

Planning Committee 15 March 2022
Report of the Director Environment and Planning

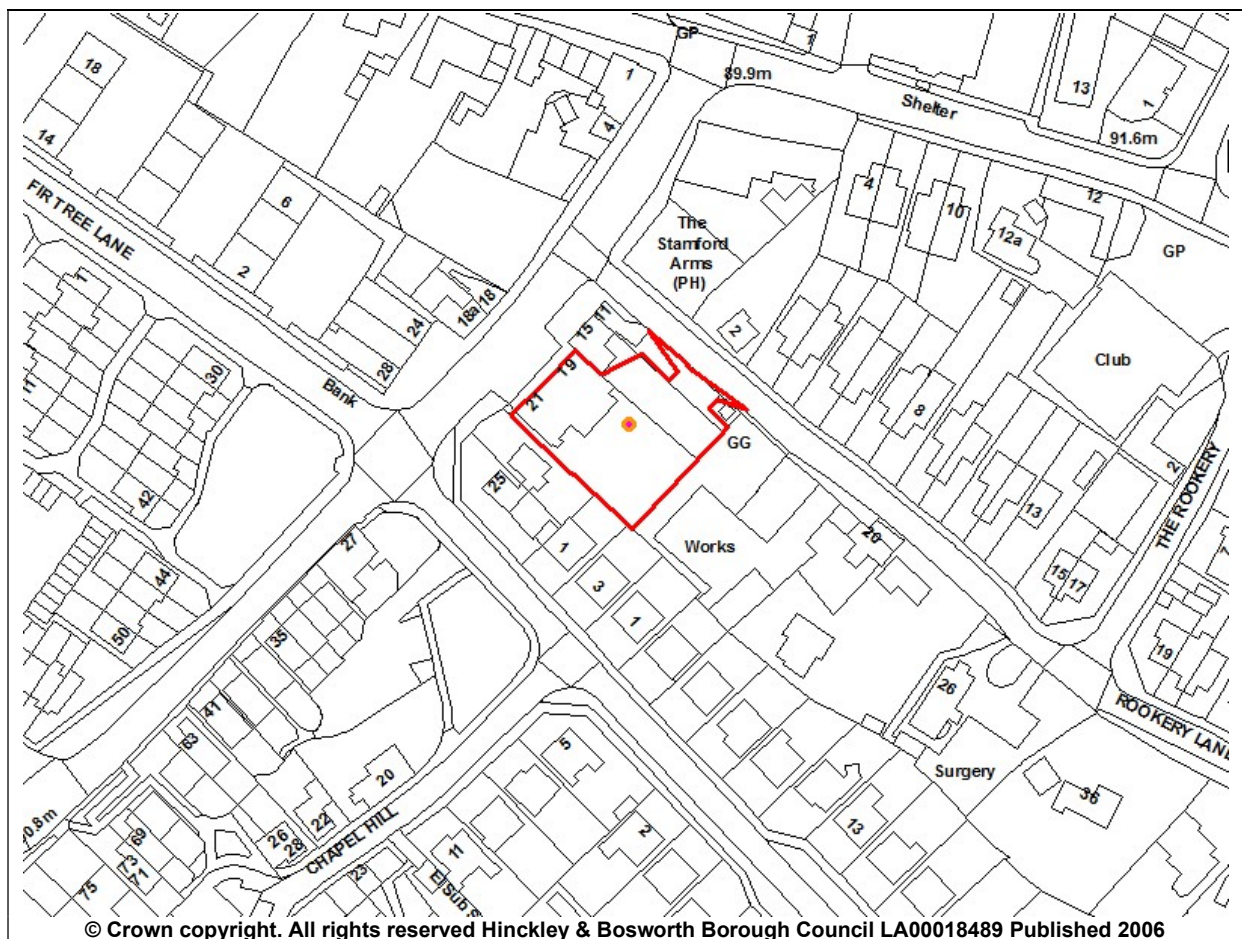
Planning Ref: 21/00674/FUL
Applicant: Mr & Mrs & Mrs & Mrs Stephens and Arkle
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 19-21 Ratby Road Groby Leicester

Proposal: Change of use from residential to commercial for No.21 Ratby Road, demolition of retaining walls and outbuildings and erection of two dwellings including the formation of new access and car park (resubmission of 20/01262/FUL)



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 proposal is for change of use of no. 21 Ratby Road, Groby, from residential to commercial use, the demolition of two outbuildings and retaining walls to the rear, and the erection of two dwellings with new access and car park from Rookery Lane. The new dwellings face onto Rookery Lane. The application site is located within the Groby Conservation Area.

- 2.2. The scheme comprises two detached two-storey properties. The dwellings would have pitched roofs and be of simplistic form. As the proposal is situated on a land that slopes down towards the north-west, the dwellings would be stepped down accordingly. The height to ridge would be approximately 8.3 metres and the height to eaves approximately 4.85 metres. Fenestration would be aligned and chimneys and canopy porches are also incorporated as part of the proposal.
- 2.3. The dwellings would front onto Rookery Lane, set back approximately 16.5 metres from the highway. The application proposes to demolish part the existing granite stone wall enclosing the site to the north to enable access from Rookery Lane to the development. There would be courtyard style parking/turning area to the front of the dwellings, providing a total of four parking spaces. Two parking spaces would be located to the front east corner of the plot and two parking spaces would be to the front west corner of the plot.
- 2.4. Amended plans have been received following officer concerns about design and the impact upon residential amenity. The scheme originally proposed three dwellings however this has been reduced with only two now being considered.

3. Description of the site and surrounding area

- 3.1. The application site currently consists of the former village Co-operative store building that fronts onto Ratby Road with two small outbuildings to the rear, and then wraps around a collection of traditional cottages on the corner of Ratby Road and Rookery Lane (these buildings are not within the application site) to include the land to the rear of 19-21 Ratby Road. This land is mainly laid to lawn but has been subdivided by a timber fence and includes a parking area to Rookery Lane, flanked by a stone wall. The site is bound by an industrial unit to the east and the rear gardens of residential properties on Crane-Ley Road to the south. There are a mix of residential properties located opposite the site to the north including the grade II listed building the Blacksmiths Cottage. The site levels rise to the east up Rookery Lane and to the south up Ratby Road.
- 3.2. The site itself is located at the edge of the historic core of Groby village and with the southern core of the Groby Conservation Area. As identified within the Groby Conservation Area Appraisal (GCAA) (2011) the character of the conservation area is in stark contrast to its generally suburban surroundings. Aspects of its character are immediately apparent when entering the conservation area from the northwest, the east or south and these include the use of traditional building materials, rural cottage architecture and intimate walled spaces.
- 3.3. The application site itself has a varied character. The building 19-21 Ratby Road is the former Co-operative village store, constructed in 1928. It has an impressive frontage onto Ratby Road and due to its historic and architectural interest it is identified as an important historic building within the GCAA. It is now in a mixed use of residential and commercial. The existing stone wall partially along the frontage of the site to Rookery Lane is identified as an important stone wall in the GCAA. Whilst believed to be a relatively modern erection it is constructed of materials traditional to the locality and it makes a positive contribution to the significance of the conservation area.
- 3.4. The character of the undeveloped section of the application site is generally one of a poor visual quality with an overgrown lawn, parking area, monotonous timber fence and views of the functional rear elevations of the properties along Ratby Road and Crane Ley Road. Views of the adjacent industrial unit provide the site with a poor setting looking east up Rookery Lane, with the industrial unit and its surrounds, including most of the application site, being identified as a weak area in the GCAA.

- 3.5. The grade II listed building the Blacksmith Cottage located immediately opposite the site to the north is a late-17th century timber framed cottage with thatched roof. The historic and architectural interest of this building is principally derived from its built form and fabric, and whilst the application site makes no direct contribution to the significance of the listed building due to its current poor visual appearance it does consist of a negative presence, although only to a minor degree, within its setting.

4. Planning history

14/00712/OUT

- Erection of 3 dwellings (outline - access, appearance, layout and scale)
Refused
08.01.2015

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 and a notice was displayed in the local press.

- 5.2. 7 letters of objection have been received from 3 different addresses regarding:

- 1) The development is out of character
- 2) Levels of the site will be increased
- 3) Restrict privacy and natural light of residents on Chapel Hill and Rookery Lane
- 4) Overbearing development
- 5) Highway safety
- 6) Impact to listed building
- 7) Proposed construction phase having an impact upon neighbouring businesses due to disruption to the land and therefore the neighbouring site causing a halt to production
- 8) On street parking issues
- 9) Loss of garden
- 10) Rookery lane is too narrow
- 11) Loss of trees will impact the conservation area

6. Consultation

- 6.1. No objections (some subject to conditions/notes) from:

- HBBC Drainage
- HBBC Waste
- LCC Highways
- LCC Ecology
- HBBC Pollution

- 6.2. Groby Parish Council have no objections to the change of use from residential to commercial element of the application however have the following objections:

- 1) Stability of the surrounding buildings following excavation and construction
- 2) Overdevelopment of the site
- 3) Dangerous access
- 4) The parking on Rookery Lane should not be removed
- 5) Swift nest surveys should be carried out
- 6) Removal of the wall within the conservation area is unacceptable
- 7) Too close to dwellings on Chapel Hill
- 8) Too close to adjacent businesses

7. Policy

7.1. Core Strategy (2009)

- Policy 8: Key Rural Centres
- Policy 19: Green Space and Play Provision

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Groby Conservation Area Appraisal and Map (2010)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the conservation area and the setting of a listed building
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact upon Ecology
- Other Matters

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms 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.

8.3 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 state 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) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).

- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Groby is identified as a Key Rural Centre within Policy 8 of the Core Strategy. To support its role as a Key Rural Centre focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5 The Emerging Local Plan for 2020-39 has reached regulation 19 stage and is currently out for consultation (February-March 2022) and thus can be given only limited weight at this stage as the outcome of the consultation remains to be determined. It is acknowledged though that Groby's status within the hierarchy remains unchanged from that within the CS.
- 8.6 Policy 8 of the CS provides the policy framework for Groby. The first criterion for Groby seeks the provision of a minimum of 110 new homes.
- 8.7 The Council acknowledges that it cannot currently demonstrate a 5-year housing land supply. The standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG results in a local housing need for the Borough of 444 dwellings per annum as of 1st April 2021. With a 5% buffer added as per the requirements this gives HBBC a need of 466 dwellings per annum for the next 5 years. As set out within the Residential Land Availability Assessment at 1st April 2021, the Council can demonstrate a 4.45 year supply of housing land.
- 8.8 In addition to the above, the housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and 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 a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11d) of the NPPF is engaged, irrespective of the housing land supply figure, which is a product of the age of the plan and the out-of-date evidence base it relies upon. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD 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.
- 8.9 The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. A Neighbourhood Plan area has been designated for Groby however it is at the early stage of development. There is no draft plan containing policies as yet for this application to be assessed against.
- 8.10 Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) sets out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.
- 8.11 Given the location of the site within the settlement boundary of Groby, a sustainable location, the proposal would be in accordance with adopted strategic planning policies and the principle of development is acceptable. This is subject to all other material considerations being satisfactorily addressed.

Design and impact upon the character of the conservation area and the setting of a listed building

- 8.12 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.13 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.14 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.15 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting, and that development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.16 Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.17 Objections have been received the development being out of character, being overbearing in nature, impact to the listed building, the removal of the wall within the conservation area and the loss of trees having an impact upon the conservation area.
- 8.18 The proposal seeks to change the use of part of 19-21 Ratby Road into commercial use. The works required to facilitate this change will have no adverse impact upon the interest of the former Co-operative store and subsequently this aspect of the proposal will preserve the character and significance of the Groby Conservation Area. The small outbuildings to the rear of the 19-21 Ratby Road are to be demolished to facilitate the re-development of the site. These outbuildings are of no particular historic or architectural interest and as such their loss will not result in any harm to the conservation area.
- 8.19 The Good Design Guide (2020) outlines that built development on infill sites should be of similar footprint, plot position and layout to the wider context, allowing sufficient space between buildings and not adversely impacting upon the prevailing grain of development.

- 8.20 The two proposed detached dwellings are sited back from the frontage of Rookery Lane to allow for the provision of a parking area to the front. The dwellings are two storeys in height and would be sat on a stone plinth due to the varying levels through the site. The facing walls are to be constructed of brick and have a dual pitch tiled roof. The dwellings have a matching rectangular plan form with central timber vertical planked door set under a timber framed canopy and flanking timber framed casement style windows set under segmental arches on the ground floor and below the eaves on the first floor. The proposed site plan confirms that part of the existing stone boundary wall to the front is to be retained and increased in height, and on the opposite side of the entrance and parking area a new stone wall will be erected to flank this area, coupled with some soft landscaping.
- 8.21 The height of the proposed dwellings is slightly greater than some of the surrounding properties, exacerbated to a certain degree by the need to meet modern standards and the site levels, but overall they respect the prevailing two storey scale and form of traditional properties in the surrounding area including the conservation area. The elevations of the dwellings display the use of some traditional architectural detailing, including segmental arches and gable end chimney stacks, and the proposed construction materials including stone plinth, brick facing walls and timber windows and doors are materials tradition to the area. The use of a natural slate roof would be preferential to a tiled roof. If the application is approved the construction materials to be used for all external elevations should be confirmed via a planning condition.
- 8.22 The retention of part and erection of a new stone wall to the site frontage along Rookery Lane will preserve a key characteristic of the conservation area. Due to the siting and scale of the new dwellings they will provide a screening effect to the modern factory to the east when looking up Rookery Lane, reducing the adverse visual impact of this building upon the appearance of the conservation area. Due to this screening effect, the retention and addition of the traditional stone wall and the generally acceptable presence of the new dwellings within the Rookery Lane street scene the proposal is considered to result in a slight enhancement to the setting of the grade II listed building the Blacksmiths Cottage.
- 8.23 For the reasons specified above and subject to the submission of satisfactory details via a condition the proposal will preserve the significance of the former Co-op building and the wider Groby Conservation Area, and is compatible with the significance of the grade II listed building known as The Blacksmiths Cottage by being an appropriate development within its setting. The proposal therefore complies with the Good Design Guide, Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- Impact upon neighbouring residential amenity
- 8.24 Policy DM10 of the adopted SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site. DM7 of the SADMP requires development not to cause noise or vibrations which would disturb residential amenity.
- 8.25 Objections have been received in regards to loss of garden land, restriction of privacy and natural light to dwellings on Chapel Hill and Rookery Lane and proximity to dwellings on Chapel Hill.
- 8.26 The application site is currently garden land associated with no. 19-21 Ratby Road. No. 21 is proposed to be converted to commercial to extend the business at no. 19 therefore the loss of the garden land to this dwelling would be acceptable.

- 8.27 The proposed gardens would be 11.7 metres in length therefore in excess of the recommended 7 metres within the Good Design Guide. It would also be in excess of the required 60 sqm for three-bedroomed dwellings as set out within the guide.
- 8.28 The dwellings would be approximately 21 metres from the rear elevations of the properties on Crane-Ley Road and therefore the distances required within the Good Design Guide (2020) are satisfied. There is an employment building to the south-east and retail/commercial buildings to the north-west meaning there would be in detriment to the residential amenity of these adjacent buildings. However, due to the commercial buildings being in situ adjacent to the site it is considered that a condition is required concerning noise attenuation in order to protect future residents.
- 8.29 Overall, it is considered that the proposed dwelling would have no significant adverse impact upon the residential amenity of the occupiers of the neighbouring dwellings.

Impact upon highway safety

- 8.30 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the adopted SADMP requires new development to provide an appropriate level of parking provision.
- 8.31 Paragraph 111 of the NPPF states that development should only be refused if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- 8.32 Objections have been received regarding on street parking issues, Rookery Lane being too narrow, dangerous access and the parking on Rookery Lane being retained.

Site Access

- 8.33 The proposed change of use from residential to commercial does not affect any existing access or result in the creation of a new access. Access to the new dwellings is proposed off Rookery Lane, an unclassified road subject to a 30mph speed limit.
- 8.34 The Applicant has submitted PRP drawing numbers 001 Rev P3 which shows the proposed site access arrangements and visibility splays. In addition, a letter referenced JMN/rpg/82002 dated 19 April 2021 has been submitted with a view to addressing the previous comments submitted by the LHA as part of the 2020 application.
- 8.35 The Applicant has now detailed the available visibility splays fully within either the red line boundary of the site, or the public highway. For clarity, the LHA considers that all land within the red line boundary does not fall within the public highway.
- 8.36 The Applicant has detailed visibility splays in both directions from a 2.4m setback distance in to the site to a 1m offset distance into the carriageway from the kerb edge as well as a 1.8m offset distance to the southeast and a 2.5m offset distance to the northwest. As per the previous application, guidance within Part 3, Table DG5 of the Leicestershire Highway Design Guide states visibility splays should be taken to an offset distance of 1.0 metres from the edge of the carriageway, while Manual for Streets details the edge of the carriageway. The LHA therefore maintain visibility splays should be taken from a 1m offset from the edge of the carriageway and has only considered these splays from a 2.4m offset distance.
- 8.37 While the Applicant has not undertaken a speed survey as requested as part of the previous application, given the visibility splays are now indicated as falling either within the highway boundary or land under the control of the Applicant as opposed

to third party land, this enables the LHA to consider the proposals in respect of the wider context of Rookery Lane. The site access is approximately 34 metres from a junction with Ratby Road, therefore it is unlikely vehicles would be travelling at 30mph when passing the site due to the proximity of the junction.

- 8.38 There are also marked out on-street parking spaces marked out opposite the site access, suggesting that vehicles often park along the route which could reduce speeds heading south east along Rookery Lane in particular. There are also a number of existing driveways / business accesses along this section of Rookery Lane and therefore vehicles entering / exiting a driveway would not be unexpected at this point. Given the site specific circumstances, the LHA therefore consider splays of 2.4 x 25m to the northwest and 2.4 x 27.5m to the southeast, which would be suitable for speeds up to 20mph.

- 8.39 The Access width measures 4.8m wide, which is in excess of the 4.25m required within Part 3, Table DG20 of the LHDG, however the LHA would not seek to resist the proposals on this basis. No details have been provided with regard to the access gradient, this would need to be no steeper for 1:20 for the first 5 metres behind the highway boundary. It is also noted that given vehicles park opposite the proposed access, turning in to/ out of the access could be quite tight, however the extra width would assist with this. In addition, this appears to be the existing situation with neighbouring driveways.

Highway Safety

- 8.40 Based on available records to the LHA, there have been no recorded Personal Injury Collisions within the vicinity of the proposed residential access on Rookery Lane, or the existing parking area on Ratby Road fronting the commercial premises within the last five years.

Internal Layout

- 8.41 Based on the submitted application form, the proposed change of use would result in an additional 100 sqm of A1 floorspace. The Applicant has stated that on-street parking is available in front of the premises and that the loss of the dwelling would result in a reduction in the demand for parking in front of the site. The submitted application form also does not state any additional employees that would be required as part of the proposed development.
- 8.42 Given the scale of the change of use, the loss of the existing dwelling and the fact that no additional employees are proposed, along with the existing on-street parking spaces fronting the site, the LHA accepts that no additional parking provision is required for the proposed change of use.
- 8.43 Architects LE1 drawing number (90)22 Rev A provides details of the internal layout of the proposed residential development. Two parking spaces per dwelling is acceptable for the type and size of dwelling proposed in accordance with Part 3, Paragraph 3.173 of the LHDG. There is also suitable turning provision to enable vehicles to enter and exit the site in a forward gear. The LHA therefore consider the internal layout of the site to be acceptable.

Transport Sustainability

- 8.44 The site is located close to Groby village centre and therefore in close walking proximity to local shops, amenities, a primary school and bus stops serving regular services between Leicester and Coalville.
- 8.45 It is considered that there would be no adverse impact in terms of impact upon the highway.

Impact upon Ecology

- 8.46 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation.
- 8.47 Objections have been received stating that swift nest surveys should be carried out.
- 8.48 LCC Ecology have reviewed the application. The outbuildings proposed for demolition have flat roofs and it is understood that the existing roof space and externals of the building at No. 21 will remain unaffected by the proposals. Therefore bats are unlikely to be present or affected by the proposed works. The proposed new dwellings are sited on existing managed garden areas. Therefore no bat or other ecological surveys are required and LCC raised no objections to this application.
- 8.49 The application site is within a 'Swift Alert Area', where opportunities for artificial nest sites should be taken within proposed development. As a planning condition I recommend installation of minimum 2 swift boxes/bricks in a suitable position on the proposed dwellings. A note to applicant is also applicable for this application.
- 8.50 Therefore, subject to a condition, it is considered that this application accords with Policy DM6.

Other matters

- 8.51 Policy DM7 of the adopted SADMP seeks to ensure that adverse impacts from pollution and/or flooding will be prevented. HBBC Pollution and HBBC Drainage raise no objections to the application. A note to applicant is provided by HBBC Drainage regarding the management of surface water and access drives. Therefore it is considered that the application complies with DM7.
- 8.52 HBBC Waste have no objection but have asked for a condition to be imposed upon the application.
- 8.53 An objection has been received in regards to the levels of the site being increased – a condition will be imposed which requires the existing and proposed levels of the site to be submitted for approval before the commencement of development.
- 8.54 Objections have been received concerning the Stability of the surrounding buildings/land following excavation and construction due to the levels differences within the street scene. This would be a Building Regulations matter which would be looked at following the grant of any planning permission and not a material planning consideration.

Obligations

- 8.55 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.56 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.57 The public amenity spaces within the accessibility standards to the application site are Stephenson Way North Amenity Green Space (GRO21) and Ratby Road Amenity Green Space (GRO22) which have quality scores of 72% and 84% in the

Open Space and Recreation Study (2016). One of which is below the target quality score of 80%.

- 8.58 Any requested infrastructure contribution for public play and open space facilities would need to be necessary to make the development acceptable in planning terms and therefore CIL compliant.
- 8.59 However, in this case, the proposal is for just two dwellings which would not have any significant impact on existing play and open space facilities. The development is considered to be acceptable in planning terms without any contribution and therefore the contribution would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Planning balance

- 8.60 The site is located within the settlement boundary of Groby where new residential development is considered to be sustainable subject to all other material considerations. The proposed residential development would therefore comply with adopted strategic planning policy, Policy 10 of the Core Strategy.
- 8.61 As referred to earlier within this report the council is unable to demonstrate a five year housing land supply and its housing policies are out of date, therefore this application should be determined against paragraph 11(d) of the 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.
- 8.62 The NPPF in paragraph 8 identifies three overarching and interdependent objectives to sustainable development – the economic, social and environmental objectives. In this case, the proposal would provide a small contribution to the social role through the provision of two additional dwellings and the expansion of a local business and a moderate contribution to the economic role through the construction of the development, future ongoing occupation of the dwelling supporting local services and the expansion of a prosperous local business.
- 8.63 At present the site forms garden land. The siting, scale and design of the proposed dwelling is considered to complement the character of the conservation area and surrounding dwellings/listed buildings. It would also have no adverse impact upon the residential amenity of any neighbouring dwellings, it would have no severe adverse impact upon highway safety and there would be no adverse impact upon ecology. Therefore, the proposal would comply with Policy DM1, DM3, DM6 DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP, Core Strategy Policies 8 and 19, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.64 The application does not conflict with any of the policies set out within the Local Plan (2006-2026), and there are no significant or demonstrable adverse impacts that would outweigh the identified social and economic benefits and the presumption in favour of sustainable development. Therefore, no material considerations indicate that a decision should be made other than in accordance with the Development Plan.

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 in the consideration of this application. The Committee must also ensure the same when determining this planning 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 proposal is within the settlement boundary of Groby. The siting, scale and design of the proposed dwellings are considered to complement the character of the conservation area and surrounding dwellings. It would also have no adverse impact upon the residential amenity of any neighbouring dwellings, would have no impact upon highway safety and would have no adverse impact upon ecology. Therefore the proposal would comply with Policy DM1, DM3, DM7 DM10, DM17 and DM18 of the SADMP (2016), Policies 8 and 19 of the Core Strategy (2009), section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Therefore, this application is recommended for approval subject to the conditions below.

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:

- Proposed Block Plan Drg No: S139 (90)32
- Site Ground Floor Plan Drg No: S139 (PL)31
- Ground and First Floor Plans Drg No: S139 (PL)32
- Proposed Elevations Drg No: S139 (PL)33
- Proposed Elevations Drg No: S139 (PL)34
- Proposed Site Section A-A Drg No: S139 (PL)35
- Proposed Site Section B-B Drg No: S139 (PL)36
- Proposed Street Scene Drg No: S139 (PL)37

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- Site Location Plan Drg NoL (90) 01 Rev A
- Visibility Splay Drg No: 001 Rev P3
- Proposed Floor Plans Drg No: (PL)10 Rev B
- Proposed elevation Drg No: (PL)11

Received by the Local Planning Authority on 21 May 2021

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. Before any development commences, representative samples and details of the construction materials for all external elevations of the new dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved samples and details. The details shall include the plinth, facing walls, roof, windows and doors.

Reason: To ensure that the development has a satisfactory external appearance and to preserve the significance of the Groby Conservation Area in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. 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 in writing 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).

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on PRP drawing numbers 001 Rev P3 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

6. No part of the development hereby permitted shall be occupied until such time as minimum vehicular visibility splays of at least 2.4 metres by 25 metres to the northwest of the access and 2.4 metres by 27.5 metres to the southeast of the access have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

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 (2021).

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Architects LE1 drawing number (90) 32. Thereafter the onsite parking provision shall be so maintained 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).

8. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided in writing to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).

9. Notwithstanding the submitted plans, the proposed access shall have a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

10. 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 Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Development shall not begin until a scheme for protecting the proposed dwellings from noise from adjacent commercial operations has been submitted in writing to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to any development above foundation level, details of the four swift nesting boxes to be constructed the dwellings (two on each dwelling) shall be submitted in writing to and approved by the Local Planning Authority. The boxes shall be in place prior to the occupation of the respective building.

Reason: To ensure a biodiversity enhancement for the site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. 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 dwellings hereby permitted 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. There is always a possibility that a building could support roosting bats, which are protected by law from harm. As a precaution, the applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the undertile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.
4. 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.
5. 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).