

Delegated Report

Planning Ref: 24/00426/FUL

Applicant: Mr Glyn Pears

Ward: Hinckley

Site: Land Adj to 34 Mill Hill Road, Hinckley

Proposal: Erection of a dwelling with car parking



Hinckley & Bosworth
Borough Council

1.0 Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2.0 Planning application description

- 2.1. This application seeks full planning permission for the erection of a three bedroom detached, two storey dwelling including a bedroom within the roof space. The proposal measures 5.8 metres in width x 6.7 metres in overall depth, a ridge height of 8.35 metres and eaves height of 4.9 metres. The rear roof elevation includes two dormer windows. The proposal is set back from the highway to provide a small front amenity area and a private rear amenity area. Parking is proposed within an existing parking court located to the rear of the plot and accessed via Chessher Street. The scheme includes a pedestrian link from the rear garden of the proposed dwelling to the parking court.
- 2.2. The application is a re-submission of a scheme previously approved in 2016 which has now expired.

3.0 Description of the site and surrounding area

- 3.1 The application site measures approximately 148 square metres and comprises a former garden/infill plot. It is located between a terrace of two storey dwellings located to the south east and a detached 1930's style two storey dwelling located to the north west. There are two storey flats and a parking court to the rear (north east) of the application plot which are in the applicant's ownership. The site boundary with Mill Hill Road is currently defined by a timber panel fence of approximately 2 metres in height.

4.0 Relevant planning history

06/00667/FUL Erection of one dwelling and detached garage Permitted 07.08.2006

12/00646/FUL Erection of one dwelling Permitted 31.12.2012

16/01087/FUL Erection of one dwelling Permitted 31.01.2017

This application seeks to reinstate permission.

5.0 Publicity

- 5.1. The application has been publicised by posting letters to neighbours and a site notice.

- 5.2. 1 Letter of representation was received not objecting but with the following concerns:
- A dwelling would be better than leaving the plot vacant for anti social behaviour
 - The parking area at the rear need to be suitably surfaced and marked out.
 - A neighbours garage needs to be accessed so marking the parking area is important.
 - There should be no ecological effects from this development
 - The proposed house seems to fit well with the streetscene

5.3. **Consultation**

- 6.1. LCC Highways: Refer to standing advice.
- 6.2. HBBC Drainage: No objections, notes to applicant.
- 6.3. HBBC Pollution: No objections.
- 6.4. HBBC Waste: No objections
- 6.5. LCC Archaeology: No objections
- 6.6. LCC Drainage: Standing advice
- 6.7. LCC Ecology: Holding Objection pending submission of BNG Assessment with small sites metric.
- 6.8. Following the submission of additional information LCC Ecology were re-consulted. Final comments received were:

‘The updated Biodiversity Metric is acceptable and shows a net gain of 34.8% on-site through the planting of two small Rowan trees at the front of the property.

The updated metric matches the site block plan; therefore, I am confident that the required net gain will be achieved, and I withdraw my previous holding objection’.

Policy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. **Core Strategy (2009)**

- Policy 1: Development in Hinckley

7.3. **Hinckley Town Centre Area Action Plan (2011)**

7.4. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. **Other relevant guidance**

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

Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area and Listed Building
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Enhancement of Biodiversity and Geological Interest

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The site is located within the urban area of Hinckley as shown on the Core Strategy Key Diagram. Hinckley is defined as a sub-regional centre in policy 1 of the Core Strategy, and where the majority of development should be focused. The site is not part of an allocation or designation in the development plan.
- 8.4. The Council has published an updated 5yr housing land supply calculation on 29th July. This updates the 5yr housing land supply position from March 2023 to March 2028 and demonstrates a 5.6yr supply of housing, with a surplus supply of 145 dwellings over the five year period.
- 8.5. For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Despite being able to demonstrate a housing land supply, due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 8.6. The development is located within the settlement boundary of Hinckley, in a sustainable location. As such, there is a presumption in favour of sustainable development in accordance with Policy DM1 of the SADMP, and Policy 1 of the adopted Core Strategy. Therefore, the proposal is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and impact upon the character of the area

- 8.7. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.8. The layout and design of the scheme is as previously approved. Whilst the area is predominantly characterised by two storey terraced dwellings abutting the highway boundary, 34 Mill Hill Road begins a series of detached and semi-detached 1930's style two storey dwellings and a change in character. The siting of the dwelling with

a 2.5 metre set back from Mill Hill Road respects the front building line of 34 Mill Hill Road located immediately to the west and would provide an attractive street frontage. The plot depth is consistent with the terraced dwellings located to the east. The proposed dwelling includes design features of the 1930's properties such as the use of render to upper floors and timber detailing. The proposed dormer windows to the rear roof elevation are characteristic of nearby terraced properties. The private external amenity area at the rear is approximately 63 square metres in area which alone would not comply with the Good Design Guide requirement of 80sqm for a three bedroom dwelling. There is further amenity space to the front of the dwelling which would bring the total above 80sqm, however, the usability of this area is tempered as it would be on the public highway and not private. Notwithstanding this, the garden size is similar to those found in the immediate area and overall given the urban location it is judged to be acceptable.

- 8.9. By virtue of the layout, scale and design of the scheme and subject to the use of sympathetic external construction materials that can be controlled by the imposition of a condition, the proposed scheme would be well integrated with and would complement the character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the adopted SADMP.

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 and amenity of nearby residents and occupiers of adjacent buildings.
- 8.11. The proposed dwelling would be sited between 34 and 32 Mill Hill Road and would not project beyond either front or rear elevations. No side facing windows are proposed apart from one window on the eastern elevation which would be for a non-habitable room landing window. No. 32 has a blank gable facing the site and there are no significant windows in the flats to the rear facing the site. No. 34 Mill Hill Road has windows in the side elevation facing the site but as these are a secondary window at ground floor and an obscurely glazed window at first floor the proposal would not result in any significant adverse impact from loss of light or privacy to the occupiers.
- 8.12. As such it is considered that the proposals from the submitted information are in general accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.13. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.14. The scheme includes the provision of two off-street car parking spaces within an existing parking court located to the rear of the proposed dwelling and accessed off Chessher Street. A pedestrian link from the rear garden would provide access for the future occupiers. The parking court would also retain three parking spaces for the existing flats to the rear of the site which are also within the applicant's ownership. Whilst the parking would be somewhat remote, the parking court is an established parking area with a security gate and has good natural surveillance from surrounding dwellings. As neighbours garage is accessed from this parking area a condition will be added to ensure this parking area is marked out as per the submitted block plan. Leicestershire County Council (Highways) have no objections to the scheme.

- 8.15. The scheme would not result in any significant adverse impacts on highway safety and would provide satisfactory parking provision for existing and proposed dwellings. The scheme would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Ecology

- 8.16. Policy DM6 seeks to ensure that on site features are retained or included which safeguard and enhance biodiversity.
- 8.17. The development is not exempt from the mandatory Biodiversity Net Gain requirements.
- 8.18. LCC Ecology were consulted as part of the application process and were re-consulted once additional information was received. Final comments were that the updated Biodiversity Metric is acceptable which shows a net gain of 34.8% on-site through the planting of two small Rowan trees at the front of the property.
- 8.19. The updated metric matches the site block plan; therefore, LCC Ecology are confident that the required net gain could be achieved. The Council cannot approve the Biodiversity Gain Plan as part of the initial decision on the planning application. Instead, this will be subject to the standard BNG 'pre-commencement condition'. This means that development cannot commence (begin) until the final Gain Plan has been submitted and approved by the Council.
- 8.20. As such it is considered that the proposal is in accordance with Policy DM6 of the SADMP.

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).

10.0 Conclusion

10.1 The scheme is a re-submission of a previously approved scheme that expired at the start of 2020. The proposal remains in accordance with current adopted strategic planning policies. By virtue of the layout, scale, design and appearance of the scheme it would complement the character and appearance of the surrounding area. The proposal would not result in any significant adverse impacts on the amenity of any neighbouring properties or highway safety. The proposal would be in accordance with Policy 1 of the adopted Core Strategy and Policies DM1, DM10, DM17 and DM18 of the adopted SADMP and is therefore recommended for approval subject to conditions.

11.0 Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

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, as follows:

Site Location Plan, Proposed Elevations & Proposed Floor Plan Drg No. 4858/01 received on 2 May 2024
Proposed Block Plan Drg No. 4858/02 Rev A received on 26 July 2024
Design and Access Statement received 2 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).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have

been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

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

5. No development above foundation level shall commence until full details of all boundary treatments and hard surfacing materials have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all approved works completed prior to first occupation of the dwelling hereby permitted.

Reason: In the interests of visual amenity and to protect the privacy and amenity of the occupiers of neighbouring dwellings and future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to first occupation of the dwelling hereby permitted the pedestrian link and parking spaces shall be provided, hard-surfaced and marked out in accordance with Proposed Block Plan Drawing ref. 4858/02 Rev A received by the local planning authority on 26 July 2024 and once so provided shall be permanently retained for such use for the dwelling hereby permitted at all times thereafter.

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

7. The dwelling hereby approved shall not be occupied until a Landscape and Ecological Management Plan (LEMP) prepared in accordance with the approved Biodiversity Gain Plan and including:
 - a) description and evaluation of the features to be created/managed
 - b) aims and objectives of management
 - c) appropriate management options for achieving aims and objectives
 - d) prescriptions for management actions
 - e) work schedule
 - f) species/seed mixes to be planted/sown
 - g) ongoing monitoring and remedial measures

has been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2023).

Notes to applicant

1. Your attention is drawn to the below Biodiversity Net Gain note which explains that the development is subject to the statutory "biodiversity gain condition". A Biodiversity Gain Plan needs to be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of development.
2. 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.
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.
4. Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website:
<http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice. This consent does not consider local watercourse bylaws. It is the responsibility of the applicant to check if the local borough or district council has their own bylaws which the proposals will also need to consider.

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 soakaway will be subject to the approval of the Building Control Surveyor.
6. Any proposed 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).