

## Planning Committee Report

**Planning Ref: 24/00580/CONDIT**  
**Applicant: Mr & Mrs Phil And Carole James**  
**Ward: Twycross, Sheepy and Witherley**



Hinckley & Bosworth  
Borough Council

**Site: 1 George Fox Lane, Fenny Drayton**

**Proposal: Variation of condition 1 of planning permission 23/00652/REM. Revisions to the ground floor plan, rear and side elevations.**

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### **1. Recommendations**

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

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions to be delegated to the Head of Planning.

### **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 23/00652/REM granted the approval of Reserved Matters (Appearance and Landscaping) for Outline Application 21/00336/OUT for the erection of one dwelling (Outline - access, scale and layout).
- 2.3. This application seeks planning permission for the variation of condition 1. The application seeks to make revisions to the ground floor plan, rear and side elevations. The main revisions include removal of the approved chimney stack alongside the revised floor plan removing the internal utility room and external door serving this room.
- 2.4. As part of this proposal details of the floor plans and elevations have been submitted.

### **3. Description of the site and surrounding area**

- 3.1. The application site is located off George Fox Lane, and benefits from planning permission for a single dwelling approved by 21/00336/OUT and the subsequent reserved matters application referenced 23/00652/REM. The approved dwelling is two storey.
- 3.2. A grade II listed building, the George Fox Monument, is located approximately 20m south of the proposed dwelling on the corner of the George Fox Lane and Old Forge Road, with the development considered to be situated within the setting of this listed building.

### **4. Relevant planning history** **21/00336/OUT**

Erection of one dwelling (Outline - access, scale and layout)  
Outline Planning Approval  
18.03.2022

**23/00652/REM**

Approval of Reserved Matters (Appearance and Landscaping) for Outline Application 21/00336/OUT for the erection of one dwelling (Outline - access, scale and layout)

Approval of Reserved Matters

01.09.2023

**23/01225/DISCON**

Application to discharge condition 4 (Materials) attached to planning permission 21/00336/OUT

Discharged

21.12.2023

**5. Publicity**

5.1. The application has been publicised by sending out letters to local residents.

5.2. No comments have been received.

**6. Consultation**

6.1. Responses have been received from:

- HBBC Waste: No objections.
- HBBC Pollution: No objections.
- HBBC Drainage: No objections.
- LCC Highways: No objections.
- HBBC Conservation Area Officer: No objections, comments within the body of this report.

**7. Policy**

7.1. Core Strategy (2009)

- No relevant policies

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways 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 reserved matters application referenced 23/00652/REM. 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 Policies DM11 and DM12 of the SADMP seek to protect and enhance heritage assets.
- 8.4 It is considered that the minor variations to the approved scheme 23/00652/REM will continue to ensure that the scale, layout and appearance of the proposed dwelling closely follows the prevailing characteristics of the area. The new dwelling would introduce further development within the wider setting of the grade II listed George Fox monument but would be located no closer to it than any existing development at 1 George Fox Lane and it would be reflective of existing residential development within the wider context of the monument. The proposed variations are not considered to have a detrimental impact to the original approved scheme. Overall, the proposal would result in a development that has a neutral presence within the setting of the monument and it would have no adverse impact upon its significance. The proposal is therefore compatible with the significance of the listed building and consequently it accords with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### ***Impact on Neighbouring Amenity***

- 8.5 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.6 No objections have been received in relation to the variation of condition application. The external amendments in terms of removing the chimney stack and the removal of the utility space and external door are considered acceptable and would not give rise to issues of neighboring residential amenity, in terms of overshadowing, overlooking, loss of light, loss of privacy or noise impacts.
- 8.7 As such it is considered that the variation is in accordance with Policy DM10 of the SADMP.

### ***Impact on highway safety***

- 8.8 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.
- 8.9 The proposed amendments to the approved plans under the previous reserved matters application are not considered to cause detrimental impacts highway safety nor impact the car parking afforded to the development. No objections were received from LCC Highways. It is therefore considered that the proposed variation is compliant with Policies DM17 and DM18 of the SADMP.

## **Conditions**

- 8.10 Planning permission 23/00652/REM was subject to 3 conditions. The first condition relates to the approved plans, the remaining two conditions shall be included within this CONDIT.

## **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, DM10, DM11, DM12, 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 - Drg No. 2032-SK-004A
  - Proposed First Floor Plan and Roof Plan - Drg No. 2032-SK-003A
  - Proposed Ground Floor Plan and Landscaping Plan - Drg No. 2032-SK-002B

**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. The development hereby permitted shall not be occupied until such time as the off-street parking facilities have been implemented in accordance with the approved Proposed Ground Floor and Landscaping Plan Drg No. 2032-SK-002A received by the local planning authority, and surfaced in the hard bound permeable materials as specified. Thereafter the on-site parking provision shall be permanently so maintained at all times thereafter.

**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 prevent deleterious materials (loose stones etc.) from being deposited in the highway in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 110 of the National Planning Policy Framework (2021).

3. The approved hard landscaping scheme shall be carried out in accordance with the details submitted on the approved Proposed Ground Floor and Landscaping Plan Drg No. 2032-SK-002A received by the local planning authority, prior to the first occupation of the dwelling hereby permitted and permanently so maintained at all times thereafter. The soft landscaping scheme shall be implemented in accordance with the details submitted on the approved Proposed Ground Floor and Landscaping Plan Drg No. 2032-SK-002A received by the local planning authority, within the first planting season following first occupation of the dwelling and shall be maintained as approved for a period of a minimum of five years from the date of planting. During this period, any plants or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by plants or shrubs of a similar size and species to those originally planted.

**Reason:** To enhance the appearance of the development and to ensure that the work is carried out within a reasonable period and thereafter maintained 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](mailto: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 proposed 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. All waste collection services are from the boundary to the public highway. Please ensure adequate space on properties to store the various containers and also space at the kerbside (where the properties meet the public highway) for the placement of the containers on the collection day.