

Planning Committee Report

Planning Ref: 24/00561/CONDIT

Applicant: Mrs Joanna Loke

Ward: Cadeby, Carlton, M Bosworth and Shackerstone

Site: 60 Main Street, Carlton



Hinckley & Bosworth
Borough Council

Proposal: Variation of condition 2 (plans and elevation) for planning permission 20/00316/FUL. Amendments to front boundary treatment.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.

2.2. In this case, planning permission for application 20/00316/FUL granted approval for a replacement dwelling.

2.3. The application seeks planning permission for the variation of condition 2. The application seeks to make revisions to the front boundary treatment. The revisions include a 1m black wrought iron boundary treatment. As part of this proposal, relevant plans have been submitted.

3. Description of the site and surrounding area

3.1. The site relates to a detached house with garage to the side. The property has a large rear garden. The site has residential dwellings on each side and is situated within the settlement boundary for Carlton. Main Street has a mix of designs of property, the majority of which are on big plots, set back from the road with long front drives. To the rear of the site is open countryside.

4. Relevant planning history

20/00316/FUL

Replacement dwelling

Planning Permission

02.06.2020

20/01102/DISCON

Application To Discharge condition 3 (Materials) and Condition 5 (Boundary Treatment) attached to planning permission 20/00316/FUL

Discharged

24.12.2020

5. Publicity

5.1. The application has been publicised by sending out letters to local residents and a site notice posted within the vicinity of the site.

5.2. Three objections have been received, the objections relate to:

- The previous wall was purposefully demolished.
- The reasons given relating to crime are not justified.
- The plans have not been adhered to.

6. Consultation

6.1. Responses have been received from:

- Carlton Parish Council: Objections relating to larger boundary treatments not being in keeping with the area.

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- 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)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. The principle of development has already been established through the earlier grant of the extant planning permission on the site. This application involves varying the approved plans, approved under the full application referenced 20/00316/FUL. The considerations under this application are:

- Design and impact upon the character of the area and impact upon the setting of nearby listed buildings
- Impacts on neighbouring amenity
- Impact on highway safety
- Conditions

Design and Impact upon the Character of the Area

8.2. Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.

8.3. The application has been subject to discussions with the applicant, following the original plans submitted being of an unacceptable scale. The amended plans submitted apply for a variation of the original plans relating to the front boundary treatment. This includes a 1m black wrought iron fence, wrought iron gates and brick pillars, set back at a distance of 5m from the highway. It is also noted that the boundary treatment would be permitted under the GPDO. The proposal is considered acceptable in terms of its design and impact upon the character of the area. Whilst it is regrettable the original boundary wall was removed, the area is defined by low level boundary treatments, of a mix of materials and as such the proposal is considered in accordance with Policy DM10 of the SADMP.

Impact on Neighbouring Amenity

- 8.4 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.5 The amended boundary treatment will have no detrimental impact on neighboring residential amenity in terms of noise, overbearing, overlooking, loss of privacy or loss of light issues.
- 8.6 As such it is considered that the variation is in accordance with Policy DM10 of the SADMP.

Impact on highway safety

- 8.7 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.8 The proposal seeks to erect a 1m high boundary treatment to the front boundary, with associated gates and brick pillars, set 5m away from the highway boundary. The proposal is not considered to be unacceptable in terms of vehicle parking and is not considered to cause detrimental impacts to highway safety.
- 8.9 It is therefore considered that the proposed variation is compliant with Policies DM17 and DM18 of the SADMP.

Conditions

- 8.10 Planning permission 20/00316/FUL was subject to 8 conditions. Condition 2 relates to approved plans and conditions 3 and 5 have been formally discharged.

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 The proposal remains acceptable in principle, would not result in any adverse impact to the character or appearance of the area, neighbouring amenity or highways. The proposal is therefore considered to accord with Policy DM1, DM7, DM10, DM17 and DM18 of the SADMP.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, received by the Local Planning Authority as follows:

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

Proposed elevations ref no 1172-MBA-V7-XX-DR-A-30000-SO-05 received 6th May 2020

Proposed ground floor plan ref no 1172-MBA-V7-GF-DR-A-10110-SO-06 received 6th May 2020

Proposed first floor plan ref no 1172-MBA-V7-01-DR-A-10111-SO-06 received 6th May 2020

Proposed second floor plan ref no 1172-MBA-V7-02-DR-A-10113-SO-04 received 6th May 2020

Proposed 3D view 1 ref no 1172-MBA-V7-XX-DR-A-30001-SO-06 received 6th May 2020

Proposed 3D view 2 ref no 1172-MBA-V7-XX-DR-A-30002-SO-05 received 6th May 2020

Proposed 3D view 3 ref no 1172-MBA-V7-XX-DR-A-30003-SO-05 received 6th May 2020

Proposed 3D view 4 ref no 1172-MBA-V7-XX-DR-A-30004-SO-05 received 6th May 2020

Proposed roof plan ref no 1172-MBA-V7-RP-DR-A-10112-SO-06 received 6th May 2020

Site location plan ref no 1172-MBA-XX-00-DR-A-10001-SO-02 received 27th May 2020

Site demolition plan ref no 1172-MBA-XX-00-DR-A-10002-SO-02 received 27th May 2020

Submitted and approved under application 20/00316/FUL

Proposed Boundary Treatment Drg No. 1172-SAP-XX-XX-DR-A-10102-SO Rev 01

Submitted and approved under application 24/00561/CONDIT

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).

2. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be occupied until such time as off street car parking provision has been provided in accordance with the submitted details. 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 (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

4. The first floor side facing window and the side facing roof lights shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the windows shall be permanently maintained as such at all times thereafter.

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).

5. Prior to occupation the 1.8 metre high privacy screens shall be installed and shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the screens shall be so maintained in perpetuity.

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).

11.3 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 or call 01455 238141.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
3. 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.