

Delegated Report

Planning Ref: 23/00862/CONDIT
Applicant: BERKELEY SWISS LTD
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 103 Coventry Road Burbage Hinckley

Proposal: Variation of condition 2 of planning permission 20/00777/CONDIT (original planning permission 19/00383/FUL) to change the internal layout and windows for plot 4

Recommendations

- 1.1. **Grant planning permission** subject to
- Planning conditions outlined at the end of this report

Planning application description

- 2.1. Application 19/00383/FUL was granted permission for Demolition of existing warehouse and erection of four dwellings (revised scheme).
- 2.2. Application 20/00777/CONDIT was granted permission for Variation of conditions 2, 4, 5, 6, 13 and 16 of planning permission 19/00383/FUL to amend garages serving plots 3 and 4 & to incorporate a dormer window and rooflights
- 2.3. This proposal is for Variation of condition 2 of planning permission 20/00777/CONDIT (original planning permission 19/00383/FUL) to change the internal layout and window for plot 4. Originally the proposed was for 2 windows on the eastern 1st floor elevation (a window for bedroom 2 & a window for bedroom 3). As a result of final amended plans received on 30.10.2023 it is now proposed to remove the obscure glazing for bedroom 2 only. Condition 2 of 20/00777/CONDIT currently reads as;

‘The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received 30 July 2020: Site location Plan Dwg No.1501 P01 Rev A, Proposed Site Plan Dwg No P03, Proposed Plot 3 Dwg No P06, Proposed Plot 4 Dwg No P07, Landscape Plan Dwg No EML 1111 01

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016)’.

- 2.4 The specific changes proposed for this application are in relation to Plot 4. These are:

- Windows to bed 2 to be clear glazed (north eastern elevation)
- En-suite removed from bed 3.

2.5 As per the above changes, some of approved drawings will become superseded. If approved Condition 2 would, as a result of this proposal, read:

‘2) • The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received 30 July 2020:

Site location Plan Dwg No.1501 P01 Rev A

Proposed Site Plan Dwg No P03

Proposed Plot 3 Dwg No P06

Proposed Plans & Elevations 1501 Dwg No P07 Rev G

Landscape Plan Dwg No EML 1111 01

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016)’.

Description of the site and surrounding area

3.1. The application site measures approximately 2367 square metres and situated within an established residential area of Burbage, on the south east side of Coventry Road. To the north east and to the south west are two storey dwellings, the side elevations of which face onto the site. To the south dwellings back onto the site, which vary from single scale to two storey in scale, and vary in appearance and design. Ground levels generally fall to the south. The application site is a former factory building, at ground floor the factory was for the storage of carpets, and at first floor housed a boxing club. The factory building covered the majority of the application site, and has been subsequently been demolished and removed from the application site. The 4 dwellings have been constructed since the last approval.

3.2. Relevant planning history

03/00476/COU

- CHANGE OF USE OF FIRST FLOOR TO BOXING CLUB
- PER
- 19.06.2003

16/00827/OUT

- Residential Development (Outline - access only)
- PER
- 04.01.2017

18/00811/GDOD

- Demolition of existing warehouse building
- GDO
- 03.10.2018

18/00877/FUL

- Demolition of existing warehouse and erection of four dwellings

- WDN
- 01.11.2018

19/00383/FUL

- Demolition of existing warehouse and erection of four dwellings (revised scheme)
- PER
- 01.07.2019

20/00487/DISCON

- Application to discharge conditions 3 (Materials) attached to planning permission 19/00383/FUL
- DISCHA
- 15.06.2020

20/00777/CONDIT

- Variation of conditions 2, 4, 5, 6,13 and 16 of planning permission 19/00383/FUL to amend garages serving plots 3 and 4 to incorporate a dormer window and rooflights
- PER
- 02.12.2021

Publicity

- 5.1. The application has been publicised by sending out letters to local residents. No letters of representation were received

Consultation

- 6.1. Burbage Parish Council – no objections.
- 6.2. Environmental Health (Pollution) – no objections

Policy

7.1. Burbage Neighbourhood Plan (2021)

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking

7.2. Core Strategy (2009)

- Policy 4: Development in Burbage

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.5. **Other relevant guidance**

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

Appraisal

7.6 Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

Assessment against strategic planning policies

7.7 This application is to vary condition 2 of planning permission 20/00777/CONDIT (original planning permission 19/00383/FUL) to change the internal layout and windows for plot 4.

7.8 The principle of development has already been established in application 19/00383/FUL

7.9 Design and impact upon the character of the area

7.10 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. This is essentially also reflected in the provisions of Policy DM4 of the adopted SADMP.

7.11 Paragraph 126 of the revised NPPF states that good design is a key aspect of sustainable development and creates better places in which to live and work.

7.12 Application 19/00383/FUL for the Demolition of existing warehouse and erection of four dwellings (revised scheme) at 103 Coventry Road Burbage has been approved. Coventry Road is characterised by a mix of individually designed dwellings, which are of two storeys in scale, set back from the highway. Along the south west boundary of the site, and the south east, dwellings which back onto the site, also vary in scale, with single storey and two storey dwellings present, with rear amenity space backing onto the site. Plot sizes within the area are varied, due to development over the years being present at depth.

7.13 The application site is located on the south west side of Coventry Road, and is served by a single point of access situated between the two dwellings which are proposed to front onto Coventry Road, and provide access to the proposed dwellings to the rear of the site.

7.14 The changes proposed for this application are in relation to Plot 4. These are:

- Windows to bed 2 to be clear glazed (north eastern elevation)
- En-suite removed from bed 3.

7.15 As this plot is set back from Coventry Road, the changes would not be immediately noticeable. The proposed changes to the layout & design of the scheme are relatively inconspicuous and modest in scale and nature & would have no adverse impacts upon the character of the site or surrounding area.

- 7.16 Notwithstanding these changes, when having regard to the wider context of the application site, the proposed changes would not have an impact upon the application site nor wider street scene. Therefore it is considered that the proposed amendments by virtue of the scale and appearance would still maintain and complement the character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the adopted SADMP and Policy 2 of the Burbage Neighbourhood Plan and Paragraphs 126 to 130 of the revised NPPF. The details in relation to design and appearance are therefore considered to be acceptable.
- 7.17 Impact upon neighbouring residential amenity
- 7.18 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.
- 7.19 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.
- 7.20 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.
- 7.21 Paragraph 130 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.
- 7.22 As mentioned the only difference being proposed is for the windows to bed 2 to be clear glazed (north eastern elevation) & internally remove the en-suite from bed 3. Impacts of neighbouring amenity regarding the approved dwellings have already been dealt with in the original application 19/00383/FUL. The only neighbours potentially affected by the proposed changes would be neighbours to the east/ north-east. These neighbours are No. 101, 99, 97, 95, 91 and 89.
- 7.23 Boundaries between the above neighbouring properties consist of 1.8m high close boarded fence. There are also a few outbuildings in the rear gardens of these neighbours as well as several trees and bushes. The window in bed 2 would be the only source of light for this habitable room and it would be approx. 23m from the rear elevation on No 101, increasing in distance to the east. Due to the obscure angle involved, the intervening vegetation and boundary conditions it is considered there would be no overbearing impact on the neighbouring residential amenity.
- 7.24 Therefore, it is considered that the proposed scheme would be in accordance with Policy DM10 of the SADMP.

Equality implications

- 8.0 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.
- 8.1 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.
- 8.2 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

- 9.0 The proposal remains acceptable in principle, would not result in any adverse impact on the character or appearance of the area or on neighbouring amenity. The proposal is considered to accord with Policy DM1, DM4, DM6, DM7, DM10, DM17 and DM19 of the SADMP and Policy 6 of the Core Strategy.

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 be begun before the expiration of three years from the date of appeal decision APP/K2420/W/21/3288892 (15th September 2022).

Reason: To comply with the requirements of Section 51 of 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 30 July 2020:

Site location Plan Dwg No.1501 P01 Rev A
 Proposed Site Plan Dwg No P03
 Proposed Plans & Elevations 1501 Dwg No P07 Rev G
 Landscape Plan Dwg No EML 1111 01

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016)

3. The materials to be used on the external elevations of the development hereby approved shall accord with the approved Materials Schedule received May 2020 and discharged under ref 20/00487/DISCON.

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)

4. The development hereby permitted shall not be carried out other than in accordance with the following agreed site level details ref Engineering layout C019-327-10- 001-P1 received 8 September 2020.

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

5. The development hereby permitted shall be carried out in full accordance with the approved landscaping scheme as detailed within condition 2. 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 Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall not be carried out other than in accordance with the following agreed drainage details.
 - Engineering layout C019-327-10-001-P1
 - Private drainage details 1 of 3 C019-327-10-002 P1
 - Private drainage details 2 of 3 C019-327-10-003 P1
 - Private drainage details 3 of 3 C019-327-10-004 P1
 - Private pavement details C019-327-10-005-P1

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD 2016.

7. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Staniforth Architects drawing number 1501 SK003 Rev C have been 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 Site Allocations and Development Management Policies DPD (2016) and Paragraph 110 of the National Planning Policy Framework 2021.

8. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

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 110 of the National Planning Policy Framework (2021).

9. The new vehicular access(es) hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access(es) on Coventry Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 110 of the National Planning Policy Framework (2021).

10. Notwithstanding the provisions of Article 3, Schedule 2 Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those approved by this permission) shall be erected within the curtilage of the building/dwelling(s) unless planning permission has first 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).

11. The use of the garage(s) shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate off-street parking facilities are available in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no windows other than those approved under this permission shall be inserted into the elevations of Plots 3 and 4 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. The development hereby permitted shall not be carried out other than in accordance with the following approved details:
 - Ground Investigation Report prepared by Ian Farmer Associates dated February 2020Any remediation works so approved shall be carried out prior to the site first being occupied. Verification that all works have been completed must be

submitted to and approved in writing by the local planning authority prior to occupation of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. 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).

16. The development hereby permitted shall not be carried out other than in accordance with the following approved Construction and Environmental Management Plan (CEMP) details received 03.09.2020:
 - Site Rules Appendix 1
 - Incident Reporting Procedure Appendix 2
 - Communication arrangements Appendix 3
 - Site Risk Register
 - Site Environmental Management Plan (SEMP)
 - Construction Phase Health and Safety Plan
 - Fire Risk Assessment
 - Project CPHSP Traffic and Logistics Plan - Appendix 5
 - Fire Plan Appendix 6

The agreed details shall be implemented throughout the course of the development.

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).

17. Prior to occupation a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be

implemented in accordance with the agreed details prior to first occupation of any dwelling hereby approved.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. Before occupation of the dwellings hereby approved, the first floor windows positioned within the rear (south east) facing elevations of Plots 3 and 4, as identified within drawing Proposed Floor Plans, Elevations, Plot 03, Drg No.1501 P06 received on 30 July 2020 and the 1st floor east facing window as identified within drawing Proposed floor plan and elevations Plot 4, Drg No.1501 P07 Rev G received on 30 October 2023 shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

Reason: To protect the privacy and amenities of occupiers of neighbouring properties with Policy DM10 of the Site Allocations and Development Management Policies DPD.

19. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C and 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 dwellings 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 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. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
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.

