

Delegated Report

Planning Ref: 24/00075/CONDIT
Applicant: Miss Angie Holden
Ward: Barlestone Nuneaton



Hinckley & Bosworth
Borough Council

Site: 69- 71 Newbold Road, Barlestone, Nuneaton, Leicestershire

Proposal: Variation of condition 2 (Plans and Elevation) of planning application 15/00751/FUL. Relocate existing garage

Recommendations

- 1.1. **Grant planning permission** subject to the conditions at the end of this report.

Planning Application Description

- 2.1. This application seeks minor material changes to permission 15/00751/FUL which was for the Erection of dwelling and garage that was approved in 21 August 2015.
- 2.2. The position of the garage was historically set out to avoid the root protection zones for the trees which sit across the front of the site, and did not run along the same orientation as the main dwelling. At the time this was not seen as the best design concept but with the existing trees the garage had to be positioned where it was.
- 2.3. Since the granting of the consent the tree which was impacting the garage (T7) has been removed due to disease, so the associated root protection zone for that tree is no longer a consideration. As such it is proposed as part of this application to rotate the garage so it sits in the same alignment as the main dwelling, offering a much better aesthetic view on the streetscene.
- 2.4. The applicant see's the change as positive to the overall design and layout of the site and as such is something that should be welcomed by the LPA. The proposed changes to the wording of the condition are summarised below.
- 2.5. The current wording of condition 2 is as follows:
- “The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. 213016-PL-01 Revision C at 1:1250 scale, Proposed Site Plan Drawing No. 213016-PL-02 Revision B, Proposed Dwelling Plans and Elevations Drawing No. 213016-PL03 Revision D and Proposed Garage Plans and Elevations Drawing No. 213016-PL04 Revision B received by the local planning authority on 3 July 2015”
- 2.6. The proposed amended wording for Condition 2 as a result of this proposal would be: “The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. 213016-PL-01 Revision D at 1:1250 scale, Proposed Site Plan Drawing No. 213016-PL-02 Revision C, Proposed Dwelling Plans and Elevations Drawing No. 213016-PL03 Revision D and Proposed Garage Plans and Elevations Drawing No. 213016-PL04 Revision B received by the local planning authority on 3 July 2015 and 12th January 2024”.

- 2.7. The change was not possible during the original application process due to the presence of a further tree, but as that tree has now been removed the changes to the garage can be made.

Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 1085 square metres including the access and is located outside of the settlement boundary of Barlestone on the north side of Newbold Road. It is located at the end of a small row of dwellings and opposite linear residential development that lies to the south. To the north is a grassed paddock. The former cottage has been demolished but was set back from the road frontage adjacent to the neighbouring dwelling. Access is currently directly off Newbold Road. Ground levels rise from Newbold Road into the site. A row of seven mature trees line the road frontage, these are subject to a Tree Preservation Order (reference 0801/02/01 dated 9 August 1973).

3.2. **Relevant planning history**

14/00985/FUL Erection of a Detached Dwelling and Garage
Withdrawn 03.12.14

12/00263/FUL Demolition of Existing Dwelling and Erection of New Dwelling
Approved 30.05.12

11/00827/FUL Demolition of Existing Dwelling and Erection of New Dwelling
Approved 15.12.11

11/00533/FUL Demolition of Existing Dwelling and Erection of New Dwelling
Withdrawn 07.09.11

15/00751/FUL Erection of dwelling and garage (revised proposal)
Approved 21.08.2015

Publicity

- 5.1. Neighbouring properties have been notified of the application.
- 5.2. No representations have been received in response to the neighbour notification.

Consultation

- 6.1. All those consulted on the original full application (15/00751/FUL) have been re-consulted apart from Severn Trent Water and LCC Drainage and no objections have been received.
- 6.2. LCC Highways- no objection
- HBBC Waste- no further comments to add
- HBBC Drainage- no objection
- HBBC Pollution- no objection

Policy

- 7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
 - Policy 11: Key Rural Centres Stand Alone
- 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 DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 Barlestone Neighbourhood Plan (Made Version June 2022) (BNP)
- Policy H4: Housing Mix
 - Policy H6: Design Standards
- 7.4 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.5 Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Highway Authority Design Guide
 - Technical Housing Standards – Nationally Described Space Standards (2015)

Appraisal

- 8.1. The principle of development and the reserved matters for the dwelling and garage has been approved under applications 15/00751/FUL respectively. The key issues are therefore:
- Design and Impact upon the Character of the Area
 - Impact upon Residential Amenity
 - Impact upon Highway Safety
 - Impact upon Trees

Design and Impact upon the Character of the Area

- 8.2. Policy DM10 the 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 the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.3. The Council's Good Design Guide outlines that development will need to provide high quality design including internal amenity space, minimum garden sizes and separation distances between habitable room windows. The Guide also promotes a healthy, comfortable and safe internal and external environment. It provides guidance on detailed design and is supported in its aims to ensure good design in all development by paragraph 139 of the NPPF which states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF. Policy DM10 is therefore consistent with the NPPF (2023).

- 8.4. The proposed change in the location of the garage is acceptable and would look better from a streetscene perspective. The revisions to the location of the garage on the site is considered to be material but minor in nature. The proposed are considered to accord with the requirements of the NPPF, Policy DM10 and the Good Design Guide.

Impact upon Neighbouring Residential Amenity

- 8.5. Policy DM10 of the SADMP states that 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.
- 8.6. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.7. The proposed revisions as outlined above are considered to be material but minor in nature. It is therefore considered that the proposal accords with the requirements with regard to the protection of residential amenity for neighbours and with the requirement to provide future occupiers with adequate amenity. The proposal is in accordance with the requirements of Policy DM10 of the SADMP, the Good Design Guide and the NPPF.

Impact upon Highway Safety

- 8.8. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.9. There are no changes with regard to the access & the amount of parking provided. It is considered that the proposed development provides sufficient parking and has an acceptable impact with regard to highway safety subject to compliance with the proposed conditions in accordance with the requirements of the SADMP and the NPPF.

Impact upon Trees

- 8.10. Paragraph 96 of the NPPF seeks to achieve healthy, inclusive and safe place which enable and support healthy lifestyles through the provision of safe and accessible green infrastructure.
- 8.11. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and that on site features should be retained, buffered and managed favourably.

- 8.12. The LCC Tree Officer has been consulted for this application but has not commented on the proposal. The proposed change was not possible during the original application process due to the presence of a further tree, but as that tree has now been removed the changes to the garage can be made. None of the tpo'd trees at the front of the site would be affected as a result of this garage relocation.
- 8.13. It is considered the proposed is acceptable as it does not impact the health of any significant tree or would have a detrimental impact on the character of the area. It is considered that the proposed development has an acceptable impact on trees in accordance with the requirements of the SADMP and the NPPF.

Conditions

- 8.14. The full application 15/00751/FUL was issued with ten conditions. Conditions attached to this permission would continue to apply. None have been discharged.

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 proposed development is considered to be compliant with relevant national and local policy and guidance as it:
- Is of an appropriate scale and design
 - Would not have a harmful impact upon the character and appearance of the area
 - Provides sufficient parking and has no adverse impact upon highway safety
 - Would not have a significantly detrimental effect on the amenity of neighbouring residents
 - Has no significant impact on trees

- 10.2. Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions set out below.

11 Recommendation

11.1 **Grant planning permission** subject to the conditions below.

11.2 Conditions

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. 213016-PL-01 Revision D at 1:1250 scale, Proposed Site Plan Drawing No. 213016-PL-02 Revision C, Proposed Dwelling Plans and Elevations Drawing No. 213016-PL03 Revision D and Proposed Garage Plans and Elevations Drawing No. 213016-PL04 Revision B received by the local planning authority on 3 July 2015 and 12th January 2024.

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 materials used on the external elevations of the dwelling and garage hereby permitted shall be in accordance with the details approved under application 23/00174/DISCON.

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).

3. The ground levels of the site and finished floor levels of the dwelling and garage shall be implemented in accordance with the approved plan C5 213016-PL-05 - Finished Levels Revision B (A1) as approved on 8 January 2018.

Reason: To ensure that the development is compatible with the scale and character of the street scene 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).

4. The development shall then be carried out in accordance with the approved Tree Protection details namely the Arboricultural Method Statement and drawing C5 213016-PL-05 - Finished Levels Revision B (A1) as approved on 8 January 2018.

Reason: To ensure that existing trees are adequately protected during and after construction in the interests of the visual amenities and character of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Before first occupation of the dwelling hereby approved, a close boarded timber fence of a minimum height of 1.8 metres and maximum height of 2 metres shall be erected along the boundary with 67 Newbold Road from a point level with the front elevation of 67 Newbold Road up to the rear boundary of the site.

Reason: To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Before first occupation of the dwelling hereby permitted the proposed shared access on the east side of the site shall be altered to a minimum of 4.25 metres in width and surfaced in hard bound porous materials (not loose aggregates) for a distance of at least 5 metres behind the highway boundary at its junction with Newbold Road and once provided shall be so maintained at all times thereafter.

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

7. Before first occupation of the dwelling hereby permitted, the private driveway shall be constructed in accordance with the approved Site Plan Drawing No. 213016-PL-02 Revision B to provide a minimum of three off-street vehicle parking spaces and once provided shall remain available for vehicle parking at all times thereafter.

Reason: To ensure that adequate access and off-street vehicle parking facilities are available to serve the dwelling and in accordance with the National Planning Policy Framework (2023).

8. Any gates, barriers, bollards, chains or other such obstructions to the private driveway shall be set back a minimum distance of 5 metres from the highway boundary and shall be hung so as to open inwards only.

Reason: To enable a vehicle to stand clear of the highway while the gates are opened/closed in the interest of highway safety and in accordance with the National Planning Policy Framework (2023).

9. The existing vehicular access directly off Newbold Road shall be closed permanently within one week of the new private drive first being brought into use.

Reason: In the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

11.3 Notes to applicant

1. 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.

2. 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).

3. Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

4. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

5. As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

6. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

7. 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 the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.

8. 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).

9. In relation to Condition 4, following a site visit the Borough Council's Arboricultural Officer suggests that the Tree Protection Plan must include vertical barriers at a minimum of 10 metres from the bole of each tree in accordance with BS5837:2012 Fig.2., an allocated site storage area for plant, machinery and materials outside the protected area and an allocated working area around the proposed dwelling for effective construction. In this case, a storage container could be placed inside the protected area where there is sufficient canopy height clearance and it is also considered that there is sufficient separation for the proposed driveway without a no-dig construction design.

