

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

Planning Ref: 21/01189/FUL
Applicant: Karl Maughan
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: Land At Rear Of 8 Wykin Road Hinckley

Proposal: One dwelling



This application was taken to the previous Planning Committee on the 18th January 2022 where the decision was to defer the application. The previous report and accompanying late items are attached to this report as Appendix A and B.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1.** The application seeks full planning permission for one dormer bungalow (3bed) comprising render, timber cladding and grey slate roof tiles measuring 6.3 metres in height to the ridge. The proposal involves the removal of the garage serving number

8 at the side of the house. The proposal has been amended by reducing the dwellings from two 2 storey dwellings, which was the scheme taken to the January 2022 planning committee, to one dormer bungalow as currently proposed.

- 2.2. Access to the proposal is off Wykin Road an unclassified road. It will serve the proposed dwelling and the existing dwelling at number 8, providing a 5 metre wide access. The proposed dwelling will have two off street parking spaces. Two off street parking spaces to serve the host dwelling at number 8 are also to be provided, set at 90 degrees to the road. A bin collection point is provided at the front of the site.

- 2.3. The application is accompanied by a Character Analysis and Appraisal.

3. Description of the site and surrounding area

- 3.1. The site relates to garden land located to the rear of number 8 Wykin Road, a detached brick built property surrounded by other residential properties and located within the settlement boundary for Hinckley. The surrounding area comprises a mix of style and types of properties. To the side of the site at the rear of number 6 Wykin Road is a detached dormer bungalow currently under construction.

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. There have been 21 objections received from 12 separate addresses making the following points on the original scheme:

- 1) Overlooking and loss of privacy
- 2) Impact on highway safety
- 3) Not allowing service deliveries to the site
- 4) Does not conserve or enhance natural environment
- 5) Not visually attractive as a result of poor architecture
- 6) Noise disturbance to nearby residents
- 7) Bin storage of up to 6 bins in an unsuitable location
- 8) No space for visitor parking leading to increase in on street parking on narrow Wykin Road
- 9) Inadequate turning space
- 10) Too close to numbers 6, 8 and 10 Wykin Road
- 11) No provision for parking or cleaning of construction vehicles
- 12) No pedestrian access provided
- 13) Out of character with surrounding properties
- 14) Impact on school traffic and students
- 15) Impact on local bus service

- 5.2. After receiving the amended plans for the one dwelling the application was re-publicised by sending out letters to local residents. There has been one objection letter received as a result of this stage of the publicity making the following comments:

- 1) The proposed bungalow appears to take up more space than the previous plans and there is even less garden for number 8
- 2) The density of the site has not changed, a 4 bedroom bungalow is likely to house as many residents as two tiny semis
- 3) If both parking spaces were full there is nowhere for visitors and service vehicles to park

- 4) The location plan showing access to the proposed dwelling between the wall of No. 8 and the boundary of No. 10 is narrow
 - 5) The site plan for all the applications does not show the changes to No. 12 and the seven houses built behind it, giving the impression of space which isn't there
 - 6) The road has been a dusty/muddy building site for two years from other developments blocking drains and causing huge puddles on the road in heavy rain and the permission at No. 8 will prolong the chaos
- 5.3. There has been one letter of support from this stage of publicity making the following comments:
- 1) Happy with the design and give approval

6. Consultation

- 6.1. No objection has been received from:
- LCC Highways
 - HBBC Streetscene Services- Waste
 - HBBC Environmental Services- Drainage

7. Policy

- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
 - 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 DM7: Preventing Pollution and Flooding
 - 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) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide (LHDG)

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 and parking
 - Drainage
 - Infrastructure Contributions
- Assessment against strategic planning policies
- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (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. 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) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).

- 8.3 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. Policy 1 of the adopted Core Strategy identifies Hinckley as a sub-regional centre which allows for growth within the settlement boundary.
- 8.4 On 25th March 2021, ONS published the latest median house price to median gross annual workplace based earnings ratios 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 Hinckley and Bosworth is now 466 dwellings per annum. In addition to this in May 2021 the Sketchley Lane appeal decision (APP/K2420/W/20/3260227) and Wykin Lane appeal decision (APP/K2420/W/20/3262295) both discounted some large sites included within the trajectory. Therefore, the Council cannot demonstrate a 5 year housing land supply.
- 8.5 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 the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 466 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 466 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2020-2039.
- 8.6 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 some of which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

- 8.7 The site is within the settlement boundary for Hinckley. Policy 1 of the adopted Core Strategy supports development within the settlement boundary of Hinckley, which has access to a range of services and facilities and sustainable transport modes. It is therefore considered that the proposal is acceptable in principle, subject to all other planning considerations being satisfactorily addressed.

Design and impact upon the character of the area

- 8.8 Policy DM10 of the SADMP requires new development to 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 outlines that building plots should be a similar size to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the streetscene.
- 8.10 There are other instances of backland development in the area, notably at the rear of number 12 Wykin Road comprising 7 dwellings (18/00827/FUL) currently under construction. Permission has also been granted for three dwellings at the rear of the site on Stoke Road (20/01189/FUL). Construction is also underway for a dormer bungalow at the rear of number 6 Wykin Road (20/01248/FUL). Backland development would therefore not be out of character with the surrounding area. As a result of the other developments in the area the density of development in the area is relatively high, therefore whilst the proposal provides a high density of development it is in keeping with the surrounding area.
- 8.11 The existing area has a mix of design, styles, heights and types of properties on a staggered building line. The existing property at number 8 Wykin Road is a traditional, brick built property. The proposal comprises a rendered with timber cladding and slate roof tiles dwelling, in contrast to the brick built host dwelling. However the use of render and slate roof tiles are common materials in a residential area and the timber cladding would give the property a contemporary appearance. In addition the proposal would be set back from Wykin Road, behind the existing two storey host property so it would not appear overly prominent in the street scene and certainly less prominent than the two storey dwellings on the original scheme. Whilst the materials would appear acceptable in principle and there is no objection to the appearance it would be reasonable to request via condition details of the red brick and grey tiles by way of a sample of the materials to ensure quality in a similar way that the details of the materials on the original scheme were also requested.
- 8.12 The use of the existing access, albeit modified to accommodate the development, accords with the Good Design Guide, which seeks to avoid puncturing the character of the streetscene to provide an access. The use of this access therefore maintains the existing streetscene on Wykin Road with the exception of the loss of the garage.
- 8.13 Overall the revised proposal is likely to have a minimal visual impact on the character and appearance of the site and the wider area in compliance with policy DM10 of the SADMP and the Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.14 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.

- 8.15 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. It recommends a minimum garden length of 7 metres.
- 8.16 The dwelling would be positioned directly behind the existing host property at number 8 Wykin Road. The separation distance from the proposal to the principal rear windows to the host property would be 21.4 metres. This is in line with the minimum recommended back to back separation distance of 21 metres set out in the Good Design Guide SPD.
- 8.17 The proposal would be located approximately 22.5 metres away from the principal rear windows to the neighbouring property at number 6 Wykin Road, which is an acceptable distance and it would not directly face the rear of this neighbour. The proposal would be set on a similar building line to the dormer bungalow currently being built at the rear of number 6 Wykin Road, but it will not project beyond the rear of this property, therefore it will result in a minimal loss of light and outlook to this neighbouring property.
- 8.18 At the previous committee concern was raised over the proximity of the upper floor windows to the rear of the neighbouring property at number 10 Wykin Road. The height and the number of the dwellings has been reduced since the previous committee. The proposal is no closer to this neighbour than on the original scheme. The closest upper floor front window is now a louvred window serving a dressing room which only allows upward views out of the window. This will overcome any potential issues regarding overlooking to the rear of this neighbour. There is a proposed first floor front facing bedroom window however it is set away from the boundary with this neighbour. There is a front facing upper floor landing window as well, however this is recessed behind the gable serving the dressing room so it has limited overlooking. Overall the revised scheme will reduce the impact on the residential amenity of the neighbouring property at number 10 Wykin Road.
- 8.19 The proposal as revised would provide the minimum separation distance of 7 metres to the rear boundary as set out in the Good Design Guide SPD and would therefore result in a minimal impact on the neighbouring property at the rear in terms of overlooking.
- 8.20 In the original scheme concern was raised at the planning committee that the two dwellings would represent overdevelopment of the site. The proposal has been reduced to one dormer bungalow, which provides 96sq metres of rear amenity space, which is an acceptable amount for a three bedroom dwelling as set out in the Good Design Guide SPD. It is therefore considered that the density of the development is an improvement on the original scheme for two dwellings. Nonetheless as the garden size is 96sq metres and the separation to the rear boundary only just meets the minimum distance of 7 metres it is recommended that permitted development rights are removed by way of a condition to the proposed dwelling if permission is granted.
- 8.21 Concerns have been raised regarding noise disturbance. Any potential impact on noise or general disturbance from construction would be temporary and could be dealt with by Environmental Health if it causes significant disturbance.
- 8.22 Overall subject to conditions the proposal would be acceptable with respect to residential amenity to neighbouring properties and to future occupiers in compliance with policy DM10 of the SADMP and the Good Design Guide.

Impact upon highway safety and parking

- 8.23 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.
- 8.24 Paragraph 111 of the NPPF (2021) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.25 Objections have been received in relation highway safety by local residents. There have been two reported Personal Injury Collisions (PIC's) within 200 metres of the proposed development in the previous five years. Both were recorded as 'slight' in severity. These both occurred at the junction of Wykin Road with Stoke Road/ Hollycroft. The Local Highway Authority have not provided comments on the revised scheme for one dwelling as yet however it is worth noting that they did not consider the original scheme for two dwellings would exacerbate the current situation.
- 8.26 The site access is onto Wykin Road, an adopted unclassified road subject to a 30mph speed limit. The development is located approximately 60 metres southeast of where Wykin Road becomes subject to a 20mph school safety zone.
- 8.27 As per the original scheme the existing access will remain and will become a shared access for the new dwelling and number 8 Wykin Road. The Local Highway Authority have been consulted on the revised application but no comments have been received to date (at the time of writing the report). The submitted plans also demonstrate that the required vehicular and pedestrian visibility splays can be achieved at the access.
- 8.28 The site the access width narrows to 3.7 metres along the side of the existing dwelling. Refuse vehicles will not enter the site however the access width is wide enough for emergency vehicles to access the site. The access road will not be adopted and no footpath is provided however as it would only serve one dwelling and would only cover a short length of space this access layout is considered to be acceptable in this situation and will not have a significant effect on highway safety.
- 8.29 The proposed dwelling will provide two off street parking spaces which is in accordance with the Leicestershire Highways Design Guide (LHDG) for a three bedroom house. The host property will also retain two off street parking spaces which is the same as the existing situation as the existing garage to be demolished is not large enough to meet modern standards to park a vehicle inside of it. This is also consistent with the parking provision of the surrounding properties on Wykin Road. Objections have been raised for the original scheme about the lack of parking provided including a lack of visitor parking which will lead to on street parking on Wykin Road, which is a narrow road. However the proposal provides the recommended amount of parking and the reduction in the number of dwellings will reduce the amount of vehicles on the site. In addition the site is located in a sustainable location within the settlement boundary for Hinckley with good access to services, facilities and public transport.
- 8.30 Suitable turning space is also provided within the site to enable vehicles to leave the site onto Wykin Road in a forward direction.
- 8.31 Objections have been received for the original scheme relating to there being insufficient space within the site for construction vehicles and for cleaning facilities for the vehicles. It is likely suitable space will be available for construction vehicles

on site. Given the small scale of the development and the temporary nature of the construction period it is not considered reasonable to insist on wheel washing facilities to be provided on site in this instance.

- 8.32 Overall the proposal as amended will result in a minimal impact on highway safety and parking in compliance with policies DM17 and DM18 of the SADMP subject to conditions and subject to satisfactory comments from the Local Highway Authority.

Drainage

- 8.33 Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding.
- 8.34 The site is located within flood zone 1 indicating there is a low risk of surface water flooding. The Borough Councils Drainage Officer raised no objection to the original proposal subject to informatives, and has also raised no objection to the revised scheme. It is recommended the informatives are also attached to the revised scheme. The informatives are for the suitability for ground strata to be ascertained by means of the test described in BRE Digest 365 and for access drives, parking, turning areas and patios to comprise of permeable paving. These measures are considered reasonable to reduce flood risk on the site in compliance with policy DM7 of the SADMP.

Infrastructure Contributions

- 8.35 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.
- 8.36 However, in this case the proposal is for only one additional dwelling, which would not have any significant impact on the quality of the existing play and open space facilities. The development is considered to be acceptable in planning terms without any contribution and therefore any contribution request would not be CIL compliant. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Other matters

- 8.37 The collection points for domestic refuse, recycling and garden waste is from the adopted highway boundary. Provision is shown on the plans providing a suitable and adequate collection point at the highway boundary. It will be the responsibility of the occupiers to bring the containers to the collection point.

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. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The 'tilted' balance in paragraph 11(d) of the Framework applies where the 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. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. However given that no harm has been identified, the proposal is found to be sustainable development.
- 10.3. The application site is located within the settlement boundary of Hinckley where sustainable residential development is generally acceptable in principle and the site is close to a full range of services and facilities.
- 10.4. Since being reported to the January 2022 planning committee where it was deferred, the proposal has been reduced from two full height dwellings to one dormer bungalow. This revised scheme is an improvement, is more appropriate with respect to density and scale and addresses previous concerns raised in relation to the impact on the amenity of neighbouring properties whilst also reducing the potential number of vehicles entering the site. The revised scheme is also considered to complement the character of the surrounding area. The proposed development is therefore in accordance with Policies DM1, DM7, DM10, DM17 and DM18 of the SADMP, Core Strategy policy 1 and the Good Design Guide SPD.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report
- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan, Drg No.21 96 00 received 23rd September 2021

Amended proposed plans and elevations, Drg No. 21 96 06d received 10th February 2022

Amended block plan Drg No. 21 96 01e received 8th February 2022

Amended proposed site plan and 3D sketch Drg No. 21 96 04d received 8th February 2022

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. 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).

4. The first floor side facing window shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as off street car parking provision with turning facilities has been provided in accordance with drawing number 21/96-01e. 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 Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

6. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

7. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

8. No development above foundation level shall commence on site until a scheme for the installation of an electric vehicle charging point will be submitted to and approved in writing by the local planning authority. The scheme shall identify full details of the location and fitting of the unit.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

9. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of 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. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E 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 dwelling 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).

11.4 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. You may need to apply to the LHA for a Vehicle Access (dropped kerb) permit before undertaking any works. Further details of the requirements can be found at: <https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>. The Applicant should note that the approval of planning permission does not guarantee permission for the required permit.
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
4. Any 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).
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so provision needs to be made on site for the storage of containers.

- 1. Recommendations**
 - 1.1. **Grant planning permission** subject to:
 - Planning conditions outlined at the end of this report
 - 1.2. That the Planning Director be given powers to determine the final detail of planning conditions.
- 2. Planning application description**
 - 2.1. The application sees full planning permission for two semi-detached, two bedroom dwellings on land at the rear of number 8 Wykin Road. The design comprises a pair of brick built, semi-detached houses with grey roof tiles, measuring 7.6 metres in

height to the ridge. The building will be set in from both side boundaries by approximately 1 metre. The proposal involves the removal of the garage serving number 8 at the side of the house. The proposal has been amended by reducing the dwellings from three bedroom to two bedroom with the footprint also being reduced.

- 2.2. Access to the proposal is off Wykin Road an unclassified road. It will serve the two proposed dwellings and the existing dwelling at number 8, providing a 5 metre wide access. Each dwelling will have two off street parking spaces. The proposed parking spaces have been amended by rotating them 90 degrees and increasing the length to 5.5 metres from 5 metres. Two off street parking spaces to serve the host dwelling at number 8 are also to be provided, set at 90 degrees to the road. A bin collection point is provided at the front of the site.

- 2.3. The application is accompanied by a Character Analysis and Appraisal.

3. Description of the site and surrounding area

- 3.1. The site relates to garden land located to the rear of number 8 Wykin Road, a detached brick built property surrounded by other residential properties and located within the settlement boundary for Hinckley. The surrounding area comprises a mix of style and types of properties. To the side of the site at the rear of number 6 Wykin Road is a detached dormer bungalow currently under construction.

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. There have been 21 objections received from 12 separate addresses making the following points on both the original and amended scheme:

- 1) Overlooking and loss of privacy
- 2) Impact on highway safety
- 3) Not allowing service deliveries to the site
- 4) Does not conserve or enhance natural environment
- 5) Not visually attractive as a result of poor architecture
- 6) Noise disturbance to nearby residents
- 7) Bin storage of up to 6 bins in an unsuitable location
- 8) No space for visitor parking leading to increase in on street parking on narrow Wykin Road
- 9) Inadequate turning space
- 10) Too close to numbers 6, 8 and 10 Wykin Road
- 11) No provision for parking or cleaning of construction vehicles
- 12) No pedestrian access provided
- 13) Out of character with surrounding properties
- 14) Impact on school traffic and students
- 15) Impact on local bus service

6. Consultation

- 6.1. No objection has been received from:
LCC Highways
HBBC Streetscene Services- Waste
HBBC Environmental Services- Drainage

7. Policy

- 7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
 - 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 DM7: Preventing Pollution and Flooding
 - 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) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide (LHDG)
- 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 and parking
 - Drainage
 - Infrastructure contributions
- Assessment against strategic planning policies
- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (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. 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) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.3 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. Policy 1 of the adopted Core Strategy identifies Hinckley as a sub-regional centre which allows for growth within the settlement boundary.
- 8.4 On 25th March 2021, ONS published the latest median house price to median gross annual workplace based earnings ratios 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 Hinckley and Bosworth is now 466 dwellings per annum. In addition to this in May 2021 the Sketchley Lane appeal decision (APP/K2420/W/20/3260227) and Wykin Lane appeal decision (APP/K2420/W/20/3262295) both discounted some large sites included within the trajectory. Therefore, the Council cannot demonstrate a 5 year housing land supply.

- 8.5 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 the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 466 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 466 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2020-2039.
- 8.6 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 some of which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.7 The site is within the settlement boundary for Hinckley. Policy 1 of the adopted Core Strategy supports development within the settlement boundary of Hinckley, which has access to a range of services and facilities and sustainable transport modes. It is therefore considered that the proposal is acceptable in principle, subject to all other planning considerations being satisfactorily addressed.
- Design and impact upon the character of the area
- 8.8 Policy DM10 of the SADMP requires new development to 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 outlines that building plots should be a similar size to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the streetscene.
- 8.10 There are other instances of backland development in the area, notably at the rear of number 12 Wykin Road comprising 7 dwellings (18/00827/FUL) currently under construction. Permission has also been granted for three dwellings at the rear of the site on Stoke Road (20/01189/FUL). Construction is also underway for a dormer bungalow at the rear of number 6 Wykin Road (20/01248/FUL). Backland development would therefore not be out of character with the surrounding area. As

a result of the other developments in the area the density of development in the area is relatively high, therefore whilst the proposal provides a high density of development it is in keeping with the surrounding area.

- 8.11 The existing area has a mix of design, styles, heights and types of properties on a staggered building line. The existing property at number 8 Wykin Road is a traditional, brick built property. The proposal also comprises traditional, brick built properties set out as a pair of semi-detached dwellings. Given the existing dwelling fronting Wykin Road is also two storey there is no objection to the scale of the dwellings and they would not over dominate the existing dwelling. They would be set back from Wykin Road so would not appear overly prominent on the street scene when viewed from Wykin Road. Little details are provided with regards to the proposed materials other than red brick and grey roof tiles. Whilst these would appear acceptable in principle and there is no objection to the appearance it would be reasonable to request via condition details of the red brick and grey tiles by way of a sample of the materials to ensure quality.
- 8.12 The use of the existing access, albeit modified to accommodate the development, accords with the Good Design Guide, which seeks to avoid puncturing the character of the streetscene to provide an access. The use of this access therefore maintains the existing streetscene on Wykin Road with the exception of the loss of the garage.
- 8.13 Overall the proposal is likely to have a minimal visual impact on the character and appearance of the site and the wider area in compliance with policy DM10 of the SADMP and the Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.14 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.15 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. It recommends a minimum garden length of 7 metres.
- 8.16 The dwellings would be positioned directly behind the existing host property at number 8 Wykin Road. The separation distance from the proposal to the principal rear windows to the host property would be 22 metres. This is above the minimum recommended back to back separation distance of 21 metres set out in the Good Design Guide SPD.
- 8.17 The proposal would be located approximately 22.5 metres away from the principal rear windows to the neighbouring property at number 6 Wykin Road and would not directly face the rear of this neighbour. The proposal would be located approximately 16.5 metres away from the principal rear windows to the neighbouring property at number 10 Wykin Road and the proposal would not directly face the rear of this neighbour. It is considered these are reasonable separation distances to the neighbours on both sides given they would not directly face each other. The proposal would have a small overshadowing impact on the rear garden area of number 10 Wykin Road however the proposal is set in from the boundary by a metre and it would be towards the bottom of the neighbour's garden rather than the area closest to the house. There are first floor side facing windows proposed serving bathrooms, which should be obscure glazed to prevent any undue overlooking issues to neighbouring properties to the side. This can be secured via a condition.

- 8.18 The proposal would be set slightly behind the dormer bungalow currently being built at the rear of number 6 Wykin Road, but it will not project beyond the rear of this property, therefore it will result in a minimal loss of light and outlook to this neighbouring property.
- 8.19 The proposal as revised would provide a separation distance of 9 metres to the rear boundary. This is greater than the minimum recommended 7 metres as set out in the Good Design Guide SPD and would therefore result in a minimal impact on the neighbouring property at the rear in terms of overlooking.
- 8.20 Concerns have been raised regarding noise disturbance. Any potential impact on noise or general disturbance from construction would be temporary and could be dealt with by Environmental Health if it causes significant disturbance.
- 8.21 On the original plans concern was raised that the two dwellings would only provide between 50-55sq metres of rear amenity space, which is below the recommended 80sq metres for three bedroom properties. Concern was also raised that the host dwelling at number 8 Wykin Road would only retain approximately 67sq metres, which is below the recommended 80sq metres.
- 8.22 The proposal has been amended by reducing the footprint of the dwellings and reducing them from three bedroom to two bedroom dwellings. The minimum garden depth of the proposed dwellings has now increased from 7.9 metres to 9 metres. Both dwellings provide the minimum recommended 60sq metres required for two bedroom dwellings as set out in the Good Design Guide SPD. The garden length of the host dwelling has also been increased from 9 metres to 9.9 metres to ensure it retains the minimum recommended 80sq metres of amenity space required. However given the garden sizes proposed only meet the minimum recommended amount, it is recommended that permitted development rights are removed by way of a condition to both dwellings if permission is granted.
- 8.23 Overall the proposal would be acceptable with respect to residential amenity to neighbouring properties and to future occupiers in compliance with policy DM10 of the SADMP and the Good Design Guide.
- Impact upon highway safety and parking
- 8.24 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.
- 8.25 Paragraph 111 of the NPPF (2021) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.26 Objections have been received in relation highway safety by local residents. There have been two reported Personal Injury Collisions (PIC's) within 200 metres of the proposed development in the previous five years. Both were recorded as 'slight' in severity. These both occurred at the junction of Wykin Road with Stoke Road/ Hollycroft. Notwithstanding this the Local highway Authority do not consider the proposal will exacerbate the situation and do not object to the scheme.
- 8.27 The site access is onto Wykin Road, an adopted unclassified road subject to a 30mph speed limit. The development is located approximately 60 metres southeast of where Wykin Road becomes subject to a 20mph school safety zone.
- 8.28 The existing access will remain and will become a shared access for the two new dwellings and number 8 Wykin Road. The Local Highway Authority have been consulted on the application and the 5 metre wide access is considered suitable for

the three dwellings it will serve and is in accordance with the standards set out in the Leicestershire Highways Design Guide (LHDG). The submitted plans also demonstrate that the required vehicular and pedestrian visibility splays can be achieved at the access.

- 8.29 Within the site the access width narrows to 3.7 metres. Refuse vehicles will not enter the site however the access width is wide enough for emergency vehicles to access the site. The access road will not be adopted and no footpath is provided however as it would only serve two dwellings and would only cover a short length of space this is not considered to be a significant impact on highway safety.
- 8.30 On the original plans the parking spaces shown were only 5 metres in length. The amended plans show these have now increased to 5.5 metres in length in accordance with the LHDG. The proposed parking spaces have also been rotated 90 degrees. Both properties provide two off street parking spaces which is in accordance with standards for two bedroom properties and the LHA do not raise an objection to this provision. The host property will also retain two off street parking spaces which is the same as the existing situation as the existing garage to be demolished is not large enough to meet modern standards to park a vehicle inside of it. This is also consistent with the parking provision of the surrounding properties on Wykin Road. Objections have been raised about the lack of parking provided including a lack of visitor parking which will lead to on street parking on Wykin Road, which is a narrow road. However the proposal provides the recommended amount of parking and it is located in a sustainable location within the settlement boundary for Hinckley with good access to services, facilities and public transport.
- 8.31 Suitable turning space is also provided within the site to enable vehicles to leave the site onto Wykin Road in a forward direction.
- 8.32 Objections have been received relating to there being insufficient space within the site for construction vehicles and for cleaning facilities for the vehicles. It is likely suitable space will be available for construction vehicles on site. Given the small scale of the development and that the council have not conditioned it for similar developments in the area it is not considered reasonable to insist on wheel washing facilities to be provided on site in this instance.
- 8.33 Overall the proposal as amended will result in a minimal impact on highway safety and parking in compliance with policies DM17 and DM18 of the SADMP. The local highway authority do not object to the scheme and as such subject to conditions the application is considered to be acceptable in terms of highway safety and parking.

Drainage

- 8.34 Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding.
- 8.35 The site is located within flood zone 1 indicating there is a low risk of surface water flooding. The Borough Councils Drainage Officer has no objection to the proposal subject to informatives. These are for the suitability for ground strata to be ascertained by means of the test described in BRE Digest 365 and for access drives, parking, turning areas and patios to comprise of permeable paving. These measures are considered reasonable to reduce flood risk on the site in compliance with policy DM7 of the SADMP.

Infrastructure Contributions

- 8.36 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.

- 8.37 However, in this case the proposal is for only two additional dwellings, which would not have any significant impact on the quality of the existing play and open space facilities. The development is considered to be acceptable in planning terms without any contribution and therefore any contribution request would not be CIL compliant. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Other matters

- 8.38 The collection points for domestic refuse, recycling and garden waste is from the adopted highway boundary. Provision is shown on the plans providing a suitable and adequate collection point at the highway boundary. It will be the responsibility of the occupiers to bring the containers to the collection point.

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. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 10.2. The 'tilted' balance in paragraph 11(d) of the Framework applies where the 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. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. However given that no harm has been identified, the proposal is found to be sustainable development.

- 10.3. The application site is located within the settlement boundary of Hinckley where sustainable residential development is generally acceptable in principle and the site is close to a full range of services and facilities.
- 10.4. The proposal is considered to complement the character of the surrounding area and would not have a significant adverse impact on residential amenity, highway safety/parking or drainage. The proposed development is therefore in accordance with Policies DM1, DM7, DM10, DM17 and DM18 of the SADMP, Core Strategy policy 1 and the Good Design Guide SPD.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Director be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
Site Location Plan, Drg No.21 96 00 received 23rd September 2021
Amended proposed plans and elevations Drg no. 21 96 05a received 23rd November 2021
Amended block plan Drg no. 21 96 01c received 23rd November 2021
Amended proposed site plan and 3D sketch Drg no. 21 96 04a received 23rd November 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. 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 dwellings 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).

4. The first floor side facing windows shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as off street car parking provision with turning facilities has been provided in

accordance with drawing number 21/96-04a. 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 Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

6. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

7. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

8. No development above foundation level shall commence on site until a scheme for the installation of electric vehicle charging points will be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

9. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of 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. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E 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 dwelling 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).

11.4 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. You may need to apply to the LHA for a Vehicle Access (dropped kerb) permit before undertaking any works. Further details of the requirements can be found at:
<https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>
The Applicant should note that the approval of planning permission does not guarantee permission for the required permit.
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
4. Any 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).
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so provision needs to be made on site for the storage of containers.

APPENDIX B

ITEM 09

21/01189/FUL

Karl Maughan

Site:- Land At Rear Of, 8 Wykin Road, Hinckley

Proposal:- Two dwellings

Consultations:-

The Council is in receipt of four further letters of objection following the publication of the Committee agenda making the following points:

- 1) The distance from the front of the proposed dwellings and the rear of the neighbouring bungalow is only 15.6 metres, which is less than the minimum recommended separation distance of 21 metres set out in the Good Design Guide SPD
- 2) The rear garden sizes appear to be well below the 60sq metres required for a two bedroom dwelling as set out in the Good Design Guide SPD
- 3) The proposal is in excess of what the garden of number 8 Wykin Road can handle, a more suitable design should be put forward with one fewer dwellings and some visual screening

Appraisal:-

The minimum measured separation distance between the front of the proposed dwellings and the rear of the neighbouring property at number 10 Wykin Road would be 16.5 metres. This is less than the minimum recommended 21 metres separation distance set out in the Good Design Guide SPD, however that distance is for principal windows that directly face each other. The windows to the neighbouring property at number 10 Wykin Road do not directly face the proposal.

The rear garden sizes are 60sq metres, this is the minimum amount required for two bedroom dwellings as set out in the Good Design Guide SPD. The garden sizes are therefore in compliance with policy.

Recommendation:-

The recommendation remains unchanged from that set out in the main agenda.