

Delegated Report

Planning Ref: 24/00863/REM

Applicant: Mr Max North

Ward: Ratby



Hinckley & Bosworth
Borough Council

Site: 130 Stamford Street, Ratby, Leicester, Leicestershire

Proposal: Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission (24/00243/OUT) for erection of a single dwelling

Recommendations

- 1.1. **Grant approval of reserved matters** subject to:
- Planning conditions attached to outline planning permission reference 24/00243/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 (access, appearance, landscaping, layout and scale) following the approval of outline planning permission with all matters reserved (reference: 23/00243/OUT) for the erection of a single dwelling
- 2.2. Amended plans received on 17/11/2024 has kept the design but reduced the width of the proposed dwelling. The site has also been reduced in width resulting in more space between the proposed and the highway boundary. The application proposes a detached, 1.5 storey bungalow with 3 bedrooms built into the natural slope of the site. The proposed dwelling would appear single storey at the front with a front facing gable end & due to the slope of the site, have a 2 storey gable end at the rear with covered balcony area for master bedroom. The proposal would have a detached single bay garage on the northern side of the dwelling with a 2nd parking space provided in front of the garage. Domestic, ornamental landscaping and turf are proposed with bin storage at the front and paving leading to the rear and a patio area. Swift nesting bricks and bat boxes are proposed on the southern elevation of the dwelling and garage respectively along with trees on the rear boundary, shrubs at front and rear and wildflower seeded areas. An electric car charging point would be provided on the front of the garage.
- 2.3. Submitted plans and statements are:
- 107-02 Rev A Location Plan
107-03 Rev A Proposed Floorplans and Elevations
107-04 Rev B Landscape Plan
Design Statement
- 2.4. The proposed materials include a mix of white render & anthracite shiplap composite cladding under grey concrete roof tiles. Red cedar tongue and groove cladding is proposed for the rear facing gable end. The lawn is enclosed by 1.8 metres high close boarded timber fencing.

Description of the site and surrounding area

- 3.1. The site lies to the south west of a detached residential property known as No. 130 Stamford Street which is located within the settlement boundary for Ratby. 130

Stamford Street, which was originally of post war vernacular has been extended and modernised and is a 2 storey detached dwelling. 130 Stamford Street forms a group of dwellings that include 132 and 134 Stamford Street which are laid out in a linear pattern and mark the extent of the settlement of Ratby.

- 3.2. The application site lies just outside of the settlement boundary for Ratby. Open countryside lies beyond the north and western boundaries of the site whilst residential properties inside the settlement boundary lie to the south and east of the site. The open countryside feel is quickly eroding however with the development of 90 dwellings on a site to the north (20/00462/FUL) of the application site (approx. 100m away). These dwellings are currently being built. Application 23/00774/REM for 2 similar dwellings directly to the north of the proposed site was granted permission in December 2023. The dwellings to the south are characterised by groups of Victorian and post war terraced and semi-detached properties that are organised in a linear pattern of development located on the east and west side of Stamford Street. The dwellings located to the south west of the site comprise a group of three bungalows that face the open countryside. The site is within the National Forest and Charnwood Forest although there are no trees on the site.

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

24/00243/OUT

- Outline planning permission for the erection of a single dwelling (all matters reserved)
- Outline permission
- 01/05/2024

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
- Permitted
- 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:
Environmental Services (Drainage) - No objections
HBBC Pollution- No comment
LCC Highways- No objections
- 6.2 LCC Ecology- No objection subject to conditions.
- 6.3 No response or a response of 'no comment' has been received from:
Ratby Parish Council
Friends of Charnwood Forest

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 DM4: Safeguarding the Countryside and Settlement Separation
 - 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) (2024)
 - 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 just outside the settlement boundary of Ratby. Assessment against adopted strategic planning policies has already been undertaken and the principle of development of the site for the erection of one dwelling has already been established through the assessment and grant of outline planning permission reference 23/00243/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 129, 131 and 135 of the NPPF (2024) 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 1.5 storey dwelling with a gable front & rear. The proposed dwelling would have the appearance of a bungalow at the front & a 2 storey at the rear. A pitched roof is proposed for the dwelling along with a lean to roof for the single storey garage. The proposed dwelling would be set back from the highway boundary.

- 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, including the recently approved dwelling, the proposed dwelling 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 or north 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 within the wider area.
- 8.7 Doors and windows 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.
- 8.8 The proposed layout would provide a private rear garden of approximately 180 square metres in area for the future occupiers which would exceed the private amenity space requirement within the adopted Good Design Guide for a 3 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 northwest and neighbouring dwellings to the north, south & east. The proposed landscaping at the front & rear would provide a more sensitive delineation of the boundaries and soften the appearance of the development within the street scene.
- 8.9 Overall, it is considered that by virtue of the appearance, layout, scale, design, landscaping and, subject to the submission for prior approval of satisfactory details for the discharge of conditions imposed on the outline planning permission, 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 (2024).
- 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 across the road from the front elevation of the two storey neighbouring dwelling to the east (No. 130) & although at an angle to it would be approx. 16m from it at its closest point. The dwelling would be on a lower ground level & have a bathroom & bedroom on this front elevation. At the rear would be a ground floor open planned kitchen/ dining area with sliding doors and on the 1st floor a master bedroom with a balcony area. All 3 bedrooms satisfy the internal space standards but bedroom 2 and 3 would only be large enough to satisfy the space standards for a 'single bedroom'.
- 8.12 The front elevation of No. 130 consists of an integral garage, entrance hall and living areas on the ground floor with bedrooms on the 1st floor. By virtue of the proposed layout, the lower ground level, the orientation of the dwellings, the landscaping & the separation distance the proposal would not result in any significant adverse overbearing or overshadowing impacts on No 130.

8.13 Due to the orientation of the proposed and the recently approved dwellings to the north, which are side to side in relation to each other, the proposed dwelling would be separated from the nearest dwelling to the north by a distance of approx. 6m with the detached garage proposed for this proposal in between. There are only a few small windows for non-habitable rooms on the northern elevation of the proposed along with one bathroom window which would be obscure glazed by condition. As a result there would be no significant loss of privacy from potential overlooking to the occupiers of the proposed dwelling or any other neighbouring dwelling.

8.14 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.

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. Paving slabs would surface the off-street parking space as 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 site plan following re-consultation 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 amended information provided, the development would not conflict with paragraphs 115, 116 or 117 of the National Planning Policy Framework (2024) and therefore no objections are raised on highway safety grounds. A number of highway related planning conditions are recommended in respect of the access, parking and turning facilities, gates, boundary treatment, trees and shrubs along the public right of way. 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 some bird boxes to provide additional nest sites and to help achieve the aims of the BAP. A bat box has been proposed on the southern elevation of each dwelling with 3 swift nest boxes on the northern elevation. A hedgehog walkway has also been included at the rear within the proposed landscape plan to enhance the biodiversity value of the development in accordance with Policy DM6 of the adopted SADMP and paragraph 187 of the NPPF (2024).

8.19 Waste and recycling storage has been provided at the adopted highway boundary and at the front on 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, Layout, and Scale and the minor harm to the Countryside is considered to be outweighed by the benefits, furthermore 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 24/00243/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 107-002 Rev A received by the local planning authority on 19 November 2024.
 - Proposed Layout & Elevation Drawing 107-03 Rev A received by the local planning authority on 29 November 2024.
 - Proposed Landscape Plan Drg No. 107-04 Rev B received by the local planning authority on 29 November 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, parking and turning facilities as shown on Landscape Plan, drawing number 107-04 Rev B have been implemented in full. Thereafter the access, onsite parking and turning provision shall be kept available for such use 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, and 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 general highway safety and in accordance with the National Planning Policy Framework (2024).

3. 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 the National Planning Policy Framework (2024).

4. Any proposed changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework 2024.

5. No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.

Reason: to prevent overgrowth in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework 2024.

6. The approved hard & soft landscaping scheme shall be carried out in accordance with the details submitted on the approved Landscape Plan Drg No. 107-04 Rev B. 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).

7. The approved bird boxes, bat boxes and hedgehog walkway shall be installed in accordance with the details submitted on the approved Landscape Plan Drg No. 107-04 Rev B prior to the first occupation of the dwelling hereby permitted and permanently so maintained at all times thereafter.

Reason: To protect and enhance the biodiversity value of the development in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 180 of the NPPF (2024).

8. All bathroom windows shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) 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).

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 24/00243/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. 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.
4. 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).

5. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
6. The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
7. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
8. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
9. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
10. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.