

Delegated Report

Planning Ref: 23/00652/REM

Applicant: Mr and Mrs Phil and Carole James

Ward: Twycross, Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: 1 George Fox Lane, Fenny Drayton, Nuneaton

Proposal: Approval of Reserved Matters (Appearance and Landscaping) for Outline Application 21/00336/OUT for the erection of one dwelling (Outline - access, scale and layout)

1. Recommendations

1.1. Grant approval of reserved matters subject to:

- Planning conditions attached to outline planning permission reference 21/00336/OUT and additional planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks the approval of reserved matters (Appearance and Landscaping) following the approval of outline planning permission with all matters reserved (reference: 21/00336/OUT) for the erection of one dwelling.
- 2.2. The application proposes the appearance and landscaping details for the approved detached two storey dwelling located in the subdivided plot at 1 George Fox Lane. The landscaping details include a low level boundary brick wall, and associated grassed, paved and tarmacked areas to the site frontage and rear.
- 2.3. The appearance details relate to the materials which have been detailed within a technical document and on the proposed plans. Which include details of the brick detailing, roof tiles, windows and doors, hardstanding and external guttering.

3. Description of the site and surrounding area

- 3.1. The application site is a 450m² parcel of land forming the northern part of the garden area of 1 George Fox Lane to the inside side of a 90-degree bend in the road where George Fox Lane becomes Old Forge Road. The site is bounded by the detached garage associated with the host dwelling to the south, 45 Old Forge Road to the north and the rear garden of 1a George Fox Lane to the east – a subdivided plot also formerly part of the garden of no.1.
- 3.2. The western boundary of the site is a mature conifer hedgerow adjacent to Old Forge Road. The site is located within the settlement boundary of Fenny Drayton. The surrounding area has a mix of architectural styles and dwelling scale and design.
- 3.3. A grade II listed building, the George Fox Monument, is located approximately 20m south of the proposed dwelling on the corner of the George Fox Lane and Old Forge Road, with the development considered to be situated within the setting of this listed building.

4. Relevant planning history

07/01397/FUL

Demolition of existing garage and erection of one detached dwelling

Permitted

24.01.2008

11/00163/FUL

Demolition of existing garage and erection of one detached dwelling

Permitted

28.04.2011

14/00273/CONDIT

Variation of condition 2 of planning permission 11/00163/FUL to amend approved plans

Permitted

07.05.2014

21/00336/OUT

Erection of one dwelling (Outline - access, scale and layout)

Outline Planning Approval

18.03.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One letter of objection has been received which relates to a set of restrictive covenants on the site which prohibit development and issues with the scale and layout of the plot. It is noted that covenants do not form a material planning consideration and scale and layout are not considered under this reserved matters application, having been approved at Outline stage.

6. Consultation

- 6.1. Comments have been received from:
 - HBBC Pollution: No objection
 - HBBC Drainage: No objections, notes to applicant.
 - LCC Highways: Standing advice
 - HBBC Waste Management: No objections, note to applicant
 - HBBC Conservation: No objections, comments included within the body of this report.

7. Policy

- 7.1. Core Strategy (2009)
 - No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance

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

8. Appraisal

8.1. Assessment against adopted strategic planning policies has already been undertaken and the principal of development of the site for the erection of one dwelling has already been established through the assessment and grant of extant outline planning permission reference 21/00336/OUT. The key issues in respect of this application are therefore:

- Appearance and landscaping and impact upon the character of the surrounding area including the setting of a Listed Building
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision

Appearance and landscaping and impact upon the character of the area and setting of a Listed Building

- 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 Paragraphs 124 and 127 of the NPPF (2019) 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.
- 8.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.5 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.6 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.

- 8.7 The access, scale and layout of the proposed dwelling has already been approved. The submitted plans confirm the appearance of the dwelling and proposed landscaping around it. The dwelling would be two storeys in scale and set back from the street frontage of Old Forge Road on a similar building line as existing properties. The existing garage serving 1 George Fox Lane, situated to the north of the memorial, is to be retained.
- 8.8 The scale, layout and appearance of the proposed dwelling closely follows the prevailing characteristics of the area. It is also considered acceptable in terms of the materials used and sufficient landscaping has been provided through the details submitted on the proposed plans. This includes a 0.7m boundary wall and proposed planting located behind this wall, within the boundary of the site, replacing the removed hedgerow.
- 8.9 The new dwelling would introduce further development within the wider setting of the monument but would be located no closer to it than any existing development at 1 George Fox Lane and it would be reflective of existing residential development within the wider context of the monument. Overall the proposal would result in a development that has a neutral presence within the setting of the monument and it would have no adverse impact upon its significance.
- 8.10 The proposal is therefore compatible with the significance of the listed building and consequently it accords with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.11 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.
- 8.12 The proposed appearance and landscaping details submitted under this reserved matters application do not give rise to concerns of any detrimental impacts caused to neighbouring properties in terms of residential amenity. Under the previously approved Outline application, the scale and layout of the development was considered and it was considered that there would not be significant adverse impacts on residential amenity.
- 8.13 Concerns have been raised regarding potential overlooking to No. 1A George Fox Lane which is sited to the south east of the site. The proposed rear elevation would face the side boundary of this properties garden. Whilst the proposal may introduce some additional overlooking, the separation distance coupled with the oblique between both dwellings would mitigate additional harmful overlooking.
- 8.14 No habitable room windows are proposed in either side elevation.
- 8.15 By virtue of the layout, scale, design and boundary treatments 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 an accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety and parking provision

- 8.16 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.
- 8.17 The means of access was approved under the outline consent. Leicestershire County Council were consulted as part of this application and commented referring

to their standing advice. The proposal under this application seeks to use a tarmac driveway to access to property and turning head located within the site. Alongside a low level boundary brick wall to the site frontage. As with the outline consent these proposals are not considered to have a detrimental impact on parking standards or highway safety and are therefore considered to be in accordance with Policy DM17 and DM18 of the SADMP.

Equality implications

- 8.18 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.
- 8.19 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.
- 8.20 There are no known equality implications arising directly from this development.
- 8.21 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

- 10.1. The proposed scheme is considered to respect and complement the character and appearance of the surrounding area and would not result in any harm to the visual amenity of the area or the Grade II Listed Building. It is also considered to have no significant detrimental impact on highway safety and neighbouring amenity. Therefore the proposal is considered to be in accordance with Policy DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide, the overarching principles of the NPPF (2021) and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Recommendation

- 11.1 **Grant approval of reserved matters** subject to:
- Planning conditions attached to outline planning permission reference 21/00336/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:

Design and Access Statement

Proposed Ground Floor and Landscaping Plan Drg No. 2032-SK-002A

Proposed First Floor and Roof Plan Drg No. 2032-SK-003

Proposed Elevations Drg No. 2032-SK-004

Material Specification

Site Location Plan

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. The development hereby permitted shall not be occupied until such time as the off-street parking facilities have been implemented in accordance with the approved Proposed Ground Floor and Landscaping Plan Drg No. 2032-SK-002A received by the local planning authority, and surfaced in the hard bound permeable materials as specified. Thereafter the on-site parking provision shall be permanently so maintained at all times thereafter.

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 prevent deleterious materials (loose stones etc.) from being deposited in the highway 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 Paragraph 110 of the National Planning Policy Framework (2021).

3. The approved hard landscaping scheme shall be carried out in accordance with the details submitted on the approved Proposed Ground Floor and Landscaping Plan Drg No. 2032-SK-002A received by the local planning authority, prior to the first occupation of the dwelling hereby permitted and permanently so maintained at all times thereafter. The soft landscaping scheme shall be implemented in accordance with the details submitted on the approved Proposed Ground Floor and Landscaping Plan Drg No. 2032-SK-002A received by the local planning authority, 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).

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. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
3. 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. All waste collection services are from the boundary to the public highway. Please ensure adequate space on properties to store the various containers and also space at the kerbside (where the properties meet the public highway) for the placement of the containers on the collection day.