

Delegated Report

Planning Ref: 23/01171/FUL

Applicant: Mr Rodney Horton

Ward: Twycross, Sheepy and Witherley



Hinckley & Bosworth
Borough Council

Site: 29 Riverside Close, Sheepy Magna, Atherstone

Proposal: Dropped kerb and vehicular access to 29 Riverside Close

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 a dropped kerb and vehicular access.

3. Description of the site and surrounding area

- 3.1. The application site is a two storey semi-detached dwelling located on Riverside Close, Sheepy Magna, set back from the highway by a front garden, and grass bank. The dwelling has a low level fence to the front of the site.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. The application was also publicised within the Hinckley Times by the applicant.
- 5.2. No public comments have been received.

6. Consultation

- 6.1. LCC Highways – No objections, advice given within response.

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 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 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.

8.3 The proposal seeks a dropped kerb and vehicular access consisting of tarmac to the site frontage. Similar dropped kerb and accesses can be seen at the neighbouring properties which cross the grass bank between the front gardens of Riverside Close and the highway. As such it is considered that the proposal would not have a detrimental impact on the character of the area given the similar proposals within the vicinity of the site.

8.5 The proposal will not cause detrimental impacts upon the character of the area accords with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

8.6 Policy DM10 (a) and (b) 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 with in the vicinity of the site.

8.7 The proposal seeks implement a dropped kerb and access to the site frontage to provide two off-street car parking space. This by virtue of the nature of the proposal is not considered to cause any detrimental impacts upon the neighbouring amenity.

8.8 By virtue of the siting and scale, design the proposal would not result in any significant adverse overbearing impact on the residential amenities of any neighbouring properties or result in any loss of privacy from overlooking and would therefore be 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 LCC Highways were consulted as part of this proposal, and whilst no objections were raised, various advice to the applicant has been given. This has been included as planning conditions and notes to applicant to ensure that there are no detrimental impacts to highway safety as a result of this development. The proposal introduces two off-street car parking spaces to the site frontage which is welcomed and in accordance with the Leicestershire Highway Design Guide.

8.11 As such, the proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

8.40 Equality implications

8.4 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.
- 8.5 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.
- 8.6 There are no known equality implications arising directly from this development.
- 8.7 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 application for the dropped kerb and hardstanding for two off-street parking spaces is considered not to impact on the character of the area, have detrimental impacts upon neighbouring amenity or cause any negative impacts upon Highway safety. As a result the proposal is considered to be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP. This scheme is therefore recommended for approval subject to conditions.

10. 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. TQRQM23356103645794
Block Plan Drg No. TQRQM23356104836846
Design and Access Statement

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 approved shall include visibility splays of 2.4 x 43m on both sides of the access and 1.0 metres by 1.0 metres pedestrian visibility splays need to be provided on the highway boundary on both sides of the access with nothing within those visibility splays higher than 0.6m above the level of the adjacent footway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

4. The development hereby approved shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

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 parking spaces should have minimum dimensions of 2.4 metres x 5.5 metres, with 0.5 metres added if bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side, and one metre added if bounded on both sides.