

Delegated Report

Planning Ref: 24/00421/REM

Applicant: Mr Max North

Ward: Ratby



Hinckley & Bosworth
Borough Council

Site: 130 Stamford Street, Ratby, Leicester, Leicestershire

Proposal: Approval of Reserved Matters (relating to appearance, landscaping, layout, scale, access, levels, waste and recycling) of outline planning permission (ref: 24/00030/OUT) for new residential dwelling.

Recommendations

- 1.1. **Grant approval of reserved matters** subject to:
- Planning conditions attached to outline planning permission reference 24/00030/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 (relating to appearance, landscaping, layout, scale, access, levels, waste and recycling) of outline planning permission (ref: 24/00030/OUT) for new residential dwelling.
- 2.2. The application proposes a detached dwelling on a 220sqm site to the rear of 130 Stamford Street. The proposed is for one 2 bed bungalow. The property is provided with two parking spaces at the front although there is room for more with the entirety of the site to the front of the dwelling being laid to hardstanding. Residential amenity for the host property, 130 Stamford Street, would be 140sqm. The application would see the subdivision of the curtilage of the host dwelling with the proposed dwelling in the eastern section of the existing garden which has an existing access.
- 2.3. The submitted block plan indicates a detached bungalow with a front elevation set back 5.5m from Stamford Street. The proposed would, as a result of the orientation of No. 130 range from 8m to 11m from the rear elevation of the host dwelling and 2m from the western elevation of the bungalow to the east.
- 2.4. Proposed materials would be render for the walls under grey concrete roof tiles. Pedestrian access around the eastern side of the dwelling would be surfaced in permeable hard-bound materials with waste bin storage provided within the site frontage. A sufficiently sized private rear garden of 85sqm is provided for the dwelling with the lawn enclosed by 1.8 metres high close boarded timber fencing along the sides and rear boundary. There are currently zero trees and minimal foliage present on the site. Proposed landscaping would consist of a proposed tree in the rear garden, native hedge planting, shrub planting, paving slabs along the eastern and rear elevation.

Description of the site and surrounding area

- 3.1. The application site is a small sized parcel of land forming the eastern part of the garden area of no.130 to the west. Stamford Street is at the front and the access road to the 2 bungalows to the east of the site is at the rear. No.130, the host dwelling, is a two-storey dwelling of painted render, and forms part of a mixed street scene of mostly 2 storey terraced dwellings & terraced bungalows of similar size as

the proposed dwelling. The site has an existing access which would be widened as a result of the proposed.

- 3.2. The site is located within the settlement boundary of Ratby, a large, well serviced village on the outskirts of Leicester. The site is within a residential area with a strong residential context. The site is a sustainable location being within walking distance of village amenities including shops, schools, restaurants, pubs, bus stops and leisure facilities. The proposal is not within the conservation area. The site is currently private within the garden area of an existing property. This existing property, No. 130, is to be retained

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

23/00774/REM

- Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) relating to outline planning permission 23/00232/OUT for two new dwellinghouses
- Approved
- 15/12/2023

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:
HBBC Drainage
Leicestershire County Council (Ecology)
Environmental Services (Drainage)

LCC Highways- No objections subject to conditions

- 6.2. No response or a response of 'no comment' has been received from:
Street Scene Services (Waste)
Environmental Services (Pollution)

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 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) (2023)
 - 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 inside the settlement boundary of Ratby and the principal of development of the site for the erection of a dwelling 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 131 and 135 of the NPPF (2023) 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 a detached bungalow with a bedroom on either side of the front entrance and an open planned kitchen/ dining and lounge area at rear. A fully hipped roof is proposed. The proposed dwelling would be set back approximately 5.5 metres from the highway boundary with the area to the front of the dwelling being laid to hardstanding and used to accommodate satisfactory off-street parking.
- 8.6 The dwelling has 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 the 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 front elevation of the dwelling.
- 8.8 The proposed layout would provide a private rear garden of approximately 85 square metres in area for the future occupiers which would exceed the private amenity space requirement within the adopted Good Design Guide for a two 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 west, south & east. Proposed landscaping would consist of a proposed tree in the rear garden, native hedge planting, shrub planting,

paving slabs along the eastern and rear elevation with the garden area laid to lawn and a perimeter of a 1.8m close boarded high timber fence. The submitted levels are also considered acceptable.

- 8.9 Overall, it is considered that by virtue of the layout, scale, design, appearance, landscaping and finished floor levels 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 (2023).

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 would be constructed to the rear of the two storey neighbouring dwelling to the west (No. 130) & be approx. 8 to 11m from its rear elevation. The proposed dwelling would have an obscure glazed bathroom window on this western elevation only and there would also be a 1.8m high close boarded wooden fence on this boundary. By virtue of the proposed layout, the single storey nature of the dwelling and hipped roof alongside the proposed boundary & the separation distance the proposal would not result in any significant adverse overbearing or overshadowing impacts on No 130.
- 8.12 The proposed dwelling would be separated from the neighbour to the east by 2m. The proposed would only have an obscure glazed bathroom window on this eastern side elevation. 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 this neighbouring dwellings which is also a bungalow with the proposed boundary here also being a 1.8m high close boarded wooden fence.
- 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.
- 8.14 In this case it is judged necessary to remove permitted development rights for the proposed dwelling owing to the close relationship and potential adverse neighbouring amenity impacts of such extensions to these properties.

Impact upon highway safety and parking provision

- 8.15 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.
- 8.16 A new dropped kerb access surfaced in permeable hard-bound materials is proposed to serve the new dwelling directly from Stamford Street. Suitably surfaced off-street parking spaces are proposed within the site frontage along with appropriate forward visibility splays and pedestrian visibility splays.

- 8.17 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 information provided, the development would not conflict with paragraph 111 of the National Planning Policy Framework (2023) and therefore no objections are raised on highway safety grounds. A number of highway related planning conditions are recommended in respect of the access and parking. 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

- 8.18 The development provides the opportunity to install a bird box to provide additional nest sites and to help achieve the aims of the BAP. A bat box has been proposed on the western elevation of the dwelling. The proposed provision of nest 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 185 of the NPPF (2023). The recommended condition of Leicestershire County Council (Ecology) is no longer required.
- 8.19 Street Scene Services (Waste) have not commented on this application but provision for waste and recycling storage has been made at the adopted highway boundary. There is ample space within the site for such storage. The proposed landscape plan shows a waste storage space at the front of the site.
- 8.20 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, Waste & Recycling, Layout, Levels and Scale and 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 24/00030/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 107-02 Rev 0 received by the local planning authority on 1 May 2024.
- Landscape Plan, drawing number 107-01, Rev 0 received by the local planning authority on 1 May 2024
- Proposed Floor Plans, Elevations Drg No. 107-01 Rev 0 received by the local planning authority on 1 May 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. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Design Three Sixty Floor Plans and Elevations Drawing Number 107-01 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

3. The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with Design Three Sixty Floor Plans and Elevations Drawing Number 107-01 Rev 0. Thereafter the onsite parking provision shall be kept available for such uses 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, in the interests of general highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies

Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

4. 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

5. The approved hard & soft landscaping scheme shall be carried out in accordance with the details submitted on the approved Landscape Plan, drawing number 107-01 Rev 0 received by the local planning authority on 1 May 2024 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).

6. Development shall not begin until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved 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).

7. 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).

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 24/00030/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.