

**Planning Committee 24 May 2016**  
**Report of the Chief Planning and Development Officer**



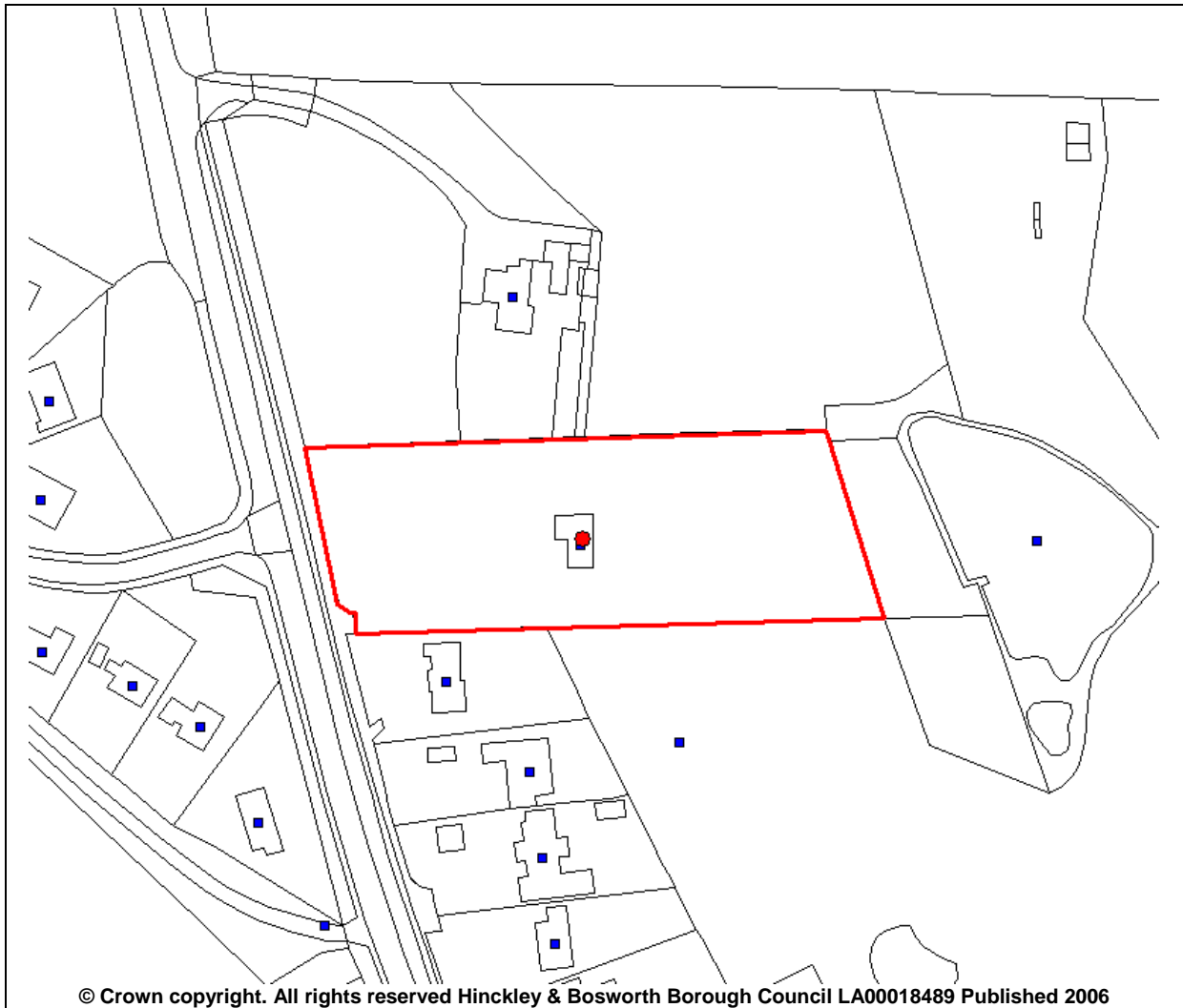
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

**Planning Ref:** 16/00281/FUL  
**Applicant:** Mr Steve Wong  
**Ward:** Cadeby Carlton M Bosworth & Shackerstone

**Site:** Kingscliffe 48 Barton Road Market Bosworth

**Proposal:** Erection of a dwelling with associated parking



**1. Recommendations**

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

- Planning conditions outlined at the end of this report.

**1.2.** That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

**2. Planning Application Description**

- 2.1. This application is a revision to the previously refused planning application ref: 14/00966/FUL and the previously withdrawn planning application ref: 15/00607/FUL for the erection a new dwelling.
- 2.2. This application is for the erection of a dwelling with associated parking in the front garden of 48 Barton Road, Market Bosworth. The amendments include the setting back of the dwelling and the significant reduction in depth, width and height of the dwelling with the proposal dug approximately 3 metres down into the ground.
- 2.3. The proposed dwelling is modern in design and appearance, with the lower ground floor of the dwelling set below ground level with a sub basement patio area and a flat roof light above the kitchen and lounge. The lower ground floor would be 'L' shaped, measuring approximately 13.6 metres in depth and 18 metres in width. The ground floor plan would be rectangular, measuring approximately 8.7 metres by 11.4 metres.
- 2.4. The proposal would have a green roof and glazed fencing surrounding the sub basement patio. The dwelling would be dual pitched with a double garage and entrance facing southwards, perpendicular from Barton Road.
- 2.5. A Design and Access Statement and an Archaeological Evaluation report was submitted with the application.

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

- 3.1. The site is within the curtilage of 48 Barton Road and would result in a subdivision of the plot. The plot is substantial in size and the existing dwelling is set back into the site which is characteristic of other dwellings within the streetscene. The site currently contains a tennis court and is well planted with mature trees on the west and north border of the site. The trees are currently undergoing a provisional Tree Preservation Order (TPO). The site levels differ from east-west, with the land rising significantly from Barton Road to the east.
- 3.2. The site is accessed from Barton Road, which has good visibility with gates set back well from the road.

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

15/00607/FUL	Erection of dwelling with associated parking	Withdrawn Appeal Withdrawn	01.04.2016 03.11.2015
14/00966/FUL	Erection of a dwelling with associated parking	Refused Appeal Dismissed	17.03.2015 24.09.2015
88/01459/4	Erection of one house (outline)	Refused	20.12.1988

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

- 5.2. 6 letters of objection have been received raising the following points:
- Out of character
  - Proximity to road
  - Impact upon trees
  - Forward of the building line
  - Increase in on-street parking problems
  - Potential archaeological impact
  - Setting of a precedent along Barton Road
  - Outside of the settlement boundary
  - Contrary to Policy NE5 of the Local Plan and Policies CE1a and CE3 of the Market Bosworth Neighbourhood Plan
  - Inadequacy of the archaeological survey
  - Contrary to Policies BE1 and BE7 of the Local Plan
  - Important view into Market Bosworth
  - Loss of greenery

## **6. Consultation**

- 6.1. No objections received from
- Leicestershire County Council (Highways)
  - Historic England
  - HBBC Environmental Health
  - HBBC Waste Services
  - HBBC Drainage
- 6.2. Leicestershire County Council (Archaeology) have no objection subject to a condition requiring further evaluation.
- 6.3. Market Bosworth Parish Council and Neighbourhood Forum have no objection but raise the following points:
- Protection of tree on all boundaries before and during development
  - Extensive efforts as made to minimise the visual impact on key view into Market Bosworth
  - The site of the development is adequately screened on all sides
  - Constraints should be placed ensuring no trees are removed in the future
- 6.4. Market Bosworth Society raise the following concerns:
- Development is out of character with adjacent buildings and the area
  - Loss of the set back nature of dwellings
  - Located in an important entrance approach and view to Market Bosworth
  - Contrary to Policies BE1(a) and BE7 of the adopted Local Plan
  - Forward of the building line
  - Setting of a precedent along Barton Road
  - Detrimental impact upon the Market Bosworth Conservation Area
  - Impact upon trees

## **7. Policy**

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026
- Policy CE1: Character and Environment
  - Policy CE3: Important Views and Vistas
  - Policy CE4: Trees
- 7.2. Local Plan 2006 – 2026: Core Strategy (2009)
- Policy 7: Key Rural Centres

- Policy 11: Key Rural Centres Stand Alone
  - Policy 19: Green Space and Play Provision
- 7.3. Hinckley and Bosworth Local Plan (2001)
- Policy RES5: Residential Proposals on Unallocated Sites
  - Policy BE1: Design and Siting of Development
  - Policy BE7: Development in Conservation Areas
  - Policy BE14: Archaeological Field Evaluation of Site
  - Policy NE5: Development in the Countryside
  - Policy T5: Highway Design and Vehicle Parking Standards
  - Policy REC2: New Residential Development – Outdoor Open Space Provision for Formal Recreation
  - Policy REC3: New Residential Development – Outdoor Play Space for Children
- 7.4. Emerging Site Allocations and Development Management Policies Development Plan Document Submission Version (Dec 2014)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM17: Highways Design
  - Policy DM18: Vehicle Parking Standards
- 7.5. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
  - Planning Practice Guidance (PPG)
- 7.6. Other relevant guidance
- New Residential Development SPG (2000)

## **8. Appraisal**

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon trees
- Impact upon heritage assets
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Other issues

#### Assessment against strategic planning policies

- 8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.
- 8.3. This site is currently outside the settlement boundary for Market Bosworth in the Local Plan (2001), of which Policy NE5 restricts unacceptable land uses within the countryside. However, the adopted Market Bosworth Neighbourhood Plan identifies the site as being within the settlement boundary of Market Bosworth within the proposals map; and the site is identified as being within the settlement boundary of

Market Bosworth in the emerging Site Allocations and Development Management Policies Development Plan Document (SADMP). The SADMP is at an advanced stage and has undergone an examination in public and a consultation upon main modifications, the inspectors report is imminent, therefore weight can be given to this document when assessing applications. It is therefore considered that the site is not classed as being within the countryside and is in fact within the settlement of Market Bosworth.

- 8.4. Policy 11 of the Core Strategy identifies the need to support housing development for a minimum of 100 dwellings within the village. The village is identified as a key rural centre with a number of existing services making it a sustainable location for development. The principle of residential development is therefore in acceptable and in accordance with Policy 11 of the Core Strategy, subject to other material considerations being acceptable.

Impact upon the character of the area

- 8.5. 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 supported by Policy DM10 of the emerging SADMP. Policies BE7 of the Local Plan and DM11 and DM12 of the emerging SADMP seek to ensure the special interests of conservation areas are preserved or enhanced through new development. This is supported by Paragraphs 133 - 134 of the NPPF which seeks to ensure heritage assets are appropriately preserved. This is supported by paragraph 17 and section 12 of the NPPF which seeks to ensure a high quality of design.
- 8.6. The site is identified as being within character area D 'Suburban residential' within the Market Bosworth Neighbourhood Plan. This area is characterised by:
- Detached and semi-detached, two storey dwellings
  - Long open aspect front gardens providing a sense of openness
  - Wide, open aspect grassed verges at road entrances
  - Public open spaces dividing housing
  - Well proportioned uniform plots with properties set back from the pavement; and
  - Garages and driveways
- 8.7. Policy CE1 of the Market Bosworth Neighbourhood Plan seeks to ensure that all new development within Market Bosworth is in keeping with its character area in regard to scale, layout and materials to retain local distinctiveness and create a sense of place. Innovative or outstanding design will be supported if it raises the overall quality of the Character Area. Furthermore, Policy CE1b states that any new development within Character Area D (Suburban Residential) should pay particular regard to existing rooflines. The site is on the edge of Market Bosworth and contributes to the strong character of this important entrance and approach into the village and Conservation Area. A strong feature of the area is that all properties along Barton Road are set back into the site with large front gardens. Currently this site follows this existing character, as the property is set back well into the site with a mature tree screen, landscaping and a tennis court, which is well screened from the street scene.
- 8.8. Policy CE3 of the Market Bosworth Neighbourhood Plan seeks to protect and enhance existing open spaces and important landscape characteristics. The view

along Barton Road to the south is identified within the Market Bosworth Neighbourhood Plan as a key view into Market Bosworth. This site falls within this key view area.

- 8.9. The previous scheme was refused and included a reason for refusal due to the detrimental impact upon the character of the area due to the scale and massing leading to an incongruous addition to the street scene.
- 8.10. This application has sought to address the problems by digging the proposal deeper into the ground by approximately 2.5-3 metres in order to give the appearance of a single storey building. Therefore the proposal has been reduced in height and scale and would not appear dominant or incongruous to the street scene.
- 8.11. This application has also sited the proposal further back into the site and it would now be sited in line with the existing building line to the south of properties along Barton Road and would not impact upon the street scene of the area.
- 8.12. Concerns have also arisen due to the site being identified as an important view into Market Bosworth as defined in the recently adopted Market Bosworth Neighbourhood Plan. The proposal is set back into the site and 'dug in' and therefore the view of the proposal from outside of the site would be a low level single storey building. The proposal includes a green roof and wooden cladding, which would allow the building to blend into its surroundings. Whilst the site is of a higher level than the street there is a wall and a mature band of hedgerow and trees bordering the site to the north, west and east which would act as an element of screening to the development. Therefore, the proposed dwelling would not appear dominant within the application site or intrusive to the important view as designated within the Market Bosworth Neighbourhood Plan.
- 8.13. Although the development is not within the Market Bosworth Conservation Area, Policy BE7 of the Local Plan and Policies DM11 and DM12 of the emerging SADMP aim to ensure the significance of the conservation area is preserved and enhanced. The application site is situated on the entrance to Market Bosworth and the Market Bosworth Conservation Area. As a result of the screening from the large amount of trees and hedgerows to the north of the site, and the proposed green roof of the dwelling, the proposal would not negatively impact the setting of the Conservation Area and would therefore ensure the preservation of the special character of the Market Bosworth Conservation Area.
- 8.14. Whilst the proposal is located within the front garden of the site, the siting, design and existing vegetation to the boundaries would ensure that the development would not appear dominant within the street scene. The proposal would therefore not have a detrimental impact to the character of the area, setting of the conservation area or the key view into Market Bosworth in accordance with Policies BE1 and BE7 of the Local Plan and DM10, DM11 and DM12 of the emerging SADMP and Policies CE1 and CE3 of the Market Bosworth Neighbourhood Plan 2014-2026.

#### Impact upon trees

- 8.15. Following receipt of the previous application ref: 14/00966/FUL and a site visit and assessment by the Tree Officer, it was determined that the trees provided significant amenity value to the area and are worthy of a Tree Preservation Order (TPO).

- 8.16. The previous application (14/00966/FUL) included a reason for refusal due to the impact of development upon the trees, due to concerns with the accuracy of the root protection area (RPA) boundaries on the previously submitted tree survey. An updated tree survey plan was submitted alongside this application, which indicates a more detailed and accurate RPA. The Tree Officer has assessed the updated details and concludes that the revised layout would not have an impact on the important retained trees to the west and north side of the site. An appropriate tree protection plan has been detailed and can be secured by condition.
- 8.17. In addition to the impact from the construction of the proposal upon the important trees, there are also concerns in regard to the future pressure to remove or significantly prune the trees. Due to the size and location of the proposed dwelling, the trees would not create any significant shading to the garden or sub-basement patio of the proposal. Additionally the trees provided screening to the site and privacy. Therefore it is considered that the pressure to remove or significantly prune the trees would be minimal.
- 8.18. It is therefore considered that the development, due to its scale, location and positioning would not have a harmful impact upon the trees on the site and is therefore in accordance to Policy BE1 of the Local Plan and DM10 of the emerging SADMP and Policy CE4 of the Market Bosworth Neighbourhood Plan 2014-2026 which seeks to conserve and enhance important trees and wooded areas.

#### Impact upon heritage assets

- 8.19. Policy BE14 of the Local Plan and Policy DM11 and DM12 of the emerging SADMP seek to ensure that development proposals shall protect, conserve and enhance the historic environment of the area.
- 8.20. To the immediate east, north and south of the existing dwelling, lies a Scheduled Monument, consisting of the below-ground archaeological remains of a probable Roman villa, where Iron Age artefacts have been identified. The previous application included a reason for refusal due to the impact upon the scheduled ancient monument, due to a lack of archaeological evaluation. With this application the applicant has submitted an archaeological evaluation.

The archaeological evaluation identifies number of deposits, which were largely undated and not fully characterised by evaluation. Leicestershire County Council (Archaeology) do not object to the proposal, however state that further information is required with regards to the archaeological evaluation to the site. This information can be secured by condition and is considered to be reasonable to ensure that any archaeological remains present are dealt with appropriately. Subject to the inclusion of this condition the development would not have a detrimental impact upon the scheduled ancient monument adjacent to the site or any other heritage assets and is therefore in accordance with policies BE14 of the Local Plan and emerging policies DM11 and DM12 of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.21. Policy BE1 of the Local Plan and Policy DM10 of the emerging SADMP seek to ensure that development proposals shall not harm the amenity of neighbouring residential properties. No. 46 Barton Road is a two storey detached property located approximately 19 metres south of the front elevation of the proposed dwelling. West Lea is a detached property located approximately 25 metres north of the application site.

- 8.22. The site includes mature and dense planting to the boundaries and includes limited windows to the upper floor therefore the proposal would not have an impact upon overlooking upon neighbouring properties. Additionally due to the ground levels and the proposal being dug down into the ground, the dwelling would appear single storey in nature and as a result would not be overbearing upon any neighbouring properties.
- 8.23. Due to the large application site, both the existing dwelling and proposed dwelling would retain a large amount of amenity space, of which would be sufficient to serve the occupiers and would be in accordance with the requirement set out in the New Residential Development SPG. Additionally due to the difference in levels and existing planting there would be no impact upon direct overlooking into windows.
- 8.24. It is considered that the proposed revised scheme would not have an adverse impact on neighbouring amenity in accordance with Policies BE1 of the Local Plan and DM10 of the emerging SADMP.

#### Impact upon Highway Safety

- 8.25. Policies T5 of the Local Plan and DM17 of the emerging SADMP seek to ensure new development adheres to the design standards as set out in the 6C's design guide. Policies T5 of the Local Plan also seeks to ensure parking provision in accordance with the Council's Parking Standards unless a different provision can be justified. Policy DM18 of the emerging SADMP seeks to ensure parking provision appropriate to individual development.
- 8.26. No objection has been received by Leicestershire County Council (Highways) as part of this application. The existing access has adequate visibility and is considered to be acceptable. The proposal would have five bedrooms but would provide four off street parking spaces (of which two are in a double garage). The provision of car parking is considered in accordance with the Council's car parking standards.
- 8.27. Access to the existing dwelling would not be impacted by the proposal and there would be sufficient room for the vehicles of the existing and proposed dwellings to manoeuvre on site and leave in a forward gear.
- 8.28. The proposed development is considered to be in accordance with Policies T5 of the Local Plan and DM17 and DM18 of the emerging SADMP.

#### Other Issues

- 8.29. Policy IMP1 and REC3 of the adopted Local Plan, Policy 19 of the Core Strategy, Policy DM3 of the emerging SADMP and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities. In this instance, the application site is not within 400m of an open space and therefore a contribution is not sought.
- 8.30. The HBBC Drainage Officer have no objections to the proposal but have provided notes to applicant regarding a soakaway drainage system and a permeable paving system for the construction of hardstanding.
- 8.31. HBBC Environmental Health Officer have no objections as the former landfill site adjacent to the site was investigated in 2011 and the limited sampling indicated that the levels of landfill gas at the site were not of concern.



## **9. Conclusion**

- 9.1. The proposed dwelling, due to its design and siting would not have a detrimental impact upon the character of the area and street scene; the important trees along the boundary of the site; the setting of the conservation area; neighbouring amenity and highway safety. Subject to conditions the proposal would not impact upon the adjacent scheduled monument. Therefore the proposed development is considered to be in accordance with Policies CE1, CE3 and CE4 of the Market Bosworth Neighbourhood Development Plan, Policy DM1, DM4, DM10, DM11, DM12, DM17 and DM18 of the emerging Site Allocations and Development Management Policies Development Plan Document, Policy RES5, BE1, BE7, BE14, NE5 and T5 of the Local Plan 2001 and Policy 7 and 11 of the Core Strategy, the aims of the National Planning Policy Framework and the Supplementary Planning Guidance on New Residential Development.

## **10. Recommendation**

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

- Planning conditions outlined at the end of this report.

- 10.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

### **10.3. Conditions and Reasons**

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

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Proposed Site Plan and Street Scene drg. no. 170A (scale 1:100 and 1:200), Proposed Ground Floor Plan drg. no. 270A (scale 1:100), Proposed Lower Ground Floor Plan and Elevations drg. no. 470A (scale 1:100) and Proposed Elevation and Street Scene drg. no. 471 (scale 1:100) received by the Local Planning Authority on 29 April 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place within the application site until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. No works shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policy BE14 of the Local Plan and Policy DM11 and DM12 of the emerging Site Allocations Development Management Policies Development Plan Document.

4. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the

programme set out in the Written Scheme of Investigation approved under condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policy BE14 of the Local Plan and Policy DM11 and DM12 of the emerging Site Allocations Development Management Policies Development Plan Document.

5. No development shall take place until trees identified within the schedule of trees, received by the Local Planning Authority on 12 May 2016 have been protected by the erection of temporary protective fences in accordance with the details included within the schedule of trees. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 cm or more shall be left unsevered.

Reason: The trees are important features in the area as defined in the Market Bosworth Neighbourhood Plan and they must be properly protected while building works take place on the site.

6. Before any development commences, representative samples of the types and colours of materials to be used on the new external elevations of the proposal shall be deposited with and approved in writing by the Local Planning Authority and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a), BE7 (criteria b, c, d) of the Local Plan (2001) and Policy DM10, DM11 and DM12 of the emerging SADMP.

#### 10.4. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
3. The proposed outfall of the surface water sewer into a watercourse should receive the prior consent of the Environment Agency and be constructed in accordance with that Agency's standard design drawing.
4. The Written Scheme of Investigation (WSI) shall include an assessment of significance and research questions; and:
  - The programme and methodology of site investigation and recording

- The programme for post investigation assessment
- Provision to be made for analysis of the 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.

5. 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.