

Delegated Report

Planning Ref: 23/00774/REM

Applicant: Mr Max North

Ward: Ratby



Hinckley & Bosworth
Borough Council

Site: 130 Stamford Street, Ratby, Leicester, Leicestershire

Proposal: Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) relating to outline planning permission 23/00232/OUT for two new dwellinghouses

Recommendations

- 1.1. **Grant approval of reserved matters** subject to:
- Planning conditions attached to outline planning permission reference 23/00232/OUT and additional planning conditions outlined at the end of this report.

Planning application description

- 2.1. This application seeks the approval of reserved matters (access, appearance, landscaping, layout and scale) following the approval of outline planning permission with all matters reserved (reference: 23/00232/OUT) for the erection of 2 dwellings.
- 2.2. The application proposes 2 detached, 1.5 storey bungalows each with three bedrooms & each built into the natural slope of the site so as not to overdominate any neighbouring properties. Each dwelling would appear single storey at the front with a front facing gable end & have a 2 storey gable end at the rear with covered balcony area for master bedroom. Each dwelling will have a single bay garage under a lean to roof with a 2nd parking space at the front of each garage. These garages would be located between the proposed dwellings.
- 2.3. Proposed materials would be a mix of white render & anthracite shiplap composite cladding under grey concrete roof tiles. Red cedar tongue and groove cladding is proposed for the rear facing gable end. Pedestrian access and around each dwelling would be surfaced in permeable hard-bound materials with a strip of lawn and waste bin storage provided within the site frontage. A sufficiently sized private rear garden is provided for each dwelling with each lawn enclosed by 1.8 metres high close boarded timber fencing. Native hedge planting is also proposed.
- 2.4. Amended plans were received on 02/11/2023 which obscure glaze the bedroom windows on each front elevation & add a clear glass window on the side elevation of each of these front bedrooms. Further amended plans received on 14/11/2023 added bird/ bat boxes to satisfy LCC Ecology & added additional hedgerow at the front of each dwelling for additional screening and amended the red edge site plan to satisfy LCC Highways.

Description of the site and surrounding area

- 3.1. The site lies to the north west of & is set down from a detached residential property known as No. 130 Stamford Street which is located within the settlement boundary for Ratby. 130 Stamford Street is a two storey detached dwelling which was originally of post war vernacular but has been extended and modernised since. 130 Stamford Street forms a group of dwellings that include 132 and 134 Stamford Street which are laid out in a linear pattern and mark the extent of the settlement of Ratby.
- 3.2. The application site itself lies just outside of the settlement boundary for Ratby. Open countryside lies beyond the north and western boundaries of the site whilst

residential properties lie to the south and east of the site. The open countryside feel is quickly eroding however with the development of 90 dwellings on a site just to the north (20/00462/FUL) of the application site (approx. 100m away). These dwellings are currently being built. The dwellings to the south are characterised by groups of Victorian and post war terraced and semi-detached properties that are organised in a linear pattern of development located on the east and west side of Stamford Street. The dwellings located to the south west of the site comprise a group of three bungalows that face the open countryside. The site is within the National Forest and Charnwood Forest.

- 3.3. The countryside context within which the application is viewed has altered significantly since the original refusal & this has since been reflected in the recent outline approval for 2 dwellings.

Relevant planning history

09/00867/FUL

- Erection of four flats and one dwelling house with associated access and parking
- Permitted
- 19.02.2010

12/00805/EXT

- Extension of time for planning permission 09/00867/ful for erection of four flats and one dwelling house with associated access and parking
- Permitted
- 26.11.2012

20/00064/OUT

- Erection of one dwelling (outline - all matters reserved)
- Outline permission
- 06.04.2020

21/00825/OUT

- Residential development of 2 dwellings (Outline - all matters reserved)
- Outline permission
- 18/05/2022

23/00232/OUT

- Outline Planning Permission for two new dwellinghouses (all matters reserved)
- Outline permission
- 24/04/2023

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 responses have been received as a result of public consultation.

Consultation

- 6.1. No objection has been received from:
Leicestershire County Council (Ecology)- No objections subject to the addition of a Condition, should permission be granted, to ensure ecological enhancements are made.
Environmental Services (Drainage) - No objections
LCC Highways- No objections
Street Scene Services (Waste)- No objections, subject to a condition

- 6.2. No response or a response of 'no comment' has been received from:
Environmental Services (Pollution)
Ratby Parish Council
Friends of Charnwood Forest

Policy

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centre
 - Policy 8: Key Rural Centre relating to Leicester
 - Policy 21: National Forest
 - Policy 22: Charnwood Forest
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Ecology
 - 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) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - HBBC Landscape Character Assessment (2017)
 - HBBC Landscape Character Sensitivity Study (2017)

Appraisal

- 8.1. The site lies just outside the settlement boundary of Ratby. Assessment against adopted strategic planning policies has already been undertaken and the principal of development of the site for the erection of two dwellings has already been established through the assessment and grant of outline planning permission reference 23/00232/OUT. The key issues in respect of this application are therefore:

- Layout, scale, design, appearance and landscaping and impact upon the character of the surrounding area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision
- Other matters

Layout, scale, design, appearance and landscaping and impact upon the character of the area

- 8.2 Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. Landscaping is encouraged where this would add to the quality of design and siting and where parking is included electric charging points are encouraged where feasible.

8.3 The adopted Good Design Guide SPD suggests:

- built development should be of similar footprint, plot position and layout to the wider context, allowing sufficient space between buildings and not adversely impacting upon the prevailing grain of development,
- built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the street scene,
- wherever possible, development should respect building lines,
- care should be given to the selection of the type, colour and size of bricks, roof tiles, mortar colour, lintels, sills and heads,
- low fences, used in partnership with soft landscaping can provide a more sensitive form of delineation of boundaries,
- a minimum rear garden length of 7 metres and the provision of private amenity space of 80 square metres to serve a 3 bed house,
- the integration of electric charging points should be considered from the outset.

8.4 Paragraphs 124 and 127 of the NPPF (2019) state that good design is a key aspect of sustainable development and planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and provide a high standard of amenity for existing and future users, while not preventing or discouraging appropriate innovation or change.

8.5 The proposed scheme is for 2 detached 1.5 storey dwellings with a gable front & rear. Each dwelling would have the appearance of a bungalow at the front & a 2 storey at the rear. A pitched roof is proposed for each main dwelling along with a lean to roof for each single storey garage. Each dwelling would be set back approximately 3 metres from the highway boundary with the area between each dwelling used to accommodate satisfactory off-street parking.

8.6 The dwellings have been designed to suit the natural fall in ground level to the north-west. Due to the variety of dwelling styles in the area the proposed dwellings would suit the character of the area and not look out of place when viewed from the open fields to the northwest or from the built up area to the south. The proposed would not exceed the ridge heights of the dwellings to the south and east to any significant degree if at all. The single storey appearance at the front helps to reduce prominence within the street scene such that it would assimilate into the existing roof scape and sit comfortably.

8.7 Doors and window are well-proportioned windows with larger sliding doors and windows proposed for each rear elevation. The proposed design and external materials would not be uncharacteristic of the character or varied appearance of other dwellings in the vicinity of the site. An electric charging point is also included on the side elevation of each garage.

8.8 The proposed layout would provide a private rear garden of approximately 180 square metres in area for the future occupiers of Plot 1 & approx. 100 square metres for the future occupiers of Plot 2 which would exceed the private amenity space requirement within the adopted Good Design Guide for a three bedroomed dwelling. It would be enclosed by a 1.8 metres high close boarded timber fence to ensure privacy from both the open area to the north and neighbouring dwellings to the south & east. The native planting strip at the front & rear would provide a more

sensitive delineation of the front boundaries of the site and soften the appearance of the development within the street scene.

- 8.9 Overall, it is considered that by virtue of the layout, scale, design, landscaping and, subject to the submission for prior approval of satisfactory ground and finished floor levels through the discharge of conditions imposed on the outline planning permission, that the proposed scheme would respect the existing pattern of development, would complement the character and varied appearance of neighbouring dwellings within the surrounding area and would therefore be in accordance with Policy DM10 of the adopted SADMP, the general design principles for new residential development of plots within the adopted Good Design Guide and the overarching design principles of the NPPF (2021).

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings.

- 8.11 The proposed dwelling in plot 2 would be constructed across the road from the side elevation of the two storey neighbouring dwelling to the south (No. 130) & be approx. 9m from it at its closest point. The dwelling in plot 2 would be on a lower ground level & have a bathroom & bedroom on this front elevation, both of which would be obscure glazed by condition. As a result of amended plans received an additional window is proposed for this front bedroom 3 on the north-eastern side elevation. Scrubs are proposed at the front. The side elevation of No. 130 is blank on the 1st floor and has a garage window on the ground floor. By virtue of the proposed layout, the lower ground level, the additional screening & the separation distance the proposal would not result in any significant adverse overbearing or overshadowing impacts on No 130.

- 8.12 Due to the orientation of the dwellings in relation to each other, the proposed dwelling in plot 1 & No. 130 would be separated by a distance ranging from 9m to 22m with No. 130's integral garage being the nearest point. The dwelling in plot 1 would have a bathroom & bedroom on its front elevation and these windows would be obscure glazed by condition. This bedroom would be approx. 16m from the front elevation of No. 130 & be screened at the front by the obscure glazed window and proposed shrub mix. As a result of these amended plans a clear glass window is also proposed for the southern side elevation of this bedroom. The proposed dwelling in plot 1 would have 2 windows in the northern side elevation facing the side elevation of the dwelling in plot 2 but with 2 single bay garages in between. These 2 windows would be for an en-suite bathroom and a stairwell. The dwelling in plot 2 would have the same 2 corresponding windows on its southern side elevation. The bathroom window would also be obscure glazed by condition. There are no windows proposed that would face directly towards any private areas or result in any significant loss of privacy from potential overlooking to the occupiers of the dwellings in plot 1 & 2 or any other neighbouring dwelling.

- 8.13 By virtue of the layout, scale, design, boundary treatments and separation distances the proposal would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring dwellings and would therefore be in accordance with Policy DM10 of the adopted SADMP. No objections have been received from any neighbouring properties.

Impact upon highway safety and parking provision

- 8.14 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new

development to provide an appropriate level of parking provision to serve the development proposed.

- 8.15 A new dropped kerb access surfaced in permeable hard-bound materials is proposed to serve the new dwellings directly from Stamford Street. Two similarly surfaced off-street parking spaces are proposed within the site frontage along with appropriate forward visibility splays and pedestrian visibility splays.
- 8.16 Leicestershire County Council (Highways) has assessed the amended highway details and considers that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. As a result, based on the amended information provided, the development would not conflict with paragraph 111 of the National Planning Policy Framework (2021) and therefore no objections are raised on highway safety grounds. A number of highway related planning conditions are recommended in respect of the access design, parking, surfacing, forward and pedestrian visibility splays and no gates or other barriers being erected across the access. The conditions are considered to be reasonable and necessary to ensure that the development is constructed in accordance with the amended highway related details proposed. Subject to compliance with the conditions the scheme would be in accordance with Policies DM17 and DM18 of the adopted SADMP and in general accordance with the adopted local highway design guidance standards.
- Other matters
- 8.17 The development provides the opportunity to install some bird boxes to provide additional nest sites and to help achieve the aims of the BAP. A bat box has been proposed on the southern elevation of each dwelling. The proposed provision of nest boxes & a hedgehog walkway have been included within the proposed landscape plan to enhance the biodiversity value of the development in accordance with Policy DM6 of the adopted SADMP and paragraph 179 of the NPPF (2023). The recommended condition of Leicestershire County Council (Ecology) is no longer required.
- 8.18 Street Scene Services (Waste) recommend a condition to secure a scheme for the provision for waste and recycling storage at the adopted highway boundary. There is ample space within the site for such storage. The amended proposed landscape plan shows a waste storage space at the front on each site & a bin storage area at the highway boundary for bin collection day.
- 8.19 Informative notes to the applicant/developer in respect of the use of sustainable drainage systems and permeable paving were attached to the outline planning permission as previously recommended by Environmental Services (Drainage).

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).

Conclusion

10.1. The proposed scheme is considered acceptable in terms of Access, Appearance, Landscaping, Layout, and Scale and the minor harm to the Countryside is considered to be outweighed by the benefits, furthermore the proposal is considered to have limited impacts upon the character of the area, neighbouring amenity and highways safety and is therefore in general accordance with Policies DM6, DM10, DM17 and DM18 of the SADMP.

Recommendation

11.1 **Grant approval of reserved matters** subject to:

- Planning conditions attached to outline planning permission reference 20/00064/OUT and additional planning conditions outlined at the end of this report

11.2 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:

- Site Location Plan Drawing No 405-02 Rev A received by the local planning authority on 15 November 2023.
- Proposed Layout Drawing Plot 2 No. 405-004 Rev B received by the local planning authority on 03 November 2023.
- Proposed Layout Drawing Plot 1 No. 405-03 Rev A received by the local planning authority on 03 November 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. No part of the development hereby permitted shall be occupied until such time as the access arrangements, parking and turning facilities as shown on Landscape Plan, drawing number 405-005, Rev D have been implemented in full. Thereafter the access, onsite parking and turning provision shall be kept available for such use in perpetuity.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and 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 general highway safety and in accordance with the National Planning Policy Framework (2023).

3. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2023).

4. The approved hard & soft landscaping scheme shall be carried out in accordance with the details submitted on the approved Landscape Plan, drawing number 405-005, Rev D received by the local planning authority on 5 December 2023 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 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).

5. The approved bird boxes, bat boxes and hedgehog walkway shall be installed in accordance with the details submitted on the approved Landscape Plan, drawing number 405-005, Rev D received by the local planning authority on 5 December 2023 prior to the first occupation of the dwelling hereby permitted and permanently so maintained at all times thereafter.

Reason: To protect and enhance the biodiversity value of the development in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 179 of the NPPF (2023).

6. Development shall not begin until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the Local Planning Authority (LPA), and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2023).

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E 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 ground floor bedroom and bathroom windows in the front elevation of Plot 1 and bedroom window in the front elevation of Plot 2 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) 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).

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. This approval of reserved matters permission must be read in conjunction with outline planning permission reference 23/00232/OUT and the applicant/developer's attention is drawn to the requirement to comply with, and to fully discharge, the planning conditions attached to both permissions prior to any development commencing on site along with the informative notes.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.