

Delegated Report

Planning Ref: 23/00449/FUL

Applicant: Mr Quinn

Ward: Barlestone Nailstone and Osbaston



Hinchley & Bosworth
Borough Council

Site: Land Corner of Crofters Vale Park and Main Street, Barlestone

Proposal: New traditionally built rendered cottage and two additional park home plots

Recommendations

Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

Planning application description

This application seeks full planning permission for the erection of a new dwelling at the front of the site next to 16 Main Street. It is also proposed to erect two park home plots on the land rear to the proposed bungalow. There would be a shared parking area in between the land of the new dwelling and the park homes. The width of the proposed dwelling would be 10.57m with a depth of 6.3m and the height would match the neighbouring cottage at 16 Main Street. The proposed park homes would be 6.01m wide, 12.19m in length with a maximum height of 4.1m.

The initial proposal was for three park home plots on the site, which officers considered would cause harm to the character of the street scene. Following this, the applicant agreed to amend the proposal to include a detached dwelling to the front of the site, with two park home plots to the rear, similar to the previous approval with one additional park home plot.

Description of the site and surrounding area

The site is located on land at the corner of Main Street and Crofters Vale Park, within the village of Barlestone. Crofters Vale Park is a small retirement community of park homes located on a cul-de-sac in the centre of the village. The site is surrounded by residential properties and is vacant following the demolition of the former house on the site. The site is located within the settlement boundary of Barlestone.

Relevant planning history

22/00083/FUL	New traditionally built rendered cottage	Permission - 09.06.2022
04/00199/OUT	New dwelling and garage	Refused – 26.05.2004

Publicity

A site notice was put up in the vicinity of the site and letters were sent out to neighbouring/nearby properties. No responses were received from neighbours.

Consultation

No objection has been received from:

- HBBC Environmental health (subject to a condition)
- HBBC Drainage
- HBBC Waste (subject to a condition)
- Local Highway Authority (subject to conditions)

- Barlestone Parish Council:

No objection: Further to the above application, the Parish Council of Barlestone did comment on the last application for 3 Caravans stating they would prefer a brick built cottage and 2 caravans so they are happy to accept the above planning application.

Policy

Core Strategy (2009)

- Policy 7: Key Rural Centres

Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

Barlestone Neighbourhood Plan

- Policy H2: Settlement Boundary
- Policy H3: Windfall Sites
- Policy H6: Design Standards

National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

Appraisal

Key Issues

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology and biodiversity
- Flooding and Drainage

Principle of development

Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Barlestone Neighbourhood Plan (BNP).

The application site is located within the settlement boundary of Barlestone as outlined in the SADMP and Neighbourhood Plan. Policy H2 of the BNP states that development proposals on sites within the Settlement Boundary will be supported where they respect the character of that area of Barlestone and comply with other Plan policies.

The application site is located in a sustainable location within the settlement boundary of Barlestone as defined in the adopted SADMP and made Neighbourhood Plan, and with reasonable access to a full range of services and facilities. The principle of residential redevelopment of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan.

Design and impact upon the character and appearance of the area

Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

Policy H6 of the Neighbourhood Plan states that Development proposals for one or more properties, replacement dwellings and extensions will be supported where they meet the following building design principles to a degree that is proportionate to the scale of the development:

- a) Proposals should respect the character and historic context of nearby existing development within the village. Proposals should demonstrate how they meet the design features as described in the Character Assessment (Appendix 5) and incorporate local materials where practicable. Contemporary and innovative materials and design will be supported where positive improvement can be demonstrated without detracting from the historic context. Care should be taken to ensure that the development does not disrupt the visual impact of the street scene or adversely affect any wider landscape views;
- b) Sufficient off-road parking should be provided at a minimum of the standards in the Leicestershire Highways Design Guide. In particular there should be adequate parking areas for residents and visitors within each development;
- c) The proposal does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise;
- d) Proposals should be enhanced by landscaping with existing trees, protecting existing trees and hedges whenever possible to promote biodiversity. Where watercourses (either man-made or natural), dry ditches, or other water drainage exists, these must be retained. Wherever practicable, plots should be enclosed by native hedging, wooden fencing or walls in keeping with the local style;
- e) Development should incorporate sustainable design and construction techniques, to a minimum of the standards contained within the relevant Building Regulations in force at the time of development and proportionate to the scale of the development, to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology such as solar panels and rainwater harvesters;
- f) Proposals should provide species friendly features, such as holes in fencing for hedgehog movements and bat boxes as required with roof and wall construction following technical best-practice recommendations for integral bird nest boxes and bat breeding and roosting sites;

g) Development should incorporate sustainable drainage systems such as use of water butts, permeable surfaces and balancing ponds to retard surges and to minimise the vulnerability to flooding and poor drainage. 23 Development proposals should demonstrate that all surface water discharges have been addressed in a sustainable way so that discharge to the public sewerage systems is avoided. All major developments shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are put in place unless demonstrated to be inappropriate;

h) The lighting design, location, type, lux levels of development proposals should take account of best practice including advice from the Institute of Lighting Professionals; and

i) Development proposals should make appropriate provision for the storage of waste and recycling.

The Good Design Guide outlines that building plots should be a similar size to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the street scene.

The amended proposal now has a detached cottage at the front of the site and two park homes on the land to the rear. This results in a similar proposal to approval 22/00083/FUL, albeit with one additional park home plot.

The proposed cottage would replicate the neighbouring cottage at 16 Main Street in terms of scale and design, featuring three dormer windows on the first floor of the front and rear elevations, decorative cills and header window treatments, and a distinctive white render finish. The dwelling would be sited in line with No. 16, creating a harmonious relationship between the two dwellings. The parking and bin storage areas would be located to the rear of the dwelling, ensuring an uncluttered and attractive frontage. This would result in a positive contribution to the street scene in what is a prominent location in the centre of the village.

The park home plots would be sited at the rear of the site facing Crofters Vale Park and would take the form of pitched roof single storey dwellings, echoing the design of the existing park homes on the site. As such, given the surrounding character, the proposed development would complement the character of the surrounding area and would therefore be in accordance with Policy DM10 of the SADMP and Policy H6 of the Neighbourhood Plan.

Impact upon neighbouring residential amenity

Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. Proposals should demonstrate there will not be a loss of amenity to a habitable room window by loss of light or outlook. The SPD states that habitable rooms include living rooms, bedrooms and kitchens. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.

The separation distance between the rear elevation of the proposed cottage and the front elevation of the proposed 1 bed park home (Plot B) is approximately 15m. The submitted plans appear to indicate that boundary treatments would be incorporated around the garden

of the cottage and the car parking area, which would limit the potential for overlooking and loss of privacy between the two dwellings. Furthermore, the separation distance between the front elevation of cottage and 13a to 19 Main Street opposite ranges from 15m to 21m. As there is a partial shortfall in the separation of first floor principal windows between these dwellings and the park home (Plot B) it is considered reasonable to impose a condition to obscurely glaze the first-floor dormer windows of the cottage on the rear elevation.

The proposed cottage features a garden measuring approximately 70m², with a length of just over 6m. This falls below the recommended garden size as specified in the adopted Good Design Guide, however given it is a marginal shortfall in both length and area, it is considered acceptable on balance. A condition removing permitted development rights has been included to ensure that the size of the garden is not reduced further by extensions to the rear of the dwelling.

There are no further dwellings which would experience adverse neighbouring amenity impacts as a result of the proposal. Subject to conditions it is considered that the proposal is acceptable in residential amenity terms and in compliance with Policy DM10 of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Impact upon highway safety

Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

Policy DM18 of the SADMP seeks to ensure parking provision is appropriate to the type and location of the development. Developments within the town centre should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.

Paragraph 111 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site would be accessed off Main Street, which is a classified C road subject to a 30mph speed limit. The Applicant has undertaken a speed survey as part of an Automatic Traffic Count which was situated to the east of the site access. The survey indicated westbound 85%ile speeds of 24.9mph. The Highway Authority is satisfied that appropriate visibility splays could be achieved to the east and west of the site access and would fall within the extents of the public highway. This will be secured via a condition. The proposal includes 2 parking spaces for each dwelling in accordance with the LHDG.

Leicestershire County Council (Highways) has considered the application and has no objections subject to the imposition of conditions which relate to the implementation of parking and turning facilities, provision of visibility splays and site drainage details. The proposal is therefore considered to be in accordance with Policy DM17 and DM18 of the SADMP.

Flooding and Drainage

Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.

Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.

The HBBC Drainage Officer has no objections and has recommended notes to the applicant regarding soakaway drainage and permeability of hardstanding areas within the site. In summary, the development is considered to satisfy policy DM7 and the NPPF.

Conclusion

The application site is situated in a sustainable location within the settlement boundary of Barlestone, where residential development is generally acceptable in principle in accordance with national and local policy. By virtue of the proposed layout the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties or highways. The proposed development is therefore considered to be in accordance with Policy 1 of the Core Strategy, and Policies DM1, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD, The Barlestone Neighbourhood Plan, and the overarching principles of the NPPF.

Equality implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

There are no known equality implications arising directly from this development.

The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Recommendation

Grant planning permission subject to the following conditions:

Conditions and Reasons

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

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

2. The development hereby permitted relates to the following details only:

- Site Location Plan – 01 2102-2
- Proposed block plan – 03 212 -3 (received 14/08/23)
- Proposed cottage elevations and floor plans – 01-2102_10 Rev B (received 14/08/23)
- Proposed parking and landscape plan – 04 21-2-3 (received 14/08/23)
- Proposed Park homes elevations and street scene – 06 2102-3 (received 14/08/23)
- Proposed parking plan – 04 2102-3 (received 14/08/23)

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

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and the conservation of historic and architectural interest, in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 36 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

6. The development hereby permitted shall not be occupied until such time as four designated parking spaces, each measuring at least 2.4m x 5m have been

implemented. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

7. Notwithstanding the submitted plans, any new windows and doors within 0.5 metres of Main Street, Barlestone shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity.

Reason: In the general interest of highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

8. No development, excluding demolition, shall take place until full details of both hard and soft landscape works have been 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) Means of enclosure
- b) Car parking layouts
- c) Other vehicle and pedestrian access and circulation areas
- d) Hard surfacing materials
- f) Planting plans
- g) Waste collection provision and points
- h) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- i) Implementation programme

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD and Policy H6 of the Barlestone Neighbourhood Plan.

9. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until a scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with policy DM7 of the adopted Site Allocations and Development Management Policies DPD (2016).

10. No development above foundation level shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Notwithstanding the approved plans all windows serving the dormer windows on the rear elevation of the proposed cottage shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Site preparation and construction shall be limited to the following hours: Monday – Friday 07:30 – 18:00 Saturday 08:00 – 13:00. No working on Sundays and Bank Holidays.

Reason: In the interests of satisfactory residential amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Informatives

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
3. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.