

Delegated Report

Planning Ref: 23/01066/OUT
Applicant: Mr P Boswell
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: The Corner Ways 14A The Common Barwell

Proposal: Outline planning permission for the construction of up to 3 dwellings (all matters reserved)

1. Recommendations

- 1.1. **Refuse planning permission** subject to:
- Planning reasons outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks outline planning permission for the provision of up to three dwellings at The Corner Ways, 14A The Common, Barwell. To facilitate this development, the existing property, 14A The Common, is demolished.
- 2.2. All matters are reserved at this stage, therefore only the principle of the development is sought for approval within this application. However, the submitted application forms state though that the proposal is for three semi-detached/terrace houses.
- 2.3. The precise form and appearance of the scheme is reserved for later approval; however, the Proposed Block Plan also indicates that the development consists of a terrace of three properties. The Design and Access Statement also states that the proposed development is three 2-bedroom dwellings within a single structure with a width of 17.7m and a depth of 10.9m and utilising concrete interlocking roof tiles as well as orange/brown facing brickwork.

3. Description of the Site and the Surrounding Area

- 3.1. The 909sqm application site is located within the identified settlement boundary of Barwell to the southeast of its town centre.
- 3.2. The site currently comprises one residential property, 14A The Common. 14A The Common is an existing bungalow that is 42m from the public highway. The Common is an adopted, but unclassified, road that is subject to a 30mph speed limit. Due to the variety of scales, styles, massing, and design, the street scene of The Common is not considered to have a discernible unique character.
- 3.3. The application site is bounded by residential dwellings to the north, east, and south of the site that are accessed by The Common, Dovecote Way and Croft Close respectively. To the west of the application site is an existing car dealership and vehicle repair shop.
- 3.4. Notwithstanding that the application is submitted in outline with all matters reserved the site is of limited size with an existing single vehicle width access from The Common

4. Relevant Planning History

- 4.1 **85/00701/4**
- Erection of detached bungalow with double garage

- Permitted
- 20.08.1985

4.2 **85/00455/4**

- Erection of new detached house with garage
- Refused
- 25.06.1985

The application was refused on the two following grounds:

1. The erection of a 2-storey dwelling on this would adversely affect, to an unacceptable degree, the amenities of existing neighbouring dwellings.
2. The Applicant has not demonstrated that a satisfactory vehicular access could be provided to serve the development.

4.3 **83/00210/4**

- Erection of one bungalow outline
- Refused
- 04.05.1983

This application was refused on the following two grounds:

1. The proposed development would adversely affect the amenities of the occupiers of nearby dwellings by reason of its tandem relationship with existing dwellings, and the consequent overbearing and intrusive effect on amenities presently enjoyed.
2. The proposed development is undesirable and contrary to the proper planning of the area, by reason of the proximity of the site to industrial premises and the resultant inadequate level of amenity, privacy, and outlook that would result.

4.4 **82/00877/4**

- Erection of one dwelling
- Refused
- 23.11.1982

This application was refused on the following three grounds:

1. The proposed development is undesirable and contrary to the proper planning of the area, by reason of the proximity of the site to industrial premises and the resultant inadequate level of amenity, privacy, and outlook that would result.
2. The proposed development would adversely affect the amenities of the occupiers of nearby dwellings by reason of its tandem relationship with existing dwellings, and the consequent overbearing and intrusive effect on amenities presently enjoyed.
3. The proposed development would involve the intensified use of an inadequate access with inadequate visibility, to the detriment of highway safety.

4.5 **80/01220/4**

- Extension of garden into adjoining land
- Permitted
- 30.09.1980

4.6 **85/00701/4**

- Erection of detached bungalow with double garage
- Permitted
- 20.08.1985

4.7 It is also noted that a proposal, 23/00185/FUL, for a proposed single storey detached bungalow with associated parking, vehicle, and pedestrian access was refused on 10 August 2023 at the 12 The Common, Barwell adjacent to the application site for the following reasons:

1. The siting of the proposed dwelling is considered contrived and poorly designed, resulting in very limited garden space and in habitable room windows directly facing boundary treatment at a distance of between 1m and 1.5m. As such, it is considered incongruous to the character of the area. Therefore, it is considered that the development represents overdevelopment of the site that is not in accordance with Section 12 and Paragraph 130 of the NPPF, Policy 12 of the adopted Core Strategy, Policy DM10 of the SADMP, and the Good Design Guide.
2. The siting of the proposed dwelling is considered contrived and poorly designed resulting in very limited garden space and in habitable room windows directly facing boundary treatment at a distance of between 1m and 1.5m. As such, it is considered to provide future occupiers of the proposed development with inadequate private amenity space and an inadequate outlook from habitable rooms that is not in accordance with Section 12 and Paragraph 130 of the NPPF, Policy 12 of the adopted Core Strategy, Policy DM10 of the SADMP, and the Good Design Guide.
3. The proposal has a significant overbearing impact on the rear garden/private amenity space of 10 The Common, which has a significant adverse impact on the residential amenity of the occupiers of that dwelling. This conflicts with Policy DM10 of the SADMP, the Good Design Guide, and the requirements of the NPPF (2021).
4. The proposal results in an inadequate amount of private amenity space for the occupiers of 12 The Common, which has a significant adverse impact on the residential amenity of the occupiers of that dwelling. This conflicts with Policy DM10 of the SADMP, the Good Design Guide, and the requirements of the NPPF (2021).

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 One member of the public has objected to the development because the application site is not a suitable area for the development of three properties, and this development is likely to result in risks to highway safety.
- 5.3 A further member of the public has neither objected, nor supported the planning application but has highlighted that the proposal backs directly onto an established operating industrial site.
- 5.4 No further responses have been received.

6. Consultation

- 6.1 Barwell Parish Council objected to the development because the scheme represents overdevelopment of the site, which in turn is likely to cause harm to the character of the surrounding area and to the residential amenity of neighbouring residents.
- 6.2 On 04 December 2023, the Local Highway Authority advised that the residual cumulative impacts of the development are severe, and therefore recommend that the development is refused. This is because the Applicant has failed to demonstrate that a safe and suitable vehicular access can be provided. Therefore, permitting the development could result in an intensification of the use of an access with substandard width, vehicular visibility, and pedestrian visibility, which is likely to lead to danger for all highway users, contrary to Paragraphs 110 and 111 of the National Planning Policy Framework.
- 6.3 On 13 December 2023, the County's Ecology Department confirmed a holding objection to the planning application until additional information in relation to roosting bats such as a Preliminary Roost Assessment; a Site Plan showing any mitigation measures and enhancements for bats; a lighting plan showing the location and specification for any proposed lights on the site; and any further surveys recommended by the licenced ecologist have been provided prior to the determination of the application.
- 6.4 In the absence of this additional information, LCC Ecology recommended that the application be refused because it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017.
- 6.5 There have been no objections to the application from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer (subject to conditions)
 - HBBC's Environmental Services' Pollution Officer
 - HBBC's Waste Management Officer (subject to conditions)
- 6.6 Severn Trent Water did not comment on the application.

Drainage

- 6.7 The Council's Drainage Officer requested a pre-commencement planning condition that secured surface water drainage details that incorporated sustainable drainage principles which were submitted in writing to, and approved in writing by, the Local Planning Authority.

Waste

- 6.8 The Council's Waste Management Officer advised that the distance from the dwelling to the highway boundary is considerable and that all the Council's waste and refuse collection services are from the public highway. Therefore, the Waste Management Officer requested a planning condition that ensures that the scheme makes adequate provision for the storage and collection of waste and recycling containers across the site.
- 6.9 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 3: Development in Barwell
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies 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 planning consideration in planning decisions.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.
- 8.4 Paragraph 12 of the NPPF states 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, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 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). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.

- 8.6 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7 Policy 3 of the adopted Core Strategy supports development within Barwell's settlement boundary to deliver a minimum of 45 new residential dwellings.
- 8.8 The application site is located within the identified settlement boundary of Barwell. Therefore, the development is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.10 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.11 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.12 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.13 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.14 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.

- 8.15 Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. Paragraph 79 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.16 The development is for three residential properties, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.17 Whilst the Council is unable to deliver a five-year supply of land for housing, the provision of two dwellings in addition to the existing dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough. Therefore, it is considered that no more than limited weight can be given to the provision of the proposed two additional dwellings.

Design and Impact upon the Character of the Area

- 8.18 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.19 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.20 Where an existing plot is proposed to be subdivided to create additional development in 'back land' locations, the Good Design Guide requires proposals to provide clear and convincing justification for this development in relation to its context.
- 8.21 Furthermore, in accordance with the Good Design Guide, where hardstanding is proposed at the front of a property, this should not constitute more than 50% of the total area.
- 8.22 No justification has been provided to support the subdivision of the existing plot in this 'back land' location.
- 8.23 Nonetheless, this is an outline application with all matters reserved and therefore detailed layout and appearance considerations are not being assessed at this stage, however, they will form details at the Reserved Matters stage. Notwithstanding this, the application is for up to three dwellings.
- 8.24 The proposed development is approximately 43.5m to the south of the public highway, which is considered to reduce its likely visual impact on the character of the street scene. Whilst this back land position is considered to be out of character with the surrounding area, due to the siting and scale of the existing bungalow that is demolished, this is not considered to result in any significant adverse impacts to the character of the surrounding area. Therefore, whilst it is likely that the scheme will be visible from the public highway given the site is unlikely to be able to accommodate three dwellings that do not have accommodation at first floor level, it

is not considered that the proposal would result in any significant adverse impacts on the residential character of the area in principle.

- 8.25 The indicative design and format of the proposed dwellings is similar to the three properties to the north of the site, 8, 10, and 12 The Common. In addition, the adjacent property, 14 The Common, is a two-storey property with a brick finish that is set back by 30.8m from the public highway. In light of the above and the lack of discernible unique character to The Common, the indicative design of the development is not considered to result in any significant adverse effects to the character of the site, nor the surrounding area.
- 8.26 However, given the need to provide parking for up to three dwellings it is considered that the proposed would only be able to provide minimal landscaping towards the front of the scheme, which is contrary to the requirements of the Good Design Guide. In spite of this, it is noted that design and appearance are reserved matters, and this issue could be addressed at a later stage.
- 8.27 In summary, it is considered that a suitable scheme can be brought forward at the Reserved Matters Stage that is in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.28 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.29 Paragraph 14.2 of the SADMP states that new development should be located and designed in such a way that the amenity of both existing residents and occupiers are fully considered when assessing planning applications.
- 8.30 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 and 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.
- 8.31 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.32 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. The Good Design Guide also states that, *“An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.”*
- 8.33 This is an outline application with all matters reserved but the size of the site is limited and approval is sought for up to three dwellings. While the submitted plans are illustrative they represent the Applicant's demonstration of how three dwellings could be accommodated on the site. No indicative floor plans have been provided. Notwithstanding this, the indicative elevations and proposed site layout plans illustrate a potential layout for the scheme.

- 8.34 The development is separated indicatively from the rear elevations of 8, 10 and 12 The Common to the north by approximately 34m and by approximately 12m from their rear garden boundaries. Given the above and the mature vegetation on the shared boundary between these properties and the application site, it is not considered that the development is likely to necessarily result in any significant loss of privacy, loss of light, overbearing or overlooking impacts to the residential amenity of these neighbouring properties.
- 8.35 In accordance with the Proposed Block Plan, the development is indicatively a minimum of 22m from the rear elevations of the properties to the south along Croft Close, which is in accordance with the separation distances required by the Good Design Guide. Due to this potential separation, it is unlikely that the scheme results in any significant loss of light to the neighbouring properties.
- 8.36 Nevertheless, it is noted that the separation distances within the Good Design Guide are the minimum separation distances required to protect the residential amenity of neighbouring properties.
- 8.37 The levels of the application site are significantly higher than the levels for the residential properties along Croft Close to the south. Given the above, whilst the property is indicatively compliant with the separation distances required within the Good Design Guide, it is considered that the stated two-storey massing is likely to result in overlooking and loss of privacy to the principal windows of habitable rooms on the rear elevations of the neighbouring properties along Croft Close. This is likely to result in significant harm to the residential amenity of the occupants of these dwellings.
- 8.38 Moreover, the principal elevation of the indicative development is 5.1m to the rear of the adjacent neighbouring property to the east, 14 The Common. The siting of the building is indicated to be just 1.3m from the shared site boundary, and this set back is likely to result in loss of light to the adjacent dwelling.
- 8.39 Whilst the existing property is also set back from the rear of 14 The Common, due to its single storey massing, this is not considered to result in harm to the extent that is likely to result from the current proposal, which is for up to three dwellings.
- 8.40 Moreover, there are no windows indicatively proposed on the side elevations of the development. Therefore, the scheme is likely to result in a two-storey blank side elevation that extends 16.1m beyond the rear elevation of 14 The Common. This is considered to result in a dominant and overbearing impact on the residential garden of 14 The Common. Consequently, this is considered to result in significant harm to the residential amenity of the occupiers of this property.
- 8.41 Although the development can move forward slightly, this is unlikely to significantly reduce the potential impact of the scheme on the adjacent residential property. In addition, if the development is relocated further south it is likely that the scheme will result in further harm to the residential amenity of the properties along Croft Close. Furthermore, if the scheme is reduced to a single storey, it is likely that there will be insufficient floorspace to accommodate three dwellings.
- 8.42 Given the fact that the Applicant has not submitted any details that demonstrate the scheme will not significantly detrimentally impact neighbouring residential amenity, it is considered unlikely that the provision of three dwellings will be able to address those adverse impacts without significantly detrimentally affecting the residential

amenity of the future occupants of the scheme by virtue of the overdevelopment and over-intensification of the use of the site and the likely resultant inadequate private outdoor residential amenity areas.

- 8.43 In light of the above, the indicative development is also likely to result in significant harm to the residential amenity of 14 The Common due to the loss of light and overbearing impacts of the development extending over 16m to the rear of this neighbouring property with a two-storey massing. Due to the constraints of the application site, it is unlikely that the proposed building can be relocated or reduced to sufficiently mitigate this harm.
- 8.44 Therefore, it is considered that the development of the site for three dwellings represents a significant overdevelopment of the site, and the Applicant has failed to demonstrate that the scheme can be designed as such to be acceptable in amenity terms, contrary to and in conflict with Policy DM10 of the SADMP, the Good Design Guide, and the requirements of the NPPF.

Impact upon Parking Provision and Highway Safety

- 8.45 Paragraph 114 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.46 Section 9 of the NPPF promotes sustainable transport. Paragraph 128(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, *“The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.”*
- 8.47 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)).
- 8.48 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.49 The Applicant has not submitted a Stage 1 Road Safety Audit with a suitably worded Designer’s Response, or a speed/ traffic count survey as part of their application. While, the application does not seek approval for the access to the development at this stage the existing dwelling on the site has an existing access that is indicated to be the access for the proposed three dwellings.

Access Width

- 8.50 The Applicant has indicatively suggested that the development shall utilise the existing access onto The Common without any alterations or amendments. The site and its access are currently occupied by one residential property.
- 8.51 Notwithstanding the above, the Local Highway Authority (LHA) conducted a site visit to measure the visibility splays and access width.

- 8.52 The access width was measured at 2.9m, at a point 5m back from the nearside edge of the carriageway. However, to accord with Figure DG17 of Part 3 of the Leicestershire Highway Design Guide (LHDG), an access for two-to-five dwellings is required to have a minimum effective width of 4.25m, with 0.5m added to each side of the access that is bound by a wall, fence, hedge, line of trees, or other similar obstructions. Therefore, in this instance, an access width of 5.25m is required for the first 5m behind the highway boundary.
- 8.53 It is also noted that the private access drive runs approximately 30m from the public highway boundary to the proposed off-street vehicle parking area and is bound both sides for its entire length. Given the above, the access does not provide adequate width to allow access for two vehicles to pass.
- 8.54 Furthermore, The Common links to the A47 approximately 625m to the southeast of site access. The LHA holds historical data on record from April 2018 that states that there were approximately 500 two-way trips in the AM peak and approximately 600 two-way trips in the PM peak along The Common. The LHA consider this information relevant due to the possibility of vehicles waiting on the public highway or reversing into the public highway where there is restricted visibility and on-street vehicular parking.
- 8.55 Due to the site's proximity to a left-hand bend, the LHA do not consider that the indicatively proposed access and off-street parking arrangements are in the interests of highway safety.

Vehicular Visibility Splays

- 8.56 Vehicular visibility splays should be provided in both directions of a site in accordance with Figure DG2a and Table DG4 of Part 3 of the LHDG. The splay lengths should be in accordance with Table DG4 of the LHDG, which are based on 85th percentile vehicle speeds following a speed survey. The 85th percentile speed has not been provided; however, it can be noted that if recorded design speeds were in line with the posted speed limit of 30mph, splays of 2.4m by 43m would be required in accordance with Table DG4 of Part 3 of the LHDG.
- 8.57 The LHA measured the visibility splays during the site visit. To the northwest of the access, vehicular visibility splays of 2.4m by 43m are achievable, and 2.4m by 41m to the southeast. As such, there is a shortfall in visibility to the southeast, which could be further hampered by vehicles parked within the highway.
- 8.58 Figure DG17 of Part 3 of the LHDG also states that, normally, pedestrian visibility splays of 1m by 1m both sides (no planting permitted) are required unless there are local circumstances that apply e.g., a significant pedestrian traffic generator is in the vicinity of the site (such as a school, playground or playing fields, etc.), in which case 2m by 2m is required.
- 8.59 The application site is to the southeast of Barwell Town Centre and is within 113m of Dovecote Way Play Area, 120m of the Dawson Lane Industrial Area, 214m of the Recreation Ground, 260m of Chapel Street Play, and 334m of Barwell Town Centre.
- 8.60 Due to the application site's proximity to these facilities and given the increased footfall at the site access, the LHA would expect 2m by 2m pedestrian visibility splays within the Applicant's land. However, given the width limitations of the site

access, the LHA consider that it is unlikely that these pedestrian visibility splays can be provided.

Trip Generation

- 8.61 The proposal represents the intensification of the use of a substandard access. The development is also likely to introduce additional two-way movements at the existing site access. However, the introduction of two-movements at this location is not considered to be acceptable because the site access cannot be designed in accordance with Figure DG17 of Part 3 of the LHDG due to boundary constraints.

Internal Layout

- 8.62 Indicatively, the Applicant has suggested that each dwelling is provided with two off-street vehicle parking spaces, which is compliant with the requirements of Paragraph 3.151 of Part 3 of the LHDG. However, the proposed parking spaces do not currently comply with the requirements of the LHDG.
- 8.63 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.64 Nevertheless, given the distance of the dwellings to the public highway, this is not considered to lead to parking within the highway.
- 8.65 The LHA consider the indicative on-site turning facility to accord with Figure DG13 of Part 3 of the LHDG.

Summary

- 8.66 Overall, the proposal results in the intensification of the use of an access that is substandard in width, and both vehicular and pedestrian visibility splays. Consequently, the LHA does not consider that the access is 'safe and suitable' in the context of Paragraph 114 and 115 of the NPPF and is likely to result in an 'unacceptable impact on highway safety' in the context of Paragraph 115 of the NPPF. Therefore, the development is contrary to, and in conflict with, Policy DM17 of the SAMDP.

Planning Balance

- 8.67 The Council cannot demonstrate a five-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in Paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.68 The provision of two additional dwellings in comparison to the existing situation with the site, is considered to positively contribute towards the Council's five-year housing land supply. Due to the modest contribution to this supply, this benefit is considered to be offered limited weight in the planning balance.

- 8.69 It is also noted that there are potential benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupants' opportunity to act as new customers and employees for local businesses and services. Nevertheless, these benefits when associated with two additional dwellings are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP. Therefore, the social and economic benefits of the development are considered to be offered limited weight in the planning balance.
- 8.70 On the other hand, the Applicant has failed to demonstrate that a safe and suitable vehicular access can be provided for the development, and, ultimately, the intensification of the use of the existing access that is substandard in width, vehicular visibility, and pedestrian visibility is likely to lead to danger for all highway users. Therefore, the residual cumulative impacts of the development are severe. Given the above, the proposal is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) (2017), the Leicestershire Highway Design Guide (LHDG) (2020), and Paragraphs 114 and 115 of the National Planning Policy Framework (NPPF) (2023). This is afforded significant weight in the planning balance.
- 8.71 Furthermore, the Applicant has failed to demonstrate that the development of three dwellings is achievable without resulting in significant and detrimental impacts to the residential amenity of neighbouring properties as a result of the loss of light, loss of privacy and overbearing impacts caused by the development. Therefore, the development of three dwellings represents a significant overdevelopment of the site, which is likely to cause significant detrimental harm to the amenity of neighbouring residents as well as provide insufficient amenity for future occupiers of the proposed development. As a result, the development is considered to be contrary to, and in conflict with, the Good Design Guide (2020), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) (2017), and Paragraph 135 of the National Planning Policy Framework (NPPF) (2023). This harm is also afforded significant weight in the planning balance.
- 8.72 Whilst it is noted that all matters are reserved in this planning application, it is not considered that the identified harm can be appropriately addressed at the Reserved Matters Stage.
- 8.73 Given the above, and in light of the 'tilted' balance the benefits of the proposal are not considered to significant and demonstrably outweigh the adverse impacts of the scheme on highway safety and residential amenity.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

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

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is refused.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons outlined at the end of this report.

11.2 Conditions and Reasons

1. The Applicant has failed to demonstrate that a safe and suitable vehicular access can be provided for the development, and, ultimately, the intensification of the use of the existing access that is substandard in width, vehicular visibility, and pedestrian visibility is likely to lead to danger for all highway users. Therefore, the residual cumulative impacts of the development are severe. Given the above, the proposal is contrary to, and in conflict with, Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) (2017), the Leicestershire Highway Design Guide (LHDG) (2020), and Paragraphs 114 and 115 of the National Planning Policy Framework (NPPF) (2023).
2. The Applicant has failed to demonstrate that the proposal is not likely to result in significant and detrimental impacts to the residential amenity of neighbouring properties as a result of the loss of light, loss of privacy, overlooking, and overbearing impacts caused by the development. In addition, the intensification of the use of the site through the subdivision of the application site is considered to result in an overdevelopment of the site that causes significant harm to the residential amenity of the future occupiers of the scheme. Therefore, the development is considered to be contrary to, and in conflict with, the Good Design Guide (2020), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) (2017), and Paragraph 135 of the National Planning Policy Framework (NPPF) (2023).
3. The Applicant has failed to demonstrate that the proposal is not likely to result in any harm to protected species such as bats, which is an offence under The Conservation of Habitats and Species Regulations 2017. Therefore, the development is considered to be contrary to, and in conflict with, Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) (2017), and Paragraph 186 and Section 15 of the National Planning Policy Framework (NPPF) (2023).

Notes to Applicant

1. This application was assessed by the documents submitted by the Applicant that were received by the Local Planning Authority, as follows:
 - Application Form (submitted: 10.11.2023)
 - Block Plan (submitted: 10.11.2023)
 - Design and Access Statement (submitted: 10.11.2023)
 - Landscaping Plan (submitted: 10.11.2023)
 - Parking Plan (submitted: 10.11.2023)
 - Proposed Elevations (submitted: 10.11.2023)