

Delegated Report

Planning Ref: 23/01128/FUL

Applicant: Mr Hill

Ward: Hinckley DeMontfort

Site: 29 Forest Road, Hinckley

Proposal: Erection of a dwelling



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 is for the erection of a dwelling, located on the corner of Forest Road. The dwelling is detached but has a terrace like appearance, in keeping with the neighbouring development.

3. **Description of the site and surrounding area**

- 3.1. The development site is located on the corner of Forest Road and Glebe Road. The development site is adjacent to a semi-detached dwelling, consisting of brick and render, and is within a residential area. The adjacent corner plot is a Premier Convenience store.

4. **Relevant planning history**

23/10207/PREHMO

Erection of a detached dwelling (Terrace form in appearance)
Response given 24/10/2023

5. **Publicity**

- 5.1. The application has been publicised by posting letters to neighbours. The application was also advertised in the Hinckley Times.
- 5.2. No comments were received.

6. **Consultation**

- 6.1. LCC Highways: No objections, notes to applicant.
- 6.2. HBBC Drainage: No objections, notes to applicant.
- 6.3. HBBC Pollution: No objections.
- 6.4. LCC Ecology: No objections, condition recommended regarding Swift Nesting boxes.

7. **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. **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)

8. **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) 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.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.
- 8.4. 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.
- 8.5. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.6. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7. Policy 1 of the adopted Core Strategy is supportive of housing within Hinckley to support its role as a sub-regional centre, the policy allocates land for the development of a minimum of 1120 new dwellings. 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.

Housing Land Supply

- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.3 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.4 Using the standard method Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.5 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.6 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.7 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.
- 8.8 Paragraph 70 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area.
- 8.9 The development is for a single residential property and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.

- 8.10. Whilst the Council is unable to deliver a five-year supply of land for housing, given the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, it is considered that limited positive weight should be given to the provision of the proposed dwelling in this regard.

Design and impact upon the character of the area

- 8.8. 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.
- 8.9. The proposal is for a detached dwelling, which in design would imitate an end terrace. The elevation drawings provided suggest similar detailing would be included to match that of the existing properties (27 and 29 Forest Road). The size and scale of the proposed detached dwelling
- 8.10. The proposal is considered to not look out of character with the area, utilizing matching materials and matching design such as the brick detailing on the first floor of the proposed dwelling. The proposed low level brick wall and boundary railings are also in character with the street scene.
- 8.11. As such it is considered that the proposal would be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12. 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.
- 8.13. It is considered that as the proposal is to be erected at the same height and depth as the neighbouring property (29 Forest Road) and is distanced significantly away from other neighbouring residential properties, that this proposal would not cause significant detrimental impacts on the privacy and amenity of nearby residents, in terms of loss of light, loss of privacy or overbearing impacts.
- 8.14. It is also considered that a sufficient level of amenity space can be provided for the future occupiers of the dwelling, within the garden space located between the proposed dwelling and the proposed off-street car parking space.
- 8.15. 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

- 8.16. 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.
- 8.17. The development is a three bed detached dwelling, with two off-street car parking spaces afforded to the development which caters to the development in line with the Leicestershire Highway Design Guidance. The proposal is not considered to cause detrimental impacts upon highway safety.
- 8.18. LCC Highways dept. were consulted as part of the application and had no objections to the proposal. A number of notes to applicant have been included at the end of this report which confirms that the works will require a subsequent

application to LCC Highways.

- 8.19. Overall, the development will have no detrimental impact to highway safety or vehicular parking. Given the advice received from County Highways it is considered that the proposal is in general accordance with Policies DM17 and DM18 of the SADMP.

Enhancement of Biodiversity and Geological Interest

- 8.20. Policy DM6 seeks to ensure that on site features are retained or included which safeguard and enhance biodiversity.
- 8.21. LCC Ecology were consulted as part of the application process and have recommended a condition for swift nesting boxes to be included within the proposed development, this condition has been included within this report.
- 8.22. 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. Conclusion

- 10.1. It is considered that the proposal for the erection of a detached dwelling is acceptable. The proposal complies with Policies DM6, DM10, DM17 and DM18 of the SADMP and Policy 1 of the Core Strategy.

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:

Proposed Plans and Elevations Drg No. AVD-771-FRH-PL04
Proposed Site Plans Drg No. AVD-771-FRH-PL02

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. The development shall not be occupied until such a time that a plan detailing 3no. Swift Nesting boxes included within the development has been submitted to in writing and approved by the Local Planning Authority. The swift nesting boxes shall remain thereafter in perpetuity.

Reason: To ensure the safeguarding and enhancement of biodiversity and ecological interests in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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 Applicant would need to apply to the LHA for a Vehicle Access (dropped kerb) permit before undertaking any works. Further details of the requirements can be found at <https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>. The Applicant should note that the approval of planning permission does not guarantee permission for the required permit.
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. Any existing street furniture which requires relocation will need to be undertaken at the cost of the applicant.

5. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
6. 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).