and foul sewage and an assessment of the hydrological and hydrogeological context of the development have first been submitted to and approved by the Local Planning Authority and these works shall be implemented in accordance with the approved scheme.
- 9 No development shall commence until a scheme to install trapped gullies or a suitable alternative have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.
- 10 No demolition of the building (shown on 'Demolition Plan' drawing no. 5326-008 1A) shall commence unless and until a Written Scheme of Investigation for photographic recording has first been submitted to and approved in writing by the Local Planning Authority.

The Written Scheme of Investigation shall include the following details:-

- a) The programme and methodology of the recording
- b) Provision to be made for the publication and dissemination of the photographic recording
- c) Nomination of a competent person or persons/organisations to undertake the recording
- d) The implementation of the works proposed.

The Written Scheme of Investigation shall be carried out in accordance with the approved details.

- 11 Before first use of the development hereby permitted, the car park area shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate). The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

- 12 Notwithstanding the recommendations of the submitted Geoenvironmental Assessment (Ref: XL02383/R1), no development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The development shall be implemented in accordance with the approved details and retained as such thereafter.
- 13 If, during the course of development, previously unidentified contamination is discovered, development must cease on the affected part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on the affected part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.
- 14 No development shall commence until a Risk Based Landfill Gas Assessment has first been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The scheme shall thereafter be carried out in accordance with the approved details and retained as such thereafter.
- 15 If, during the course of development, previously unidentified landfill gas is suspected, development must cease on the affected part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on the affected part of the site, a Risk Based Landfill Gas Assessment for the affected part of the site (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.
- 16 Prior to the first use of the car park hereby approved details of any external lighting scheme of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The car park shall not be used until the lighting has been installed in accordance with the approved scheme and the lighting shall be maintained and operated in accordance with the approved details thereafter.
- 17 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 (criterion i) of the adopted Hinckley & Bosworth Local Plan 2001.

- 4 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise and pollution to accord with Policy BE1(criterion i) and NE2 of the adopted Hinckley & Bosworth Local Plan 2001.
- 5 To protect the environment and local residents from impact from artificial light to accord with Policies NE2 and BE26 of the adopted Hinckley & Bosworth Local Plan 2001.
- 6 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley & Bosworth Local Plan 2001.
- 8 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of water pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and the overarching aims of the NPPF.
- 9 To protect the water environment to accord with Policy NE14 of the adopted Hinckley & Bosworth Local Plan 2001.
- 10 To ensure the buildings to be demolished are recorded for heritage purposes to accord with Policy BE16 of the adopted Hinckley & Bosworth Local Plan 2001.
- 11 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 12&13 To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley & Bosworth Local Plan 2001.
- 14&15 To ensure that landfill gas does not cause impacts to future users of the site to accord with Policies BE1 (criterion c) and NE2 (criterion b) of the adopted Hinckley & Bosworth Local Plan 2001.
- 16 To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with Policies NE2 and BE26 of the adopted Hinckley & Bosworth Local Plan 2001.
- 17 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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.



- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In respect of Condition 12 the Risk Based Land Contamination Assessment shall be carried out in accordance with current best practice. Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with current best practice.
- 6 In respect of Condition 14 the Risk Based Landfill Gas Assessment shall be carried out in accordance with current best practice. Should any unacceptable risks be identified in the Risk Based Landfill Gas Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with current best practice.
- 7 In respect of lighting the intensity of the illumination of any illuminated sign forming part of the development shall be within that recommended by the Institution of Lighting Engineers in their Technical Report Number 5 (3rd Edition) for a sign within zone E3. Upon completion of the development, a statement of a suitably qualified contractor shall be submitted stating that any lighting installation to which the above condition applies is fully compliant with the Institution of Lighting Engineers Technical Report Number 5 (3rd Edition) for a sign within zone E3.

**Contact Officer:-** Ebony Mattley      Ext 5691

**Item:** 09  
**Reference:** 13/01040/HOU  
**Applicant:** Mr J Beanland  
**Location:** 8 Jubilee Road Newbold Verdon  
**Proposal:** Extensions and alterations to dwelling  
**Target Date:** 23 January 2014

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the applicant is related to a member of staff employed by the Borough Council.

Application Proposal

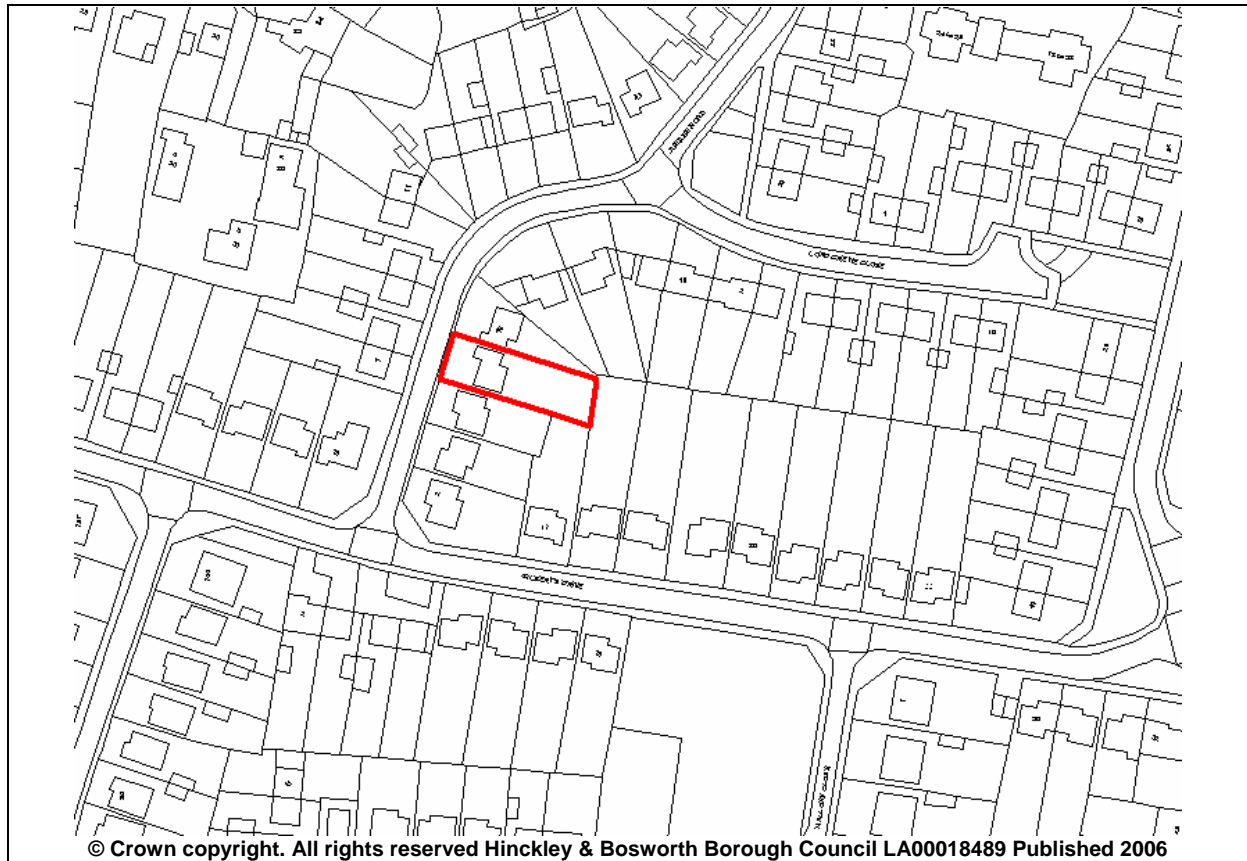
This application seeks full planning permission for a front porch extension and the formation of a monopitch canopy roof over the porch and the projecting part of the existing integral garage. The proposed porch is 3.3 metres wide and will extend 1.5 metres forward of the main front elevation in line with the projection of the existing garage. The eaves will be 2.2 metres in height and the maximum height of the proposed monopitch roof will be approximately 3.2 metres. The use of matching external materials (brickwork and concrete tiles) is proposed.

The Site and Surrounding Area

The application property is a detached two storey house design with a traditional roof form and having a part integral/part forward projecting flat roof garage and open front canopy porch. The dwelling is constructed of light brown multi facing bricks, horizontal stained timber boarding to the first floor front elevation, grey concrete interlocking roof tiles and white uPVC window frames and doors. It is located on a residential estate in Newbold Verdon within a row of similar detached two storey houses some of which have been extended in a similar manner to that proposed. The frontage is completely laid to block paved hard standing and open to the highway. The dwelling benefits from four off-street vehicle parking spaces (one within the garage and three on the front hard standing).

**Relevant Planning History:-**

None relevant.



**Consultations:-**

No objection has been received from Head of Community Services (Land Drainage).

No response has been received at the time of writing this report from:-

Newbold Verdon Parish Council  
Neighbours.

**Policy:-**

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

The application site is outside the settlement boundary of Newbold Verdon as defined on the Hinckley and Bosworth Local Plan Proposals map.

Policy BE1: Design and Siting of Development  
Policy T5: Highway Design and Vehicle Parking Standards

## Supplementary Planning Guidance/Documents

### House Extensions (SPG)

#### **Appraisal:-**

The main considerations with regard to this application are the principle of development, design and appearance and impact on the character and appearance of the dwelling, the surrounding area, the amenities of the occupiers of neighbouring properties and highway safety.

#### Principle of Development

The application proposes extensions and alterations to an existing dwelling within the settlement boundary of Newbold Verdon. The NPPF provides a presumption in favour of sustainable development, as this proposal is for extensions and alterations to an existing dwelling it is considered to be sustainable and the proposal is therefore compliant with the NPPF and acceptable in principle subject to all other planning matters being appropriately addressed.

#### Design and Appearance

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area. The adopted SPG on House Extensions provides additional design guidance.

The proposed front porch and monopitch canopy roof is to be constructed of matching external materials. The proposal will enhance the character and appearance of the existing dwelling by replacing the existing flat roof open porch structure with an enclosed brickwork porch with a pitched tiled roof and a monopitch tiled roof over the part projecting flat roof garage. The front porch projects only 1.5 metres forward of the main front elevation and no further than the projecting part of the integral garage and will therefore not be prominent in the street scene. Similar front extensions have been carried out to neighbouring dwellings (including Nos. 2, 4, 6 and 10 Jubilee Road) and therefore the proposal will also complement the character of the street scene.

By virtue of the design and appearance, the proposal will enhance the character of the existing dwelling and complement the character of the street scene and is therefore in accordance with Policy BE1 (criterion a) of the adopted Local Plan.

#### Neighbours Amenities

Policy BE1 (criterion i) of the adopted Local Plan requires that development does not have any adverse impact on the amenities of neighbouring properties.

10 Jubilee Road is a two storey detached house located approximately 1.5 metres to the north of the application dwelling. The nearest part of No 10 to the application dwelling is a flat roof garage therefore the proposed monopitch canopy roof over the garage will have no adverse impact on the residential amenity of the occupiers of No. 10.

The proposed porch is 4 metres from the side boundaries with both Nos. 6 and 10 Jubilee Road and projects no further forward than the existing garage. Therefore it will have no adverse impact on the residential amenity of any neighbouring dwellings.

As a result of the siting and small scale of the proposed extension and alterations and the separation distances to neighbouring dwellings, the proposal will not result in any adverse overbearing impact or loss of privacy from overlooking on the residential amenity of any neighbouring dwellings. The proposal is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan. No objections have been received from any neighbouring properties.

### Highway Safety

Policy BE1 (criterion g) of the adopted Local Plan requires that there is adequate on and off-street parking for residents and visitors.

The proposal retains off-street parking for four vehicles and is in accordance with Policy BE1 (criterion g) and T5 of the adopted Local Plan and therefore acceptable.

### Conclusion

By virtue of its siting, scale, design, appearance and separation distances to neighbouring properties, the proposal will enhance the character of the existing dwelling, will complement the character of the street scene and will not result in any adverse impacts on the amenities of any neighbouring properties or highway safety. The proposal is compliant with Policies BE1 (criteria a, g and i) and T5 of the adopted Local Plan together with the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

### **RECOMMENDATION:- Permit subject to the following conditions:-**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is sustainable development, would enhance the character of the existing dwelling, would complement the character of the street scene and would not result in any adverse impacts on the amenities of any neighbouring properties or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, g and i) and T5.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 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 at 1:1250 scale, Proposed Block Plan at 1:500 scale and Proposed Site Layout Plan at 1:100 scale Drawing Number 13/043/02/2 and Existing and Proposed Floor Plans and Elevations Drawing No. 13/043/01/1 received by the local planning authority on 28 November 2013.

- 3 The materials to be used on the external elevations of the extension and alterations hereby permitted shall match the corresponding brickwork and roof tiles of the existing dwelling.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance in the interests of visual amenity to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
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- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:-** Richard Wright      Ext 5894