

Delegated Report

Planning Ref: 23/00527/FUL
Applicant: Mr and Mrs Schollar
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Elmsdale House, 23 Ratcliffe Lane, Sheepy Magna, Atherstone

Proposal: Proposed new replacement dwelling with associated parking and amenity space (following demolition of existing dwelling and outbuilding)

1. Recommendations

1.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

2.1. This application seeks full planning permission for proposed new two and half storey dwelling with associated parking and amenity space following demolition of existing dwelling and outbuilding. The proposals are for a single building comprising of a 'Farm House' type property with accommodation over 2 storeys. The existing access to the dwelling is off Ratcliffe Lane to the south of the site, which will be retained.

2.2. In addition to the plans, the application is supported by:

- Planning Statement including Design and Access Statement
- Bat and Bird Survey

2.3 A similar planning permission was granted by the Council ref: 22/00392/FUL. The previous approved dwelling had accommodation over 2 storeys, however accommodation has now been proposed within the roof to the dwelling. This would be achieved without raising the ridge height or altering the structure of the approved roof.

3. Description of the site and surrounding area

3.1 The application site comprises the property known as Elmsdale House, Ratcliffe Lane, and its substantial curtilage. Elmsdale House has the appearance of a two storey post-world war II farmhouse clad in pebble-dash grey render with a mixture of finishes and roof heights indicating where extensions have been added.

3.2 Since the planning approval ref: 22/00392/FUL, the existing dwelling has been demolished, construction, works up to floor plate level have commenced on-site for the previously approved new-build dwelling.

3.3 The application site is located wholly within the settlement boundary of Sheepy Magna. It is surrounded on three sides by countryside. Ratcliffe Lane runs along the western boundary, with residential development, set in a linear pattern fronting Ratcliffe Lane. The properties along Ratcliffe Lane comprise semi-detached and detached dwellings, comprising a mix of bungalows and two storey dwellings. The properties sit upon relatively large plots and are set back from the road frontage behind hedgerows and low brick walls.

- 3.3 There are a number of trees within the application site which are predominantly located on the boundary.

4. Relevant planning history

- 22/00392/FUL- Proposed new two storey dwelling with associated parking and amenity space (following demolition of existing dwelling and outbuilding)- approved on 04.11.2022
- 19/00247/HOU – First floor side extension and external steps to the side/rear – Approved on 01.03.19
- 05/00803/FUL – Extensions and alterations – Approved on 01.08.05

5. Publicity

- 5.1. The application has been publicised by notifying neighbours within the vicinity of the site. No response has been received from the member of the public.

6. Consultation

- 6.1 Environmental Services (pollution) – No objection.
- 6.2 HBBC Waste Services – Condition recommended to secure a scheme for provision for waste and recycling storage of containers and collection across the site. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.
- 6.3 HBBC Drainage – No objection.
- 6.4 LCC Highways – No objection. Informative suggested.
- 6.5 Sheepy Parish Council – No objection. The proposal appears to be in line with the policies of Sheepy Neighbourhood Plan.

7. Policy

7.1 Core Strategy (2009)

- Policy 12: Rural Villages

7.2 Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of biodiversity and geological interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Sheepy Parish Neighbourhood Plan

- S10: Housing Development
- S8: Design
- S5: Ecology and Biodiversity

7.4 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

- National Design Guide (2019)

7.5. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highways Design Guide
- Open Space and Recreation Study (2016)

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 Highways
- Waste and recycling
- Ecology

Assessment against strategic planning policies

- 8.1 Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.2 The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.3 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. The Strategy identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Policy 12 of the Core Strategy identifies Sheepy Magna as a Rural Village. The development vision for these settlements is to focus on the aim of ensuring existing services are supported. To do so, the policy supports housing development within settlement boundaries. Furthermore, policy S10 of the Sheepy Neighbourhood Plan sets out a presumption in favour of residential development on land within the Sheepy Magna settlement boundary subject to proposals being at a scale appropriate to the settlement.
- 8.5 The Council acknowledges that it cannot currently demonstrate a 5 year housing land supply. On 25th March 2021, ONS published the latest median housing price to median gross annual workplace based earnings ratio used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for the Borough is now 466 dwellings per annum (using the standard method and affordability ratio and with an additional 5% buffer). The Council can demonstrate a 4.89 year supply of housing land at current time.
- 8.6 Footnote 8 to paragraph 11 of the 2021 NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites and therefore paragraph 11(d) of the NPPF is triggered. The NPPF is a material consideration. Paragraph 11(d) states:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 8.7 The application site is located in a sustainable location within the settlement boundary of Sheepy Magna as defined in policy S10 of the Sheepy Neighbourhood Plan and with reasonable access to a full range of services and facilities. The site though is surrounded by countryside where Policy DM4 of the SADMP requires that development within the countryside protects the intrinsic value, beauty open character and landscape character of the countryside.
- 8.8 Policy DM10 of the SADMP states that development will be permitted where it complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. In this instance the character of the surrounding area is either countryside or single and 1.5 storey dwellings on the opposite side of Ratcliffe Lane. Officers concerns though regarding the scale, massing and design of the originally submitted scheme have been addressed and officers have been mindful that the existing dwelling on the site is not considered to enhance the character of the area. The principle of residential redevelopment of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan.

Design and impact upon the character of the area

- 8.8 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.
- 8.9 The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment. The SPD sets out minimum separation distances between dwellings and a general guideline for garden sizes of 7.0m minimum length and size of 60sqm for a 2 bed house, and 80sqm for a 3 bed house.
- 8.10 There is variety in terms of the style, form, and design of buildings in the vicinity of the site. There is no local distinctiveness of design that is to be followed. Given the mixture that exists in terms of the age, style, size and siting of dwellings in the vicinity of the application site, there is not one predominant architectural style or pattern of development that needs to be followed.
- 8.11 The existing property is a single dwelling of post-war construction which has been subject to numerous extensions. It is constructed in walls comprising of pebble-dash grey render. The building is not of a high architectural order nor does the building possess any special architectural or historic interest. The building is not of a level of significance that would provide sufficient weight for it to be considered worthy of retention.
- 8.12 The scale, massing and design of the dwelling had been subject to extensive discussion during determination of the previous proposals. The layout and most of the design of the previously approved scheme would remain same.

- 8.13 The proposed alterations would not materially impact the dwelling, and the incorporation of the second floor would not alter the volume, eaves height, ridge height or overall appearance to the property. The only alteration that can be noticed is in the form of 2no.conservation style roof lights to the rear elevation (no dormer windows proposed to the second floor). The further proposed alterations to the window positions/sizes, cill detail, kitchen/dining/family room changes would also not cause any adverse impact to the overall design approved dwelling.
- 8.14 The proposed dwelling will incorporate brick facades, feature brick eaves and verges, chimneys, brick string courses and plinth detail (all previously approved) with alterations proposed to the windows incorporating stone cills. These details are evident throughout Sheepy Magna. These design features are also evident within the Sheepy Parish Neighbourhood Development Plan.
- 8.15 Appropriate conditions related to design, appearance and scale would be carried forward from the previous permission in order for the proposal to accord with the requirements of Policy DM10 of the SADMP taking into account that the character of the area comprises countryside and significantly smaller properties on the opposite side of Ratcliffe Lane.

Impact upon neighbouring residential amenity

- 8.18 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 within the vicinity of the site.
- 8.19 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. Proposals should demonstrate there will not be a loss of amenity to a habitable room window by loss of light or outlook. The SPD states that habitable rooms include living rooms, bedrooms and kitchens. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.20 The proposed changes would not impact any neighbours due to roof lights being located to the rear overlooking the applicant's garden. The garden is surrounded by tall, dense hedgerows shielding the view from Ratcliffe Lane.
- 8.21 The proposed changes will not alter the amenity of surrounding properties.
- 8.26 Therefore the proposal is considered to be in accordance with Policy DM10 and the Good Design Guide SPD in relation to residential amenity considerations.

Impact upon Highway and parking provision

- 8.27 Policy DM17 of the SADMP seeks to ensure new development would 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.28 Policy DM18 of the SADMP seeks to ensure parking provision is appropriate to the type and location of the development. Developments within the town centre should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.

- 8.29 The application proposes to utilise the existing access arrangements. Adequate turning and off-street parking can be provided on site to accommodate the spaces required by the Leicestershire Highway Design Guide (LHDG).
- 8.32 Leicestershire County Council (Highways) has considered the application and has no objection. The proposal is therefore considered to be in accordance with Policy DM17 and DM18 of the SADMP.

Waste and recycling

- 8.33 HBBC Waste Management team has considered the proposal and suggested a condition to submit a scheme to make adequate provision for waste and recycling storage of containers and collection across the site. This detail has already been submitted and considered satisfactory through a discharge of condition application.

Ecology

- 8.34 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.35 The application is accompanied by a Bat and Bird Survey and it concludes that there is no evidence of bats using the buildings as a place of shelter, there was evidence of birds nesting in the dwelling and there are no roosting opportunities in the dwelling.

9. Conclusion

- 9.1 The application site is situated in a sustainable location within the settlement boundary of Sheepy Magna, where residential development is generally acceptable in principle in accordance with national and local policy. By virtue of the proposed design and scale, the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties or highways. The proposed development is therefore considered to be in accordance with Policy 12 of the Core Strategy, Policies DM1, DM10, DM7, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD, policies S5, S8 and S10 of the Sheepy Parish Neighbourhood Plan together with the overarching principles of the NPPF.

10. Equality implications

- 10.1 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.

- 10.2 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.
- 10.3 There are no known equality implications arising directly from this development.
- 10.4 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.
- 10.5 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).

11. Recommendation

Grant planning permission subject to:

Planning conditions outlined below:

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 51 of 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, Block Plan, Drg No. 206 PL 01Ar received on 31/05/2023,
 Proposed Site Plan, Drg No. 206 PL-10D received on 31/05/2023,
 Proposed Ground Floor Plan, Drg No. 206 PL-20D received on 31/05/2023,
 Proposed First Floor Plan, Drg No. 206 PL-21E received on 31/05/2023,
 Proposed Second Floor Plan, Drg No. 206 PL-22D received on 31/05/2023
 C4 2304SCH-A1-C-1 Landscaping, C4 2304SCH-A1-C-2 Landscaping, C4 2304SCH-A1-C-3 Landscaping (Layout 3 of 4), C4 2304SCH-A1-C-3 Landscaping (Layout 4 of 4) received 26 April 2023
 C5 Phase II Ground Investigation Report received 26 April 2023
 C7 2304SCH-A1-D -1 Waste and Recycling, C7 2304SCH-A1-D Waste and Recycling received 15 June 2023

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to the commencement of the development, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4.a) 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.

b) Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Site preparation and construction shall be limited to the following hours:

Monday - Friday 07:30 - 18:00

Saturday 08:00 - 13:00

No working on Sundays and Bank Holidays

Reason: In the interests of satisfactory residential amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Notes to applicant

- a) A dwelling with four or more bedrooms should have a parking provision of at least three spaces as to be in accordance with Part 3, Paragraph 3.151 of the Leicestershire Highway Design Guide (LHDG).
- b) Parking spaces should be a minimum size 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 as to be in accordance with Part 3, Paragraph 3.165 of the LHDG.
- c) In order to contribute towards the parking provision and as to accord with Part 3, Paragraph 3.200 of the LHDG a single garage should have minimum dimensions of six metres by three metres with a minimum door width of 2.3 metres. A double garage should have minimum dimensions of six metres by six metres with a minimum door width of 4.2 metres.