

Delegated Report

Planning Ref: 24/00337/FUL
Applicant: Mr Brian Fray
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 86 Netherley Road, Hinckley Leicestershire LE10 0RF

Proposal: Proposed replacement of existing driveway with concrete block

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 full planning permission for the replacement of an existing loose stone driveway with a non-permeable concrete blocks at 86 Netherley Road, Hinckley. Where replacement drives are permeable permission is generally not required. An application is necessary in this instance as the applicant seeks approved for a non-permeable surface.

3. Description of the site and surrounding area

- 3.1. The property relates to a two storey semi-detached house within the settlement boundary of Hinckley. The dwelling is set back from the public highway and has a front loose stoned driveway which slopes towards the house. The property is built with brick and has a hipped roof form and white uPVC windows. Surrounding properties are predominantly residential of similar scale and with a mix of brick and render. The dwelling is not listed and is not within a conservation area.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
5.2. No public comments have been received.

6. Consultation

- 6.1. None required.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- 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 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Design and impact upon the character of the area

8.2 The Borough Council declared a climate emergency in July 2019. Policy DM7 requires that adverse impacts from pollution and flooding will be prevented by ensuring that development proposals demonstrate that the development does not create or exacerbate flooding unless it is adequately mitigated.

8.3 Policy DM10 of the SADMP requires proposals to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The Good Design Guide (2020), states that where hardstanding is proposed at the front of a property that this should not constitute more than 50% of the total area and that permeable paving materials are supported as a means of minimising the cumulative impact on flood risk.

8.4 The proposals seek to replace the existing driveway with concrete block. Surrounding properties have similar driveways to the front of existing dwelling. The application site's front driveway is currently covered with loose stone and there is a drain to allow for surface water run-off and to mitigate any flood risk. The proposed concrete block is visually acceptable but as it is not permeable a condition is required so that water running off the drive does not flow straight into the existing drain but is appropriately attenuated by being directed to a planted swale or water garden between the drive and the dwelling. The proposed driveway is not out of character and does not impact on the visual character of the existing dwelling and the wider street.

8.5 By virtue of the above, the proposed driveway does not cause any detrimental visual impacts upon the character of the area and therefore in accordance with Policy DM10 of the SADMP (2016) and advice set out in the adopted Good Design Guide (2020).

Impact upon neighbouring residential amenity

8.6 Policy DM10 of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

8.7 The proposal seeks to construct a non-permeable hardstanding to the site frontage to provide an off-street car parking space. The nature of the proposal is not considered to cause any detrimental impacts upon the neighbouring amenity. It is within the curtilage of the dwelling and does not result in overhanging of vehicles on the public highway. The driveway slopes towards the dwelling. There is an existing drain to

support water run-off. The proposal proposes planting area to the front to mitigate against flood.

- 8.8 By virtue of the siting, scale, design, the retaining of existing drain and subject to the provision of planting area, the proposal does not result in any significant adverse impact on the residential amenities of any neighbouring properties or the public highway and therefore in accordance with Policy DM10 of the adopted SADMP in terms of impacts on residential amenity.

Impact upon highway safety

- 8.9 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.10 The site is close to the junction of Netherley Road and Netherley Court. It is set back from the public highway and separated from the green area and footpath. The application seeks to improve the existing off-street car parking space to serve the dwelling. The proposed development does not impact on highway safety and in accordance with Policies DM17 and DM18 of the adopted SADMP the Leicestershire Highway Design Guide.

Equality implications

- 8.12 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.
- 8.13 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 8.14 There are no known equality implications arising directly from this development.
- 8.15 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).

9. Conclusion

- 9.1 The proposal is located within the settlement boundary of Hinckley and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 of the wider policies of the NPPF.
- 9.2 The application for a hardstanding driveway for off-street parking space to serve the dwellinghouse. The proposal is considered not to impact on the character of the area, have detrimental impacts upon neighbouring amenity or cause any significant impacts upon Highway safety. The proposal is only considered sustainable though

where it will not increase flooding. In providing a non-permeable surface there is the potential for the proposal to lead to increased flooding unless a condition is attached to ensure that surface water run-off is attenuated. As a result, the proposal is considered to be in accordance with Policies DM7, DM10, DM17 and DM18 of the adopted SADMP. This scheme is therefore recommended for approval subject to conditions.

10. Recommendation

Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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 accordance with the Site Location and Proposed Material plan received by the Local Planning Authority on 9 April 2024 and subject to any details approved by Condition 3.

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. Prior to the resurfaced parking area being brought into use, a scheme showing details of the front water garden area that includes its dimensions, depth, construction details and planting shall be submitted to and agreed in writing by the LPA. The water garden shall be implemented in accordance with the approved details prior to the resurfaced parking area being brought into use and shall thereafter be permanently retained as such at all times thereafter.

Reason: To mitigate against surface water run-off and cumulative impact of flood risk. This is to comply with Policies DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document and the National Planning Policy Framework (2023).

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 building.control@blaby.gov.uk or call 0116 272 7533.
2. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of Leicestershire County Council (Highways) (0116 3050001).
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.