

Delegated Report

Planning Ref: 22/00425/CONDIT

Applicant: Mr P Grice

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Greencrest, Higham Lane, Stoke Golding

Proposal: Variation of Condition 2 of Planning Application 22/01027/FUL. Amendment to include chimney to plot 1 and increase in ridge height, move chimney, add roof dormer and move solar panels to plot 2

1. Recommendations

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

2. Planning Application Description

2.1. This application seeks the variation of condition 2 attached to the decision on application 22/01027/FUL for the Demolition of existing dwelling & erection of 2no. new build dwellings including associated access and landscaping at Greencrest, Higham Lane, Stoke Golding. Condition 2 reads as follows:

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Location + Block Plan – Job No. 235, Drawing No. PL-01A
- Proposed Site Plan – Job No. 235, Drawing No. PL-10B
- Plot 1 – Proposed Floor Plans – Job No. 235, Drawing No. PL-20B
- Plot 1 – Proposed Elevations – Job No. 235, Drawing No. 21B
- Plot 1 – Proposed Elevations – Job No. 235, Drawing No. 22B
- Plot 2 – Proposed Floor Plans – Job No. 235, Drawing No. 23A
- Plot 2 – Proposed Elevations – Job No. 235, Drawing No. 24A
- Plot 2 – Proposed Elevations – Job No. 235, Drawing No. 25A
- Proposed site sections and street scene – Job No. 235, Drawing No. PL-26B

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).

2.2. The proposed change to condition 2 is to alter the design of the two proposed dwellings, adding a chimney to plot 1 and increasing the ridge height, adding a roof dormer and amending the chimney position and solar panels to plot 2. The proposed condition reads as follows:

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Location + Block Plan – Job No. 235, Drawing No. PL-01AB
- Proposed Site Plan – Job No. 235, Drawing No. PL-10BC
- Plot 1 – Proposed Floor Plans – Job No. 235, Drawing No. PL-20BC
- Plot 1 – Proposed Elevations – Job No. 235, Drawing No. 21BC
- Plot 1 – Proposed Elevations – Job No. 235, Drawing No. 22BC
- Plot 2 – Proposed Floor Plans – Job No. 235, Drawing No. 23AB
- Plot 2 – Proposed Elevations – Job No. 235, Drawing No. 24AB
- Plot 2 – Proposed Elevations – Job No. 235, Drawing No. 25AB
- Proposed site sections and street scene – Job No. 235, Drawing No. PL-26BC

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. Description of the Site and Surrounding Area

- 3.1. The application dwelling is located within the settlement boundary of Stoke Golding on a large corner plot to the southwest of the junction of Higham Lane with Station Road. It is within a residential area close to the edge of the village. The existing dwelling is an individually designed and styled 1½ storey detached dormer bungalow with a hipped main roof, bay windows to the front and side elevations with subordinate hipped and gabled roofs over. There are flat roof dormer windows to the front and both side elevations and a narrow balcony with patio doors to the first-floor rear elevation. There is a detached double garage with hipped pitched roof and lean-to outbuildings off the north side elevation. The application dwelling is constructed with a mix of stone clad and red brick plinth, white rendered walls, small plain brindle roof tiles and white uPVC windows.
- 3.2. The application dwelling is set well back from both highway boundaries within the approximate 0.17-hectare plot which provides extensive gardens and parking areas enclosed by 4 metres high conifer hedgerows to both highway boundaries (east and north) and to the south and by 2 metres high solid timber panel fencing to the west. The northern section of the site slopes downwards slightly along Station Road from east to west, and the rest of the site is generally flat.
- 3.3. The property is surrounded by residential development on all sides, with a detached dormer bungalow to the south, a detached two storey house to the west, detached two storey houses to the north beyond Station Road and a car parking area to the east beyond Higham Lane. Stoke Golding Conservation Area is located immediately to the north and east of the site, however the site does not fall within the Conservation Area.

4. Relevant planning history

22/01027/FUL

- Demolition of existing dwelling & erection of 2no. new build dwellings including associated access and landscaping.
- Permitted
- 12.01.2023

22/00361/HOU

- Two storey side extension, first floor front extension and other alterations
- Permitted
- 18.06.2022

04/00885/FUL

- Erection of lamp post and replacement gates
- Permitted
- 19.08.2004

88/01192/4

- Lean to structure to side of garage
- Permitted

- 29.11.1988

77/01018/4

- Alterations and extensions to dwelling
- Permitted
- 20.09.1977

5. Publicity

- 5.1. The application has been advertised by means of a site notice and neighbour notifications. No representations have been received.

6. Consultation

- 6.1. Stoke Golding Parish Council – no comment.
- 6.2. HBBC Drainage – No objection.
- 6.3. LCC Highways – No objection
- 6.4. HBBC Environmental Health (Pollution) – No objection.
- 6.5. HBBC Waste – no objection.

7. Policy

- 7.1. Stoke Golding Neighbourhood Plan (SGNP) 2020-2039 (2022)
 - Policy SG15: Design
 - 7.2. Core Strategy (2009)
 - Policy 7 Key Rural Centres
 - 7.3. 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 DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - 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
 - Leicestershire Highways Design Guide
 - Good Design Guide (2020)
 - National Design Guide (2019)
- ### **8. Appraisal**
- 8.1. The principle of development has been established via approval 22/01027/FUL. The key issues are therefore:

- Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon the setting of the conservation area
- 8.2. The design of the dwellings would not materially change when compared to the approved plans, with the only difference visible from public vantage points being the additional chimney on plot 1. The addition of a dormer window and the change in window style on plot 2 is considered acceptable in design terms, and the addition of further solar panels is supported in line with Policy DM2 of the SADMP. The increase in the ridge height and relocation of the chimney on Plot 2 would result in minor visual changes which are considered acceptable. The general appearance of the approved dwellings would remain the same and there would be no impact upon the setting of the conservation area. Overall, the proposed changes are considered to accord with Policies DM10 and DM11 of the SADMP and SG15 of the Stoke Golding Neighbourhood Plan.
- 8.3. In terms of neighbouring amenity impacts, the proposed revised plans would add a dormer window to the rear elevation of plot 1 which faces the front garden of No. 65 Station Road. Given the separation distance from the window to the eastern boundary of No. 65 of over 20m, it is not considered that there would be any harm to the amenity of No. 65 in terms of overlooking/loss of privacy. The proposal therefore accords with DM10 in this regard.
- 8.4. It is not considered that there are any other material considerations that are relevant to the determination of this application.
- 8.5. It is concluded that the proposed change to condition 2 of 22/01027/FUL is acceptable and in accordance with national planning policy and guidance and Policies DM10 and DM11 of the SADMP and SG15 of the Stoke Golding Neighbourhood Plan.

Conditions

- 8.6. All other conditions set out in the decision notice are repeated.

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 The proposal is considered to be compliant with relevant national and local policy and guidance as it proposes reasonable and acceptable amendments to the design of the two approved dwellings. There are no detrimental effects on the design and character of the area, setting of the conservation area, or neighbouring amenity and the proposal is therefore in full accordance with the SADMP and SGNP.
- 10.2. Taking national and local planning policies into account, along with all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions set out below.

11. Recommendation

- 11.1 **Grant planning permission** subject to the conditions below.

11.2 Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission reference 22/01027/FUL (12/01/2023).

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 1990.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Location + Block Plan – Job No. 235, Drawing No. PL-01B
- Proposed Site Plan – Job No. 235, Drawing No. PL-10C
- Plot 1 – Proposed Floor Plans – Job No. 235, Drawing No. PL-20C
- Plot 1 – Proposed Elevations – Job No. 235, Drawing No. 21C
- Plot 1 – Proposed Elevations – Job No. 235, Drawing No. 22C
- Plot 2 – Proposed Floor Plans – Job No. 235, Drawing No. 23B
- Plot 2 – Proposed Elevations – Job No. 235, Drawing No. 24B
- Plot 2 – Proposed Elevations – Job No. 235, Drawing No. 25B
- Proposed site sections and street scene – Job No. 235, Drawing No. PL-26C

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 dwellings 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).

4. Plot 2 of the development hereby permitted shall not be occupied until such time as the access arrangements shown on Lawrence Finley drawing number PL-11B have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

5. Plot 2 of the development hereby permitted shall not be occupied until such time as vehicular visibility splays of 43 metres by 2.4 metres have been provided at the access onto Station Road. 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 the National Planning Policy Framework (2021).

6. Plot 2 of the development hereby permitted shall not 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 on Station Road 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 the National Planning Policy Framework (2021).

7. Notwithstanding the submitted plans, the proposed accesses shall be surfaced in a bound material for a distance of at least 5 metres behind the highway boundary. The accesses once provided shall be so maintained at all times.

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 the National Planning Policy Framework (2021).

8. For the access leading onto Station Road, no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, and any gates shall be hung as to open away from the highway.

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 the National Planning Policy Framework (2021).

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Lawrence Finley drawing number PL-11B. Thereafter the onsite parking and turning provision shall be kept available for such use 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 the National Planning Policy Framework (2021).

10. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been 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 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. 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 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been 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 Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2021).

14. No operations shall commence on site in connection with the development hereby approved until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

The AMS shall include full details of the following:

- a) Timing and phasing of arboricultural works in relation to the approved development;
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010;
- c) Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges on or adjacent to the site which are shown to be retained on the approved plan;
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Survey;

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of each tree in accordance with SADMP Policy DM6.