

Delegated Report

Planning Ref: 23/01181/OUT
Applicant: D&R Jackson
Ward: Cadeby, Carlton, M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Land Adj Manor Bungalow, 10 Nailstone Road,
Barton In The Beans

Proposal: Outline Application for the erection of a single dwellinghouse (all matters reserved)

1. Recommendations

1.1. Grant outline planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for the erection of a single dwelling with all matters reserved.

3. Description of the Site and Surrounding Area

- 3.1. The site is located to the West of Manor Bungalow, 10 Nailstone Road, Barton in the Beans, which is a detached bungalow which benefits from a large plot made up of residential garden space. There is open fields to the South and residential development to the north and West of the site. The application site is located within the settlement boundary of Barton in the Beans.

4. Relevant Planning History

None

5. 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 letters of representation have been received.

6. Consultation

- Shackerstone Parish Council: No comments received.
- LCC Highways: No objections but confirmed further details required under reserved matters.
- HBBC Environmental Health: No objections.
- HBBC Waste: No objections, notes to applicant and condition recommended.

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

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)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009), and the Site Allocations and Development Management Policies DPD (2016).
- 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.
- 8.3. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.4. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. Due to this and the change in the housing figures required for the Borough paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.5. Policy 13 of the Core Strategy relates to Rural Hamlets, including Barton in the Beans and states that the Council will support housing development within the settlement boundary. As such, whilst Barton in the Beans has limited services, it is

considered that the principle of residential development within the proposed site location is acceptable.

Design and impact upon the character of the area

- 8.3. 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.
- 8.4. The erection of a dwelling on the application site would constitute an infill site. The proposed dwelling is located between two existing dwellings on Nailstone Road, and would be accessed from this road. A single detached dwelling within this site would not be uncharacteristic of the area given the two neighbouring detached properties, one of which is a bungalow and the other a two storey property. The properties adjacent to the development site are also two storey detached dwellings with elevations facing onto Nailstone Road.
- 8.5. The indicative layout plan shows the proposed dwelling set back from the highway with off-street parking to the site frontage with a degree of planting and screening from the highway and public vantage points, further supporting the general layout of the neighbouring plots.
- 8.6. The existing site is existing parking and private garden space belonging to the host dwelling. The existing dwelling benefits from a sizeable plot and residential amenity space and subdivision of the garden would not be unacceptable or appear out of character with the pattern of development in the surrounding area, whilst retaining sufficient private amenity space to the host dwelling.
- 8.7. Any future reserved matters application will need to demonstrate that the scale of the dwelling complements the surrounding dwellings and that the planting to the front of the site can be retained as much as possible. The indicative plans suggest this can be achieved.
- 8.8. It is considered that a dwelling could be provided on the site that would complement the character and appearance of the area in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.9. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.10. The application site adjoins the residential property of Manor Bungalow to the east and a two storey dwelling to the west. The proposal for a new dwelling, through the indicative plans, is for a one and a half storey detached dwelling. It is considered that from the indicative plans that there would be limited detrimental impacts upon neighbouring residential amenity in terms of overlooking, loss of privacy, noise impacts, overshadowing, loss of light and overbearing impacts, given the separation distances and plot size. Further details confirmed within the reserved matters application of the windows and openings would further confirm any potential impacts on neighbouring residential amenity.
- 8.11. The proposal includes the subdivision of the existing site and it is considered that a sufficient level of private residential garden and amenity space could be provided for both the newly proposed dwelling and the existing bungalow.

- 8.12. As such, it is considered that a development of one dwelling on this site would likely not result in any adverse impact upon residential amenity in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.13. 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.
- 8.14. The proposed dwelling would be located to the west of the existing residential curtilage of Manor Bungalow, and would be served by an access onto Nailstone Road, utilising the existing access arrangements.
- 8.15. Access is a reserved matter, but it is evident that the proposed dwelling would be served by the existing access. LCC Highways were consulted on the application and confirmed they believe there would not be any detrimental impacts upon highway safety and that within the reserved matters application, if the relevant access widths and turning spaces can be afforded in line with the Leicestershire Highway Design Guide, that the access can be acceptable and achievable.
- 8.16. It is considered that the proposal could provide a suitable level of car parking provision and would not be detrimental upon highways safety in 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. The application site is located within the settlement boundary of Barton in the Beans, where infill housing development is generally acceptable. By virtue of the

location and size of the site, subject to appropriate reserved matters, it is considered that a dwelling could be provided that would complement the visual appearance and character of the area. A dwelling could be provided that would not give rise to highway safety concerns or be detrimental to the amenity of the occupiers of neighbouring dwellings. It is considered that the proposed dwelling would be in accordance with Policy 13 of the Core Strategy and Policies DM1, DM10, DM17 and DM18 of the SADMP.

- 10.2. The development is judged to comply with the relevant policies of the Development Plan, the benefits of the development are small scale given the scale of the development and include limited social and economic benefits attributed with the construction of and supply of one single dwelling, however, the benefits of the development outweigh the harm.

11. Recommendation

11.1. Grant outline planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) Layout of the site including, the way in which building, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - d) Scale of the building proposed in relation to its surroundings

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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 be carried out in accordance with the submitted application details, as follows:

- Site Location Plan received 5th December 2023

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).

4. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall commence on site until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **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 collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary. Please refer to the following downloads on the website.

http://www.hinckley-bosworth.gov.uk/downloads/file/2952/wheeled_bin_information_for_developers_and_planning_officers

https://www.hinckley-bosworth.gov.uk/downloads/file/4647/wheeled_bin_and_container_policy_updated_march_2018

3. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.