

Delegated Report

Planning Ref: 23/01065/FUL

Applicant: Ms. E. Taberer

Ward: Ambien

Site: Land Adjacent To 77, Roseway, Stoke Golding

Proposal: Construction of a single dwelling, a double detached garage and associated access, landscaping, dropped kerb and other works (Self-build)



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The proposal seeks to erect a single two storey dwelling, a double detached garage with associated landscaping, access, dropped kerb and other associated works.

3. Description of the site and surrounding area

- 3.1. The application site is located east of 77 Roseway, Stoke Golding. The development site is located along Roseway which is a mix of two storey dwellings both detached and semi-detached and bungalows. To the West of the development site is a recently erected housing development which consists of a number of larger detached and semi-detached properties.

4. Relevant planning history

21/01442/FUL

Erection of bungalow with accommodation in roofspace

Refused planning permission

31.08.2023

5. Publicity

- 5.1. The application has been publicised by posting letters to neighbours and a site notice posted within vicinity of the site.
- 5.2. One letter of objection has been received. The objection related to:
- First floor westward facing windows to have overlooking and loss of privacy issues.

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. HBBC Drainage: No objections, notes to applicant.
- 6.3. HBBC Waste: No objection, conditions proposed.
- 6.4. LCC Highways: No objection, subject to conditions.
- 6.5. Stoke Golding Parish Council: noted that local policy SG15 confirms that development avoids unnecessary loss of privacy.

7. Policy

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

7.2. **Core Strategy (2009)**

- No relevant policies

7.3. **Stoke Golding Neighbourhood Plan (2022) adopted**

- Policy SG1: Housing Requirement
- Policy SG3: Infill Development
- Policy SG10: Locally Important Views
- Policy SG12: Trees and Hedgerows
- Policy SG15: Design

7.4. **Stoke Golding Neighbourhood Plan (2023)**

- Policy SG1: Decision-taking
- Policy SG2: Housing Requirement
- Policy SG4: Infill Housing Development
- Policy SG11: Locally Important Views
- Policy SG13: Trees and Hedgerows

The revised Stoke Golding Neighbourhood Plan has just gone through the Regulation 16 consultation which expired at the end of December 2023. The extent of any objections/comments are yet unknown thus it is still attributed only limited weight in the determination of this application.

7.5. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- Self-Build and Custom Housebuilding Act 2015

7.6. **Other relevant guidance**

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

8. **Appraisal**

8.1. **Key Issues**

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

Assessment against strategic planning policies

- 8.1 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. 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, permission should not usually be granted unless other material considerations indicate otherwise. The development plan in this instance consists of the Core Strategy (2009), the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Stoke Golding Neighbourhood Plan (2022).

- 8.2. Paragraph 11 of the NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites. Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 1st April 2022. Due to this and the change in the housing figures required for the Borough, Paragraph 11(d) of the NPPF is triggered.
- 8.3. Therefore, this application should be determined in accordance with Paragraph 11(d) of the NPPF, whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy, which are attributed significant weight in accordance with Paragraph 219 of the NPPF as they are consistent with the NPPF. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.4. With regards to the settlement limits outlined in the SADMP the application site is located within the countryside and therefore Policy DM4 is applicable. This policy seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. It also identifies several developments that are considered to be sustainable developments within the countryside.
- 8.5. Whilst a new dwelling in the Countryside may not be considered to be a sustainable location, given the context of this development site which neighbours the residential street of Roseway and is also adjacent to the new build housing estate to the East, it is considered that there would be no harm or detrimental impacts to the intrinsic value and beauty of the open countryside (as discussed further below).
- 8.6. The site is confirmed within the SGNP (2022) to be within the settlement boundary, given that the neighbourhood plan is more up to date this settlement boundary is given greater weight. Thus whilst there is some conflict with DM4 it is attributed limited weight owing to the updated settlement boundary in the NP. . This is also confirmed within the SGNP (2023) which is currently not adopted.
- 8.7. Policy SG3 of the SGNP (2022) confirms that infill housing development will be supported where it is located within the settlement boundary, which the proposed development is. It discusses within the policy that the development must reflect local characteristics, which will be assessed further within the design and impact on the area section. Policy SG4 of the SGNP (2023) which remains unadopted at this stage, confirms that the infill housing development must comply with all other policies within the SGNP.
- 8.8. It is considered that given the location of the development and the local context it would have limited detrimental impacts on the Countryside. Whilst outside the settlement boundaries defined within the SADMP, the site is within the settlement boundary of the NP (both adopted and emerging), the proposal is therefore

considered in general accordance with Policy DM4 of the SADMP and Policy SG3 of the SGNP.

Design and impact upon the character of the area

- 8.9. 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.
- 8.10. Policies SG15 of the SGNP (2022) and SG16 of the SGNP (2023) seeks to ensure that developments are in keeping with the character of the area and traditional character of Stoke Golding. The policies contain a number of criteria with regards to design and landscaping.
- 8.11. Policy SG10 of the SGNP (2022) and Policy SG11 of the SGNP (2023) seeks to protect locally important views ensuring that development is designed in a way which is sensitive to landscape. The site is located at the periphery of viewpoint E, although the image and description of this viewpoint does not include views of/across the site.
- 8.12. Policy SG12 of the SGNP (2022) and Policy SG13 of the SGNP (2023) seek to ensure new and existing trees are integrated into new developments.
- 8.13. The proposal is for a two storey dwelling and a double detached garage. The houses within close proximity of the dwelling are of a similar size, and are also detached. It is considered that the height of the proposed dwelling is acceptable with the neighbouring property on Roseway when taking in account the sloping land levels.
- 8.14. The proposal is considered to be of satisfactory design and would not be out of character with the dwellings located towards the Eastern end of Roseway and the new dwellings erected within the housing estate to the East of the development site.
- 8.15. At the Eastern end of Roseway adjacent to the development, there are number of large two storey detached dwellings, which do have a range of designs including single storey attached garages and varying roofscapes. It is noted that there has been refused schemes for the development site, which were of a differing design footprint and massing. The current proposal is considered acceptable when considering the spacing surrounding the dwelling – retaining a degree of openness with a reduced footprint, the sizing in comparison to the plot size, the comparison large detached dwellings existing on Roseway and the comparison to a number of large plots located within the new build estate located to the east of the site resulting in the two storey design being considered acceptable.
- 8.16. In accordance with Policy SG10 a brief Landscape and Visual Assessment has been submitted with the application, this concludes that despite some tree removal the proposal would not have an adverse impact on local views. Officers consider that the development in its built form surrounding would not adversely impact the locally important views and landscape.
- 8.17. Some conifers in the north eastern corner of the site as well as some fruit trees on site are proposed to be removed. The indicative landscaping proposals show replacement planting which is judged to compensate these losses. In the absence of thorough details, full hard and soft landscaping details would be required via condition to ensure the site is landscaped appropriately for its setting.
- 8.18. As such it is considered that the proposed dwelling would not be out of character with the area and would not cause detrimental impacts upon the visual amenity of the area and as such it is considered that the proposal is in accordance with Policy DM10 of the SADMP and Policies SG10, SG12 and SG16 of the SGNP (2022).

Impact upon neighbouring residential amenity

- 8.19. 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.
- 8.20. Policy SG16 of the SGNP (2022) and Policy SG15 of the SGNP (2023) seeks to ensure that the amenity of neighbouring residents is safeguarded, including loss of privacy.
- 8.21. One letter of objection was received with regard to concerns of loss of privacy, in addition to this, the Parish Council also raised concerns. Following a review of the initial elevation drawings it was confirmed that there would be significant detrimental impacts in relation to overlooking and loss of privacy for 77 Roseway. Amended plans were sought and submitted which ensure that the four first floor window on the South West elevation are obscure glazed to reduce any overlooking impacts.
- 8.22. It is considered that the development would not have any detrimental impacts on neighbouring amenity in terms of loss of light, overshadowing, overbearing, noise or privacy impacts and as such is considered to be acceptable in accordance with Policy DM10 of the SADMP and Policy SG16 of the SGNP.

Impact upon highway safety

- 8.23. 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.
- 8.24. Policy SG16 of the SGNP (2022) and Policy SG15 of the SGNP (2023) supports development which would have safe and suitable access and ensures parking is integrated such that it doesn't dominate the street.
- 8.25. The proposal is for a four bedroom detached property, and would therefore requires 3 off-street car parking spaces to cater for the development. The development proposes a detached double garage providing two off-street car parking spaces, with additional spaces to the site frontage.
- 8.26. LCC Highways were consulted as part of the consultation period and confirmed that there would not be detrimental impacts to highway safety or vehicular parking, and the application can proceed subject to conditions which have been included in the end of this report.
- 8.27. It is considered that the proposed development would not have detrimental impacts upon highway safety or vehicular parking and as such the proposal is considered in general accordance with Policies DM17 and DM18 of the SADMP and Policy SG16 of the SGNP (2022).

Self/Custom Build

- 8.28. The proposed development is classified as a 'self build' within the definition provided in the Self-Build and Custom Housebuilding Act 2015, which is a material consideration within this application.
- 8.29. Section 2A of the Self-Build and Custom Housing Act 2015 (as amended by the Housing and Planning Act 2016), and associated secondary legislation, places a duty on Local Planning Authorities to have regard to the Self-Build and Custom

Housebuilding Register when making decisions on planning applications. This legislation places a statutory duty on Local Planning Authorities to provide permission to suitable development to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

- 8.30 The level of demand is established by reference to the number of entries added to the Local Planning Authority's Register during a base period. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period. However, there is no duty on the Local Planning Authority to permission land that specifically meets the requirements expressed by those on the register.
- 8.31 In the current base period, Hinckley and Bosworth Borough Council do not have a shortfall of self-build and custom housebuilding. Whilst the Council require 19 suitable permissions to be granted by 30 October 2024, it must be noted that the Council will only be considered to have a shortfall if a sufficient number of suitable permissions have not been achieved after this date. As the Council have supplied more suitable permissions than demand required at the end of Base Period 7, and more suitable permissions than the demand for the next base period, it is considered that limited weight can be given to the benefits of contributing to the supply of self-build and custom build dwellings at this moment in time.

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. Conclusion

- 10.1. It is considered that the proposal has limited impacts on the character of the area and countryside, neighbouring amenity and highways safety. The proposal therefore complies with Policies DM10, DM17 and DM18 of the SADMP and

Policies SG3, SG10, SG12 and SG16 of the SGNP (2022). There is some limited conflict with policy DM4, however, consider the settlement limits within the NP and lack of harm with regards to the character of the countryside this is attributed very limited weight.

- 10.2. The Council cannot demonstrate a five-year housing land supply and therefore, in accordance with paragraph 11(d) of the NPPF permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole. The development is largely in compliance with the Development Plan, in addition there would be additional limited positive weight attributed to the provision of a self-build unit. There would be further social benefits resulting from the proposal such as the provision of one dwelling and economic benefits associated with the construction of the dwelling and the future occupants' use of local businesses and services. Owing to the quantum of development the social and economic benefits are attributed only limited positive weight. Overall, on balance, it is considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

11. 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:

Design and Access Statement
Parking Provision Assessment
Planning Statement
Site Location Plan Drg No. 23.046.01
Proposed Elevations Drg No. 23.046.07 Rev A
Existing and Proposed Site Plan Drg No. 23.046.02
Proposed Ground Floor Plan Drg No. 23.046.05
Proposed First Floor Plan Drg No. 23.046.06 Rev A
Proposed Visibility Splay and Slope Drg No. 23.046.04

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) and Policy SG16 of the Stoke Golding Neighbourhood Plan (2022).

3. Prior to first occupation of the dwelling hereby permitted a scheme which makes adequate provision for waste and recycling storage of containers and

collection across the site shall be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure that adequate provision for waste and recycling containers and collection is afforded, ensuring that the visual amenity of the area is safeguard in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy SG16 of the Stoke Golding Neighbourhood Plan (2022).

4. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.4 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 3.7m minimum width dropped crossing. The access once provided shall be so maintained at all times.

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 Policy SG16 of the Stoke Golding Neighbourhood Plan (2022) and the National Planning Policy Framework (2023).

5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 25 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, 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 Policy SG16 of the Stoke Golding Neighbourhood Plan (2022) and the National Planning Policy Framework (2023).

6. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy SG16 of the Stoke Golding Neighbourhood Plan (2022) and the National Planning Policy Framework (2023).

7. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a

distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy SG16 of the Stoke Golding Neighbourhood Plan (2022) and the National Planning Policy Framework (2023).

8. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with STP Architecture drawing number 23.046.04. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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 (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy SG16 of the Stoke Golding Neighbourhood Plan (2022) and the National Planning Policy Framework (2023).

9. 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 Development Plan Document (2016) and Policy SG16 of the Stoke Golding Neighbourhood Plan (2022) and the National Planning Policy Framework (2023).

10. Prior to first occupation of the dwelling a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, shall be submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. 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 Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policies SG12 and SG16 of the Stoke Golding Neighbourhood Plan (2022).

11. 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 in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy SG16 of the Stoke Golding Neighbourhood Plan (2022).

12. All the first floor windows in the south west side elevation shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and shall be non-openable unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once so provided the windows 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) and Policy SG16 of the Stoke Golding Neighbourhood Plan (2022).

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 collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary. Please refer to the following downloads on the website. http://www.hinckley-bosworth.gov.uk/downloads/file/2952/wheeled_bin_information_for_developers_and_planning_officers and https://www.hinckley-bosworth.gov.uk/downloads/file/4647/wheeled_bin_and_container_policy_updated_march_2018
3. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems. 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).
4. 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.