

Delegated Report

Planning Ref: 23/00296/CONDIT

Applicant: Mr Takha

Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 177 Leicester Road, Groby, Leicestershire

**Proposal: Variation of condition 5 and 6 of planning permission 19/01015/FUL.
Amendment to the reword condition 5 and propose sliding gate.**

1. Recommendations

1.1. Grant planning permission subject to:

- Conditions outlined at the end of this report.

2. Planning application description

2.1. The application seeks permission for variation of conditions 5 and 6, to allow a sliding gate.

2.2. The black sliding gate will be aluminium and the same height as the existing stone wall, 1.2m. The gate will sit 0.8m behind the existing stone wall and span a width of 5.4m.

3. Description of the site and surrounding area

3.1. The application site is located within the settlement boundary of Groby. The original property was a detached bungalow with a detached garage situated on a substantial plot on the north side of Leicester Road within the settlement boundary of Groby. Surrounding the area is a mixture of terraced, semi-detached and detached two storey properties.

3.2. The land slopes to the north with the dwellings on this side of Leicester Road situated on lower ground than the public highway.

3.3. Although adjacent dwellings to the east benefit from a parking layby in front of these dwelling, the access to the application site is accessed immediately from the main carriageway.

4. Relevant planning history

17/01252/HOU - Two storey side and rear extension, demolition of an existing outbuilding to be replaced with a single storey rear extension and an increase in roof height to create a habitable first floor and attic space. Approved February 2018.

19/01015/FUL - Replacement dwelling and ancillary outbuilding. Approved October 2019.

5. Publicity

5.1. Neighbours were notified of the application. There have been no objections.

6. Consultation

- Groby Parish Council – no objection.
- LCC Highways – no objection subject to conditions.
- HBBC Waste – no objection.

7. Policy

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

- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

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

7.3. Other relevant guidance

- Good Design Guide (GDG) (2019)

8. Appraisal

8.1. The principle of development has already been established by the previous consent. It is therefore considered that the key issues with regard to this application are:

- Impact upon Residential Amenity
- Highways and Transportation

Impact upon Residential Amenity

8.2 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.

8.3 The proposed variations will not have a detrimental impact on the character and visual appearance of the street scene. As such, the proposed development is in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Highways and Transportation

8.4 LCC Highways have advised that they have no objection to the variation of condition 5 as the Applicant will still be bound to surfacing the access drive with tarmacadam or similar hard bound material (not loose aggregate) for a distance of 5 metres behind the highway boundary before the dwelling can be used.

8.5 LCC Highways have advised that they would not object to the proposal of gates in principle, the Applicant would be required to ensure that any gates to the vehicular access must be set back a minimum distance of 5 metres behind the highway boundary line and must be hung to open inwards only 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 NPPF 2021.

8.6 This position was further clarified via email received on 08/06/2023. If the Applicant considers that there is insufficient depth to the frontage to accommodate the appropriate set-back distance, no gates should be allowed.

Previously imposed conditions

8.7 It is necessary with a Variation of Condition application to consider whether or not it is appropriate to re-impose the conditions attached to the previous permission granted under 19/01015/FUL as the variation results in a new permission.

8.8 The original permission was subject to 7 conditions.

- 8.9 The time limit condition is no longer required as the previous permission has been implemented.
- 8.10 Condition 2 (Approved Plans) needs amending to refer to the new proposed plans for the application to ensure satisfactory development. Condition 3 is no longer required. Condition 4 is repeated.
- 8.11 Conditions 5 and 6 will be amended as per this variation application.
- 8.12 Condition 7 is not required as no changes to the existing boundary treatment are proposed. No additional conditions are considered to be necessary.

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.

10. Conclusion

- 10.1. The proposed variations would not have a detrimental impact on the character and visual appearance of the street scene. With the implementation of the conditions below, it would be in accordance with Policies DM17 and DM18 of the SADMP, the GDG and is recommended for approval subject to those conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons / 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 / Floor Plans / Elevations - Drg No. 17100 DSA DR A 100 A.
Received 27.03.2023.

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. The dwelling hereby permitted shall not be occupied until such time as on-site parking provision for 3 vehicles has been provided in accordance with the Proposed Plans including Site Location and Site Plans, drawing number Drg no DSA-17100-

PRO-01-J received by the local planning Authority on 10th October 2019
Thereafter the onsite parking provision shall be so maintained 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 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

3. The access drive leading to the permitted dwelling must be surfaced with tarmacadam or a similar hard-bound material for a distance of at least 5 metres behind the highway boundary before the dwelling can be used. Furthermore, the surface must be maintained in perpetuity to prevent the deposition of deleterious material in the highway and ensure compliance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) as well as Paragraphs 108 and 110 of the National Planning Policy Framework (2019) for the safety of all road users.

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 Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

4. The sliding gate can be permitted, provided that any gates to the vehicular access must be set back a minimum distance of 5 metres behind the highway boundary line and must be hung to open inwards only 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 (2021).

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 Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

5. No development above foundation level shall take place until a detailed plan (or plans) indicating the positions, design, materials and type of boundary treatment to be erected along the front boundary of the site facing Leicester Road shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed in full accordance with the approved details prior to the first occupation of the dwelling to which it relates

Reason: To ensure that an adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with Policy DM10 of the 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.