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## Planning Statement

### Erection of Three 1½ Storey Dwellings

**Land to rear of 84 Leicester Road, Hinckley**

November 2024

Project	Leicester Road, Hinckley
Client	Merriwell Properties Limited
Reference	1007
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Version	4.0

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## 1 Introduction

- 1.1 JMI Planning is a Midlands based town planning consultancy. Its directors are chartered town planners with over 30 years' combined experience in both the public and private sector.
- 1.2 The author of this appraisal, Jon Imber, has worked as both a development control and forward planning officer in local government, and more recently as a senior planning consultant in the private sector. He has extensive knowledge of the planning system and experience of the appeals process. He is a member of the Royal Town Planning Institute.
- 1.3 This statement accompanies plans and drawings prepared by DCI Architecture, a highly regarded local practice with significant expertise in projects of this nature.

## 2 Site and Planning History

- 2.1 The application site comprises a vacant parcel of land on the north side of Leicester Road, Hinckley. The site lies approximately 0.8 kilometre north-east of the town centre.
- 2.2 The site lies within a predominantly residential area and is adjoined on all sides by existing dwellings and their gardens.
- 2.3 The site is enclosed by a variety of boundary treatments including timber fencing to the rear of the properties across the Leicester Road frontage and to the west, a hedgerow to the east and established conifers and large trees to the south. The site is relatively flat.

- 2.4 The site is accessed via Leicester Road.
- 2.5 In September 2018 a planning application for the erection of seven dwellings and associated garaging was refused by the Council's Planning Committee against the recommendation of its officers (LPA reference 17/01297/FUL). The application was refused for the following sole reason:-

*“By virtue of the proposed layout and density, the proposed development would result in an uncharacteristic overdeveloped site which is detrimental to the character of the area. Therefore the proposal would result in an unsustainable form of development contrary to Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).”*

- 2.6 A subsequent appeal against this refusal was dismissed in June 2019. The Inspector found that the development would present an uncharacteristically dense form of development, with particular reference to Plots 3 and 4 and garaging serving the plots to the rear of the site.
- 2.7 The applicant then made several attempts to revise and revisit the proposals, but on each occasion the Council declined to determine the application in accordance with powers granted under Section 70A of the Town and Country Planning Act 1990. A revised scheme was eventually validated by the Council in October 2021 (LPA reference 21/00981/FUL). The application was refused by the Council's Planning Committee against the professional recommendation of its officers on the following grounds:-

*“The proposal constituted over-development of the site and was out of keeping with the character and appearance of the area and was therefore contrary to policy DM10 of the Site Allocations and Development Management Policies DPD.”*

- 2.8 An appeal against this refusal was dismissed in October 2022.
- 2.9 A revised application proposing the erection of 6 bungalows on the site was submitted in August 2022 (LPA reference 22/00772/FUL). The scheme was reduced to five bungalows following the October 2022 appeal decision, but nonetheless was refused under delegated powers on 20<sup>th</sup> February 2023. The application was refused on the following grounds:-
- 1. The proposed development would not be reflective of the wider urban grain and would be an uncharacteristic dense development that would be significantly harmful to the character of the area. Having regard to the number of dwellings, the size and scale of the proposed dwellings and the restricted nature of the proposed plots, it would result in the development appearing as an uncharacteristic overdevelopment of the application site. This would be contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD, which seeks to ensure that proposed development would complement or enhance the character of the surrounding area, with regards to scale, layout, density, mass, design, materials and architectural features, to which this development would not.*
  - 2. The applicant has not agreed to provide the policy compliant requirements of S106 contribution. In the absence of a planning obligation securing funding for necessary infrastructure, the proposed development would have significant negative adverse impacts upon residents of the existing community and upon local infrastructure contrary to Policy DM3 of the SADMP (2016) and Policy 19 of the Core Strategy.1.*
- 2.10 The decision was subsequently appealed. The Inspector upheld the first reason for refusal and did not therefore consider it necessary to explore the second.
- 2.11 A further application for four bungalows on the site (LPA reference 24/00387/FUL) was refused in August 2024 on the following grounds:-

1. *"The proposal results in a cramped and uncharacteristically dense form of development in a back land location that is accentuated by the visual prominence of the scheme from the public highway. This is considered to result in significant harm to the character and appearance of the area, which is contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the Good Design Guide (2020)."*
2. *The Applicant has failed to demonstrate that the protected trees on the application site won't be detrimentally affected by the proposal. This is likely to cause a significant adverse effect on the character of the site and the surrounding area, which is contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the Good Design Guide.*
3. *The development results in significant adverse impacts to the residential amenity of the future occupants of Plots 2 and 3, and the neighbouring residents of 88 Leicester Road as a result of loss of privacy, overlooking, and overbearing impacts. This contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the Good Design Guide (2020)."*

2.12 Following this discussion there occurred extensive pre-application discussions with the local planning authority. These discussions concluded that a development of three one and a half storey dwellings on the site would be considered an appropriate form of development.

2.13 The site and surroundings are shown on the following aerial photograph:-



Figure 1 - Aerial photograph of site

### 3 The Proposed Development

- 3.1 It is proposed to develop the site by the erection of three one and a half storey dwellings.
- 3.2 The scheme reflects the extensive pre-application discussions held with the Council's Planning Officers following the latest refusal.
- 3.3 The proposed dormer bungalows are three bedroomed properties arranged around a private drive. Garden sizes vary from 255m<sup>2</sup> to 420m<sup>2</sup>.

## 4 Planning Policy Context

### National Planning Policy Framework

- 4.1 Paragraph 2 of the NPPF states that “applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- 4.2 Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. It explains that in the context of decision taking, this means approving proposals that accord with the development plan without delay.
- 4.3 Paragraph 12 confirms that the presumption in favour of sustainable development established by the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date local plan should not usually be granted planning permission, and decisions that depart from an up-to date development plan should only be taken if material considerations in a particular case indicate that the plan should not be followed.
- 4.4 Paragraph 60 of the NPPF expresses a commitment to delivering housing growth. It states “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed”.
- 4.5 Paragraph 131 of the Framework relates to design quality. It states *“The creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of*

*sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

### [Hinckley and Bosworth Core Strategy \(2009\)](#)

- 4.6 Hinckley is the principal settlement within the Borough. Policy 1 of the Core Strategy relates specifically to development in the town and is broadly supportive of development of all kinds within the urban area. The preamble to Policy 1 states “*The type of housing provided in Hinckley will reflect the mix of people within the town, with more accommodation being provided for families, couples and older people wishing to downsize to complement the housing which has already been provided in the town centre, largely in the form of flats*”.

### [Hinckley and Bosworth Site Allocations and Development Management Policies DPD \(2016\)](#)

- 4.7 The Borough Council’s Site Allocations and Development Management Policies DPD (SADMP) sets out a settlement boundary for Hinckley. The application site lies within the settlement boundary.
- 4.8 Policy DM10 of the SADMP requires that new development either complements or enhances the character and appearance of its surroundings and does not compromise the amenities enjoyed by the occupiers of nearby properties.

## 5 Planning Considerations

### Principle of Development

- 5.1 The site lies within the settlement boundary of Hinckley, which is the Borough's principal town, and which contains a range of services, facilities and employment opportunities.
- 5.2 The site is sustainably located within the urban area, and benefits from access to a wide range of services and facilities within the town centre via non-car modes. Future residents would not therefore need to rely upon the private car.
- 5.3 The proposals therefore constitute sustainable development as supported by both local and national planning policies.

### Design & Visual Impact

- 5.4 The application site is enclosed on all sides by existing residential development. It sits within a fairly varied built context, with a mixture of traditional and new-build properties across the Leicester Road frontage and late 20<sup>th</sup> Century bungalows and 1½ storey properties to the north. There is existing development behind the principal frontage to the east and west.
- 5.5 The scheme proposes the erection of three 1 ½ storey properties on a site of approximately 0.3 hectare. The density of development is therefore approximately 10 dwellings per hectare, which is at the lower end of a typical suburban context such as that within which the appeal site is located.

- 5.7 Plot sizes are comparable to those across the Leicester Road frontage and on Island Close to the rear of the site. They range between 760m<sup>2</sup> and 920m<sup>2</sup>, which is in keeping with the grain of the wider area, where there is a mixture of plots both smaller and larger than the appeal scheme. The properties all comfortably exceed the minimum garden sizes set out in the Council's Good Design SPD. The proposals cannot therefore accurately be described as constituting over-development.
- 5.8 The proposed properties are commensurate in terms of their scale and height with surrounding dwellings and would not appear out of keeping within this context.
- 5.9 The proposed dwellings would not appear unduly prominent from public vantage points. Views are largely filtered by frontage development along Leicester Road and Island Close. Where glimpses of the properties are available, they would be viewed in the context of their mixed residential surroundings. The proposed dwellings would not therefore appear out of keeping.
- 5.10 The proposed development would contribute positively towards the varied character of their surrounding and as such comply with Criterion (c) of Policy DM10.

### Impact upon Residential Amenity

- 5.11 The proposals constitute residential development within a predominantly residential area. They do not therefore introduce a conflicting or non-conforming use. The proposed dwellings lie over 30 metres from the rear elevations of dwellings on Island Close to the north and approximately 20 metres from the rear elevations of dwellings fronting Leicester Road. This is adequate separation to ensure that the proposed dwellings do not result in an unacceptable reduction in daylight or privacy to existing properties. The proposals do not therefore detrimentally affect the amenities enjoyed by the occupiers of neighbouring dwellings and as such comply with Criteria (a) and (b) of Policy DM10.

5.12 The proposed dwellings are remote from any uses incompatible with residential development. As set out in Paragraph 5.7 above, garden sizes comfortably exceed the requirements of the Council’s Good Design SPD. As such future occupiers will enjoy a high standard of amenity.

### Highway Safety

5.13 Paragraph 115 of the NPPF states 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.*”

5.14 Access arrangements for Plots 1 and 2 remain identical to those previously proposed, to which the Highway Authority raised no objections. The third plot is served via a driveway connecting to an existing access onto Leicester Road with a turning space to allow vehicles to enter and leave in forward gear. Leicester Road is subject to a 30mph speed limit and visibility is good in both directions.

5.15 The proposals would not therefore prejudice the safe or efficient use of the highway network.

### Other Material Considerations

5.16 The site lies within Flood Zone 1 where there is a less than 1 in 1000 annual probability of fluvial flooding. The proposed dwelling will not therefore be at unacceptable risk from flooding and will not materially increase flood risk elsewhere.

- 5.17 There are no other material planning considerations preventing the approval of these proposals.

## 6 Conclusions

- 6.1 The proposals involve the residential development of vacant land sustainably located within the built form of the Borough's principal settlement.
- 6.2 The proposed development has been carefully designed and laid out so that it preserves the character and appearance of its surroundings. The revised scheme overcomes the reason for the refusal of the previous submission and in doing so presents an appropriate response to its built context.
- 6.3 The proposals will not prejudice the safe or efficient use of the highway network, and will not compromise the amenities enjoyed by the occupiers of neighbouring dwellings.
- 6.4 The proposals therefore constitute sustainable development which accords with local and national planning policies. It is therefore respectfully requested that the application be approved.