

Delegated Report

Planning Ref: 23/01244/FUL

Applicant: Mr Paul Collis

Ward: Hinckley DeMontfort

Site: Former Severn Trent Reservoir Off, Leicester Road, Hinckley

Proposal: Demolition of existing light industrial building (with prior approval for conversion to Class C3 bungalow) and the erection of a new 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 demolition of an existing light industrial building, which benefits from approved prior approval for the conversion to a bungalow; and the erection of a new dwelling.

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

- 3.1. The application site is an existing former industrial building, located within the new housing development of the Former Severn Trent Reservoir Off Leicester Road, Hinckley.

4. **Relevant planning history**

19/00567/FUL

- Erection of 14 residential units including access and parking
- Planning permission
- 27.09.2019

20/00523/P3CPA

- Prior notification for change of use of building from light industrial (Class B1(c)) to one dwelling (Class C3)
- Prior approval given
- 17.08.2020

23/00064/NMA

- Non material amendment to planning permission 19/00567/FUL. Amendment to include alteration to parking for plot 13 and 14
- Permitted
- 27.02.2023

23/00441/P3CMA

- Change of use of existing light industrial unit (Class E) to bungalow (Class C3)
- GDO Prior Approval Given
- 27.06.2023

5. **Publicity**

- 5.1. The application has been publicised by posting letters to neighbours.

- 5.2. One objection received which raised concerns around public health with regard to car fumes and the local water tower having significant radio and telephone masts. Also concerns raised with regard to vehicle parking and congestion.

6. **Consultation**

- 6.1. LCC Highways: No objections, condition included.
- 6.2. HBBC Drainage: No objections, notes to applicant.
- 6.3. HBBC Pollution: No objections, condition included.
- 6.4. HBBC Waste: No objections.

7. **Policy**

7.1. **Site Allocations and Development Management Policies DPD (2016)**

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. **Core Strategy (2009)**

- No relevant policies

7.3. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2019)
- 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

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. 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.

- 8.3. 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).

Design and impact upon the character of the area

- 8.4. 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.
- 8.5. The proposal is situated within the existing 'new' housing development located within the former Severn Trent reservoir site. The estate is made up of 1.5 to 2 storey detached and semi-detached dwellings, with a mix of designs. The building considered under this proposal currently is a single storey former industrial building which benefits from prior approval for the conversion to a bungalow.
- 8.6. The proposal seeks to demolish the building and rebuild as a new dwelling. The newly proposed dwelling will copy previous design features of the industrial building whilst introducing a second storey with dormer windows to the front and roof lights to the rear.
- 8.7. The introduction of a second storey to this plot is not considered out of character with the area when considering the general make-up of the estate and with careful design and sensitive materials used, the impact upon the character of the area will remain minimal. As such it is considered that the proposal is in general accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.8. 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.
- 8.9. The development site shares boundaries with a number of neighbouring properties. It is considered that due to the proposed development and the neighbouring dwelling at Plot 14 being of a similar height and having no windows directly looking at Plot 14, that there would be limited detrimental impacts upon neighbouring amenity in terms of loss of light, loss of privacy, overlooking impacts and overbearing impacts. Similarly the neighbours to the rear are unlikely to be impacted by the development in terms of loss of light and overbearing impacts due to the significant distance between the development site and the habitable rooms at their property.
- 8.10. The rear rooflights do have the potential to cause overlooking and loss of privacy issues on the neighbours to the rear of the development site however, this has been conditioned at the end of this report to ensure the windows are non-opening and obscure glazed to ensure that there is no impact on neighbouring residential amenity.
- 8.11. As such it is considered that the proposal would not cause significant detrimental impacts upon neighbouring amenity and as such is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.12. 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.
- 8.13. The development is a two 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.

- 8.14. LCC Highways dept. were consulted as part of the application and had no objections to the proposal. One condition was included to ensure the implementation of the off-street parking and turning facilities.
- 8.15. 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.

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 DM10, DM17 and DM18 of the SADMP.

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:

Site Location and Block Plan Drg No. PL-NB-01
Proposed Floor Plans and Elevations Drg No. NB-PL-03
Materials Schedule

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 hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with the approved plans. Thereafter the onsite parking and turning provision shall be kept available for such uses 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).

4. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that all mitigation and prevention measures are conducted to reduce impacts on pollution, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The six (6) hereby approved rooflights included within the rear elevation of the 'Proposed Floor Plans and Elevations Drg No. NB-PL-03' Plan, shall be obscure glazed and non-opening, and shall remain so in perpetuity.

Reason: To ensure the safeguarding of neighbouring residential amenity in terms of loss of privacy and overlooking impacts in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The materials used on the hereby approved dwelling shall be in accordance with the Materials Schedule document submitted under this application.

Reason: To ensure satisfactory design and to safeguard to visual amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Notwithstanding the provisions of Schedule 2, Part 1, Classes A - E inclusive 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 dwelling 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 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. 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).