

Delegated Report

Planning Ref: 24/00883/CONDIT

Applicant: Mr Risk Morris

Ward: Stapleton



Hinckley & Bosworth
Borough Council

Site: 20 Ashby Road, Stapleton, Leicester, Leicestershire, LE9 8JB

Proposal: Application to vary condition 1 & remove condition 2 (materials) of 23/00510/REM. Amendments to plot 3 to create a 5 bed dwelling'

Recommendations

1.1. **Grant planning permission** subject to

- Planning conditions outlined at the end of this report.

Planning application description

2.1. Application 23/00510/REM granted permission for the Approval of Reserved Matters (Appearance, landscaping and scale) for outline application 21/01069/OUT for 4 residential dwellings.

2.2. This application seeks variation of condition 1 & removal of condition 2 (materials) of 23/00510/REM. Amendments to plot 3 to create a 5 bed dwelling.

2.3. Condition 1 currently read as;

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

- Proposed Site Plan 23-07-PL02-B received 16.06.2023
- Amended Proposed Landscape Plan 23-07-PL03-B received 10.07.2023
- Amended Proposed Boundary Treatments Plan 23-07-PL04-A received 10.07.2023
- Elevations & Floor Plan Plot 1 23-07-PL05-A received 24.05.2023
- Elevations & Floor Plan Plot 2 23-07-PL06-A received 24.05.2023
- Elevations & Floor Plan Plot 3 23-07-PL07-A received 24.05.2023
- Elevations & Floor Plan Plot 4 23-07-PL08-A received 24.05.2023
- Elevations & Floor Plan Double Garage 23-07-PL10 received 24.05.2023
- Proposed Streetscene 23-07-PL11- received 24.05.2023
- Proposed 3D Layout 23-07-PL12-3D received 24.05.2023
- Parking Plan 23-07-PL13- received 24.05.2023

- Design & Access Statement received 24.05.2023

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)'.

- 2.4 Condition 2 reads as '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 in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 2.5 Plot 3 is to be increased in size to a 5 bed with the approved rear single storey increased to a double storey. In terms of plans it is proposed to replace drawing number '23-07-PL07-A-House Type-Plot 3' with the updated plot 3 house type number '23-07-PL07-B - Plot 3'
- 2.6 The proposed materials consist of Wieneberger Cassandra Red Multi Facing brick Dressed Goldholme Stone, Momorex G00 Render & Oak Cladding for the walls (Note: Where stone is yellow-ish in its natural colour, it is to be tinted to match stone number 5 as indicated in the submitted materials schedule). The roofs would consist of Redland Duo Plain Charcoal Grey code 77.
- 2.7 The building footprint and perimeter of Plot 3 would not change as a result of the additional bedroom and the pitched roof would be extended.
- 2.8 A plot 3 parking plan was received on 17/11/2024 showing 4 on-site parking spaces (plus 2 garage spaces).

Description of the site and surrounding area

- 3.1. The existing site forms the side garden to a dwelling and sits between the built form of Stapleton and farmland to the north. The site is on the eastern side of Ashby Road. The L shaped site is bounded on the east & north by open countryside and residential dwellings to the south & west. Dwellings in the area are characterised by an eclectic mix of mature 2 storey detached dwellings, 2 storey semi-detached dwellings, detached bungalows and semi-detached bungalows in variously sized plots.
- 3.2. The site itself consists of category c trees and hedgerow along its front boundary and most of the north and east boundary. The site is an exception to the pattern of development along this section of Ashby Road in that it is a far wider, and thus larger, plot than is characteristic.
- 3.3. **Relevant planning history**

21/01069/OUT

- Residential development of 4 dwellings (outline - access and layout only)
- Planning Permission 28.10.2022

23/00510/REM

- Approval of Reserved Matters (Appearance, landscaping and scale) for outline application 21/01069/OUT for 4 residential dwellings
- Planning Permission 17.07.2023

Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No letters of representation have been received.

Consultation

- 6.1. Peckleton Stapleton Parish Council- no comment received

Policy

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - 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)
 - Leicestershire Highways Design Guide (LHDG)

8.0 Appraisal

- 8.1 Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon access, highway safety and parking

Assessment against strategic planning policies

- 8.2 This application is for the variation of condition 1 & the removal of condition 2 (materials) of 23/00510/REM. Amendments to plot 3 to create a 5 bed dwelling.

- 8.3 The principle of development has already been established.

Design and impact upon the character of the area

- 8.4 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.
- 8.5 The proposed layout, scale, design and appearance of the scheme would complement the character of existing built form of these dwellings and the change from single storey to 2 storey at the rear of Plot 3 would be unseen from the street scene.
- 8.6 The Council's Good Design Guide outlines that development will need to provide high quality design including internal amenity space, minimum garden sizes and separation distances between habitable room windows. The Guide also promotes a healthy, comfortable and safe internal and external environment. It provides guidance on detailed design and is supported in its aims to ensure good design in all development by paragraph 139 of the NPPF which 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. Local policy is considered to accord with the NPPF. Policy DM10 is therefore consistent with the NPPF (2023).
- 8.7 The approved single storey at the rear of plot 3 is unseen from a streetscene perspective. The approved pitch roof would now extend over the proposed two storey element and would not negatively impact the approved dwelling or wider area.
- 8.8 Initially the stone work was considered too light/ yellow when compared to what was approved but following the work of a stone bleacher and the submission of a materials schedule showing the modification of the stone colour it is considered the proposed stonework to be acceptable. All other materials are also considered acceptable. The revisions as listed above in paragraph 2.5 are considered to be material but minor in nature and the proposed materials as listed in 2.6 are also considered to accord with the requirements of the NPPF, Policy DM10 and the Good Design Guide. This condition can now be removed as details have been approved by condition under the outline consent.

Impact upon neighbouring residential amenity

- 8.9 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.10 Policy DM10 of the SADMP identifies that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.11 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. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.

8.12 Paragraph 135 of the NPPF states that decisions should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

8.13 It is not considered the addition of an additional bedroom at the rear of plot 3 will have a detrimental impact on neighbouring amenity.

8.14 Therefore, it is considered that the proposed scheme would be in accordance with Policy DM10 of the SADMP.

Planning Balance and Conclusion

8.15 The proposed development is considered to be compliant with relevant national and local policy and guidance as it:

- Is of an appropriate scale and design with acceptable materials
- Would not have a harmful impact upon the character and appearance of the area
- Would not have a significantly detrimental effect on the amenity of neighbouring residents

8.16 Taking national and local planning policies into account, and having regard to all relevant material considerations, it is recommended that planning permission be granted.

8.17 The original consent was subject to a number of conditions, some of which have been varied by this consent

Condition 1- Approved plans- Varied to account for the proposed changes

Condition 2- Removed- Materials approved under the outline consent

Condition 3- Varied to update plan numbers

Condition 4-6- Still necessary and not amended

Condition 7- Varied to update plan numbers

Condition 8- Still necessary

9.0 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 in the consideration of this application. The Committee must also ensure the same when determining this planning application. There are no known equality implications arising directly from this development.

- 9.3 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

10.1 Grant planning permission subject to

- Planning conditions outlined at the end of this report

10.2 Conditions and Reasons

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

- Proposed Site Plan 23-07-PL02-D received 19.09.2024
- Amended Proposed Landscape Plan 23-07-PL03-B received 10.07.2023
- Amended Proposed Boundary Treatments Plan 23-07-PL04-A received 10.07.2023
- Elevations & Floor Plan Plot 1 23-07-PL05-A received 24.05.2023
- Elevations & Floor Plan Plot 2 23-07-PL06-A received 24.05.2023
- Bespoke House: Plot 3 Drg No. PL07-B received 25.10.2024
- Elevations & Floor Plan Plot 4 23-07-PL08-A received 24.05.2023
- Elevations & Floor Plan Double Garage 23-07-PL10 received 24.05.2023
- Proposed Streetscene 23-07-PL11- received 24.05.2023
- Proposed 3D Layout 23-07-PL12-3D received 24.05.2023
- Parking Plan 23-07-PL13- received 24.05.2023
- Plot 3 Parking Plan PL15 received on 18.11.2024

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 parking and turning facilities have been implemented in accordance with Proposed Site Plan 23-07-PL02-D received 19.09.2024. Thereafter the onsite parking and turning provision shall be kept available for such use 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 the National Planning Policy Framework (2023).

3. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or

similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

5. The development hereby permitted shall not be occupied until such time as the details of the proposed landscape plan & proposed boundary treatments plan have been implemented. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A 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).

7. The development hereby permitted shall not be occupied until such time as the waste storage area has been implemented in accordance with the proposed Site Plan 23-07-PL02-D received 19.09.2024

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. All windows indicated as obscure glazing on the approved plans are to be obscure glazed in perpetuity.

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

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. (See Environment Agency guidance on the permeable surfacing of front gardens).
- 4) All works within the limits of the Highway with regard to the access shall be carried out with the agreement of Leicestershire County Council (Highways) - tel. 0116 305 0001.