

Delegated Report

Planning Reference 24/00770/FUL
Applicant Paul Cheater
Ward Ambien



Hinckley & Bosworth
Borough Council

Application Site Land west of 1 Convent Drive,
Stoke Golding

Proposal Erection of a single self-build dwelling (C3) and detached garage with new access and parking (Revised scheme 23/01064/FUL)

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 1.1. **Grant planning permission** subject to planning conditions detailed at the end of this Report; and a Unilateral Undertaking securing that the dwelling is built and occupied in accordance with the Self-Build and Custom Housebuilding Act 2015.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a single self-build dwelling and detached garage with new access and parking at land west of 1 Convent Drive, Stoke Golding. This application is a revised scheme of the approved development via 23/01064/FUL and is now a Self-Build and Custom Housebuilding development.
- 2.2. In comparison to 23/10064/FUL, the proposed development would replace to the two approved dormer windows and would incorporate one large flat-roofed dormer window to the rear elevation. The Applicant stated that this is required to increase headroom to the bathroom and bedroom and to allow space to provide solar panels. The development would utilise a partial smooth silicone cream render and Moray red mix facing brick finish and Marley Ashmore smooth grey roof tiles. No further amendments are proposed.
- 2.3. The design of the proposal was revised from a mono-pitched roof following design concerns raised by the Case Officer.

3. Description of the Site and the Surrounding Area

- 3.1. The 681sqm application site is located towards the eastern edge of, but within, the identified settlement boundary of Stoke Golding. The site is located on the northern side of Convent Drive, which is an adopted, but unclassified, public highway that is subject to a 30mph speed limit.
- 3.2. Prior to the construction of a dwellinghouse within the site via 23/10064/FUL, the site itself consisted of a grassed area of land and several large trees. The application site is covered by a group Tree Preservation Order, 06/00017/TPORD and four mature oak trees are highlighted within the Stoke Golding Neighbourhood Plan ('SGNP') as a Local Wildlife Site of ecological significance.
- 3.3. The application site is bordered by Public Bridleway T99, to the north of the site. Beyond this is Lodge Farm, which is immediately to the north of the site, and several residential dwellings that are in a linear format along Hinckley Road to the northwest of the application site.
- 3.4. To the east and south of the is the wider Covent Drive residential development, which was approved via planning applications 10/00358/OUT, 11/00219/REM, and 12/00880/FUL. The residential properties within this residential estate typically consist of two-storey, semi-detached and detached properties that gable-ended roofs, a mixture of red brick and render finishes and porches on their principal elevation.
- 3.5. To the southeast of the application site St. Martin's Catholic Voluntary Academy, which benefits from both a pedestrian and a vehicular access from Covent Drive. To the east of the application site is further residential development within Stoke Golding.

4. Relevant Planning History

- 4.1 **24/00767/DISCON** Discharged (determined: 07.10.2024)
Application to discharge Conditions 7 (Landscaping) and 8 (Materials) from 23/01064/FUL.
- 4.2 **23/01064/FUL** Permitted (determined: 12.07.2024)
Erection of a single dwelling (C3) and detached garage with new access and parking
- 4.3 **22/00456/OUT** Permitted (determined: 21.11.2022)
Application for proposed dwellinghouse with associated garage and parking (Outline Application – Access and Layout only)

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was also posted within the vicinity of the site. No formal responses have been received.

6. Consultation

- 6.1 There have been no objections from the Council's Drainage Department or Leicestershire County Council's Ecology Department, nor the County Council as the Local Minerals and Waste Planning Authority. No objections were received from the Council's Environmental Health or Waste Management Departments, or Leicestershire County Council as the Local Highway Authority, subject to planning conditions. No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

- 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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3 Stoke Golding Neighbourhood Plan Review 2020 – 2042 ('SGNP') (2024):

- Policy SG1: Decision-Taking
- Policy SG2: Housing Requirement
- Policy SG4: Infill Housing Development
- Policy SG10: Public Rights of Way Network
- Policy SG12: Ecology and Biodiversity
- Policy SG15: Design

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2024)
- Planning Practice Guidance ('PPG')
- National Design Guide ('NDG') (2019)
- Nationally Described Space Standards ('NDSS') (2015)

7.5 Other Relevant Guidance:

- The Council's Good Design Guide ('GDG') (2020)
- Leicestershire Highway Design Guide ('LHDG') (2024)

8. Appraisal

8.1. The principle of a residential development within the application site has been established by planning permissions 22/00456/OUT and 23/01064/FUL. The key issues in respect of this application are therefore:

- Housing land supply
- Self-build and custom housebuilding
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Housing Land Supply

8.2 Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, the 'tilted' balance of Paragraph 11(d) of the NPPF would be triggered within the determination of an application. 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.

8.3 The Planning Policy team have reviewed the revisions to the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply. As of April 2024, the Council had a 5.26-year supply of land for housing. However, the Council can no longer demonstrate a five-year housing land supply, and the latest figures as of April 2025 are expected to demonstrate that the Council has a housing land supply of up to 3.95 years.

- 8.4 Given the above, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF would be triggered within the determination of this application. For decision-taking, 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 strong 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 having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.5 When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the determination of the current development proposal in these site-specific circumstances.
- 8.6 Whilst the Council is unable to deliver a five-year supply of land for housing, the benefit of providing only one dwelling within this application site towards the Council's supply of land for housing when considered in line with the requirements of Chapter 5 of the NPPF would only be considered to attract limited positive weight in the planning balance.

Self-Build and Custom Housebuilding

- 8.7 The Applicant has stated that the scheme would represent a self-build and custom housebuilding development in accordance with the definition within the Self-Build and Custom Housebuilding Act 2015. To support this, the Applicant has submitted a signed Self and Custom-Build Evidence Form and a Unilateral Undertaking to legally secure the scheme's contribution to the Council's supply of self-build and custom housebuilding plots.
- 8.8 Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.

- 8.9 Currently, the Council has supplied less suitable cumulative permissions than the cumulative required demand for self-build and custom house-build dwellings at the end of Base Period 10, which results in a shortfall of 17 self-build and custom housebuilding plots.
- 8.10 As the application would benefit from a mechanism to legally secure the development's contribution to the Council's shortfall in the supply of self-build and custom housebuilding plots, positive weight can be given to this benefit in the planning balance. Although the Local Planning Authority are not meeting their statutory duty to permit a sufficient number of self-build and custom house-build schemes, the current proposal would only provide one additional dwelling to this supply. As such, the benefits of this small contribution in addressing the current shortfall would be considered to attract moderate positive weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.4 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. Policy SG15 of the SNP requires development to be in keeping with the scale, form, and character of its surroundings.
- 8.5 In comparison to the previously approved scheme 23/01064/FUL, the proposal would replace two pitched roof dormer windows on the rear elevation of the property that matched those proposed on the front elevation, with a one large flat-roofed dormer. Therefore, the proposal would mainly affect the principal western side elevation of the development. Whilst these amendments would not perfectly mimic the design of the dormers on the front elevation of the scheme, the design of the proposed rear dormer would be of a similar size, scale, and ridge height to that of the dormers on the front of the property. In comparison to the previously approved design of the development, the replacement of two dormer windows with one large flat-roofed dormer would be considered to preserve the character of the development and the surrounding area in these site-specific circumstances.
- 8.6 The proposed materials detailed within the submitted plans of this application were approved via Discharge of Conditions application 24/00767/DISCON for the previously approved scheme on 07 October 2024. The use of these materials can therefore be secured via planning condition.
- 8.7 By virtue of these factors, the scheme would be considered to accord with Policy DM10 of the SADMP and Policy SG15 of the SNP.

Impact upon Residential Amenity

- 8.8 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. Policy SG15 of the SNP states that development must not have a significant adverse impact on the amenities of residents.
- 8.9 The Council's Environmental Health Department recommended a planning condition to secure a scheme of mechanical ventilation to be installed in each bedroom prior to the first occupation of the development. This should be secured via planning condition in the interests of protecting the residential amenity of the future occupiers of the scheme.
- 8.10 The proposal would make no amendments to the size, scale, layout, footprint or massing of the development, nor the placement or design of any windows within the scheme in comparison to planning permission 23/01064/FUL.
- 8.11 By virtue of these factors, the proposal would not be considered to result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupiers of the scheme in accordance with Policy SG16 of the SGNP and Policy DM10 of the SADMP, subject to planning conditions.

Impact upon Parking Provision and Highway Safety

- 8.12 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.13 The proposal would make no amendments to the proposed access or parking arrangements for the site that were approved via 23/01064/FUL. The development would still be for one dwelling and the proposal would not increase the capacity of the property in comparison to the extant planning permission. In light of these material considerations, proposal would not be considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme would be regarded as in accordance with Policies DM17 and DM18 of the SADMP, subject to planning conditions.

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 to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to planning conditions detailed at the end of this Report; and a Unilateral Undertaking securing that the dwelling is

built and occupied in accordance with the Self-Build and Custom Housebuilding Act 2015.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. 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:

- Biodiversity Enhancement Plan (Rev A) (submitted: 14.11.2024)
- Block Plan (submitted: 08.08.2024)
- Proposed Floor Plans and Elevations (Rev A) (submitted: 14.11.2024)
- Proposed Site Plan 1643 Rev A Sheet 2 (submitted: 08.08.2024)
- Proposed Visibility Splays 1643 Rev A/VS (submitted: 08.08.2024)
- Proposed Visibility Splays 1643 Rev A /VS2 (submitted: 08.08.2024)
- Site Location Plan (submitted: 08.08.2024)

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).

3. Prior to the first occupation of the development, a scheme of mechanical ventilation to be installed in each bedroom of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed scheme shall be fitted prior to the first occupation of the development.

Reason: To protect the amenities of the future occupiers of the development from noise and disturbance in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the first occupation of the development, the access arrangements shown on the Block Plan (submitted: 08.08.2024), and the Proposed Site Plan 1643 Rev A Sheet 2 (submitted: 08.08.2024) shall be implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

5. Prior to the first occupation of the development, the parking facilities shall be implemented in accordance with Block Plan (submitted: 08.08.2024), and the Proposed Site Plan 1643 Rev A Sheet 2 (submitted: 08.08.2024). Thereafter the onsite parking provision shall be kept available for such uses 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 in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

6. Prior to the first occupation of the development, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

7. Prior to the first occupation of the development, the biodiversity enhancements detailed within the Biodiversity Enhancement Plan (submitted: 14.11.2024) shall be implemented within the site.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The materials to be used on the external elevations of the development shall accord with the materials (Smooth silicone render in cream, Moray red mix facing bricks, ad Marley Ashmore smooth grey roof tiles) detailed within the Proposed Floor Plans and Elevations (Rev A) (submitted: 14.11.2024).

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

9. The development shall be carried out in full accordance with the Tree Protection Plan at Appendix 3 and the Mitigation and Compensation recommends in Section 4.4 of the Pre-Development Tree Survey (June '24) (submitted: 20.06.2024)

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **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 building.control@blaby.gov.uk or call 0116 272 7533.
2. Breeding birds will need to be considered in relation to any vegetation removal which includes both scrub and small trees within the site. No clearance should be undertaken during the breeding breed season which is considered to be between March and September inclusive. If this cannot be achieved, then a pre-clearance nesting bird check will need to be undertaken by a suitably experienced ecologist to avoid disturbing an active nest.
3. Native bluebells are a protected species as detailed within Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). Therefore, if native bluebells are present within the site, then protective works are required to safeguard the protected species within the site.
4. The Applicant should be aware that Public Bridleway T99 adjoins the northern boundary of the application site. Any changes to the existing boundary treatment currently separating the application site from this Public Right of Way must be approved by Leicestershire County

Council as the Local Highway Authority. Prior to the construction of this development, measures should be implemented to ensure that users of Public Bridleway T99 are not exposed to any elements of danger associated construction works.

5. 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 soakaways will be subject to the approval of the Building Control Surveyor.
6. Any 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).
7. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway. It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.