

Planning Committee 17<sup>th</sup> January 2023  
Report of the Planning Manager (Development Management)

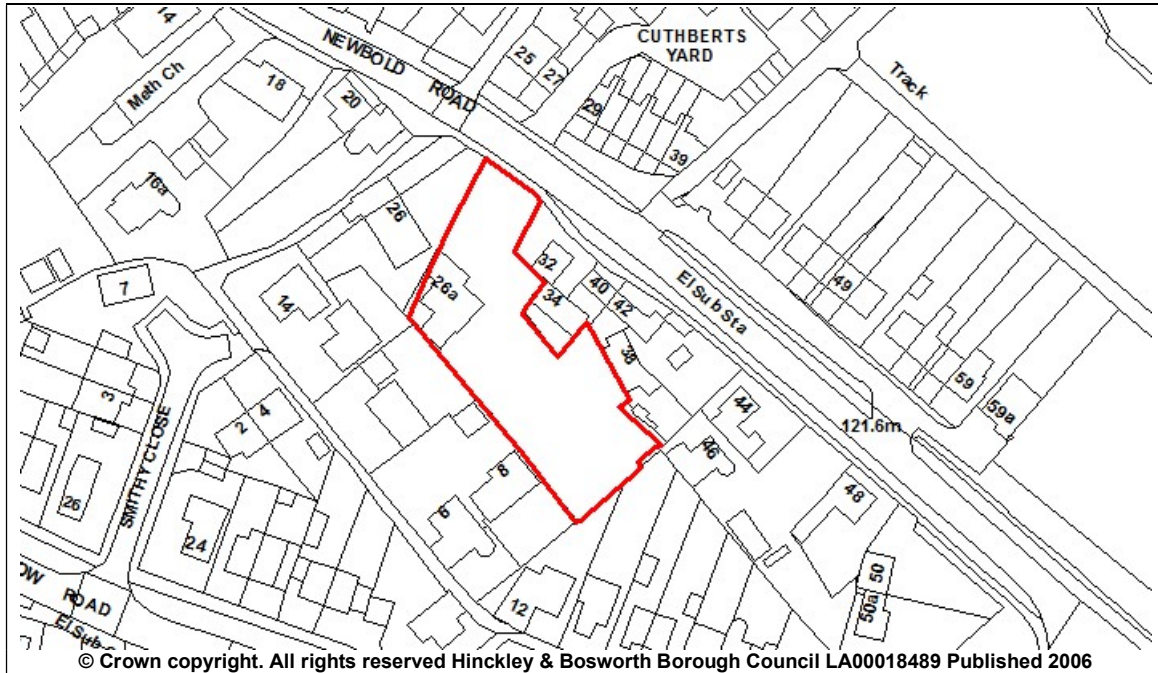
Planning Ref: 22/00913/FUL  
Applicant: Mr Darren Statham  
Ward: Barlestone Nailstone and Osbaston



Hinckley & Bosworth  
Borough Council

Site: 26A Newbold Road Barlestone Nuneaton

**Proposal: Proposed 2no single storey dwellinghouses and a double garage to land southwest of 26a Newbold Road with associated access and parking**



**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 planning application seeks full planning permission for the erection of two detached bungalows at the land adjacent to, and southwest of, 26a Newbold Road, Barlestone with associated access and parking.
- 2.2. Both dwellings are two-bedroom properties that externally measure 10.3m in width x 9.2m in depth with a total footprint of 89.2sqm. They are both constructed with hipped roofs that have a ridge height of 5.6m and an eaves height of 2.3m. There is also a front-ended gable on the front elevations of both properties that has a roof ridge height of 4.9m and an eaves height to match the main roof.
- 2.3. The scheme utilises a brick finish for the dwellings and creates two off-street vehicle parking spaces for each property. Two of these spaces are provided within a brick finished double garage that externally measures 6.5m x 6.5m with a ridge height of 4.3m and an eaves height of 2.2m.

### **3. Description of the site and surrounding area**

3.1. The 1,700sqm application site is to the east of, but within the settlement boundary of, Barlestone. The site currently consists of a 139.2sqm detached bungalow that is set back from Newbold Road by 21m within a large plot. The bungalow is constructed with a brick finish and has a hipped roof with a notable front-ended gable on the principal elevation. Due to the variety of styles and designs of buildings along Newbold Road, there is no discernible unique character to the street scene. However, Newbold Road is wholly residential in character and is surrounded by neighbouring dwellings. Newbold Road is an adopted, classified 'C' road that is subject to a 30mph speed limit. The public footpath S36 is 19.9m to the north of the site.

### **4. Relevant planning history**

#### **86/01078/4**

- Erection of 2 dwellings
- Permitted
- 25.11.1986

### **5. Publicity**

5.1 The application has been publicised by sending out letters to local residents.

5.2 Four neighbours have objected to the scheme on the following grounds:

- The application is not in keeping with the Barlestone Neighbourhood Development Plan
- Drainage concerns
- Highway safety and parking concerns
- Loss of light and overshadowing
- Loss of trees
- Negative effect on Listed Buildings and the conservation area
- Noise pollution
- No provision of landscaping
- Overdevelopment of the plot
- Overlooking and loss of privacy
- Significant adverse impact on the character of the surrounding area

5.3 In accordance with Figure 9 of the Barlestone Neighbourhood Development Plan, there are no identified local heritage assets near the application site and the site is not within any conservation area.

5.4 No further responses have been received.

### **6. Consultation**

6.1 Barlestone Parish Council have objected to the development due to highway safety and on-street parking concerns.

6.2 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer (subject to conditions)
- HBBC's Waste Management Officer (subject to conditions)
- Leicestershire City Council (LCC)'s Drainage Officer
- LCC's Highways Officer (subject to conditions)

- 6.3 Due to the proximity of existing residential properties, HBBC's Pollution Officer has recommended a planning condition to limit the hours that site preparation and construction can be undertaken.
- 6.4 LCC's Drainage Officer referred to standing advice for this application. In accordance with the Environment Agency's Long Term Flood Risk Service, the application is in a very low risk area for surface water and river flooding. Therefore, in accordance with the consultation response from HBBC's Drainage Officer, the application does not warrant refusal by virtue of any potential flooding impacts.
- 6.5 LCC's Highways Officer does not consider the application as submitted to fully assess the highway impact of the proposed development and further information is required to provide advice on this application. To mitigate any highway safety concerns, the recommendations of LCC's Highways Officer have been secured via planning condition.
- 6.6 No further responses have been received.

## **7. Policy**

- 7.1 Core Strategy (2009)
- Policy 7: Key Rural Centres
  - Policy 11: Key Rural Centres Stand Alone
- 7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.3 Barlestone Neighbourhood Plan (Made Version June 2022) (BNP)
- Policy H4: Housing Mix
  - Policy H6: Design Standards
- 7.4 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
  - Planning Practice Guidance (PPG)
- 7.5 Other relevant guidance
- Good Design Guide (2020)
  - National Design Guide (2019)
  - Highway Authority Design Guide
  - Technical Housing Standards – Nationally Described Space Standards (2015)

## **8. Appraisal**

- 8.1. The key issues in respect of this application are therefore:
- Assessment against strategic policies
  - Design and impact upon the character of the area
  - Impact upon neighbouring residential amenity
  - Impact upon parking provision

### Assessment against strategic policies

- 8.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions.

- 8.3 Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4 The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). 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.
- 8.5 Footnote 8 of Paragraph 11 of the NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites. Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 1<sup>st</sup> April 2022. Due to this and the change in the housing figures required for the Borough, Paragraph 11(d) of the NPPF is triggered.
- 8.6 Therefore, this application should be determined in accordance with 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 NPPF taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy, which are attributed significant weight in accordance with Paragraph 219 of the NPPF as they are consistent with the NPPF. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.7 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 In accordance with Policies 7 and 11 of the adopted Core Strategy, Barlestone is a Stand Alone Key Rural Centre where housing development is supported within settlement boundaries that provides a mix of housing types and tenures as detailed in Policies 15 and 16 of the adopted Core Strategy. This application is within the settlement boundary of Barlestone, and it is therefore supported by Policies 7 and 11 of the adopted Core Strategy. However, this application is for the erection of two dwellings and therefore the requirements of Policies 15 and 16 are not applicable. Furthermore, the proposal for two, two-bedroom detached bungalows is supported by the identified local housing needs within Policy H4 of the BNP.

- 8.9 To summarise, in principle, the application is acceptable when assessed against strategic policies.

Design and impact upon the character of the area

- 8.10 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.11 The two dwellings are 52m south of the highway and Plot 2 is partially obscured from the highway by 32 and 34 Newbold Road. Moreover, as the buildings are single storey in massing, they have a limited prominence within the site. The massing of the two bungalows matches the massing of the existing dwelling but the two properties are smaller in scale and footprint than 26a Newbold Road.
- 8.12 The design of the proposal is very similar to that of the host property with the incorporation of the hipped roof and gable on the front elevation, and the utilisation of materials that match those of the existing dwelling.
- 8.13 By virtue of these factors such as the distance from the highway, the design, the proposed use of matching external materials, the scale, massing, and the limited prominence of the two dwellings, the proposal respects and enhances the character of the existing host dwelling and surrounding area and is in accordance with Policy H6 of the BNP, Policy DM10 of the SADMP, Policies 7 and 11 of the adopted Core Strategy, and the Good Design Guide.

Impact upon neighbouring residential amenity

- 8.14 Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property.
- 8.15 As the plot is surrounded by neighbouring residential properties, it is not considered that the erection of two further dwellings has a significant adverse impact on neighbouring residential amenity regarding noise pollution.
- 8.16 By virtue of their massing and distance from properties along Meadow Road, Plots 1 and 2 do not have any significant adverse impact to the residential amenity of neighbouring properties along Meadow Road. Plot 2 is also 24.4m from 26A Newbold Road and Plot 1 is 25.8m south of the host dwelling. Due to these separation distances and the dwellings' limited massing, it is considered that there is no significant adverse impact to the residential amenity of 26A Newbold Road.
- 8.17 Plot 1 is 2.6m to the side of, and northeast of, 8 Smithy Close, which is also a detached bungalow. Due to the siting and location of Plot 1 and its proposed scale and massing, it is not considered that the dwelling results in any loss of light or overshadowing impacts on the dwellings along Smithy Close or Meadow Road.
- 8.18 There is only one window on the side elevation of both proposed properties, which is for the en-suite associated to the master bedroom of each dwelling. To prevent loss of privacy or overlooking to properties on Newbold Road or Smithy Close,

these windows are secured via planning condition to be non-openable and obscure glazed.

- 8.19 Neighbouring residential dwellings to the east of the site, 34, and 38 Newbold Road, are all two-storey in massing and therefore, it is not considered that the application results in any loss of light or overshadowing that adversely impact their residential amenity. Although the front elevation of Plot 2 is 7.2m south of 34 Newbold Road, due to its limited massing and its siting outside of the 45 degree line of any of the habitable windows on 34 Newbold Road's rear elevation, it is not considered to have a significant adverse impact on the amenity of 34 Newbold Road or the future occupiers of Plot 2.
- 8.20 To support the residential amenity of future occupiers of the scheme, proposals for two-bedroom, single storey dwellings are required to provide a minimum of 70sqm of floor space and 2sqm of built-in storage in accordance with the Technical Housing Standards (THS). The scheme provides 75.8sqm of floor space and 1.2sqm of in-built storage for each dwelling, which complies with the overall floor space requirements of the THS but not the minimum in-built storage requirements.
- 8.21 Both bedrooms comply with the width required for double bedrooms in Paragraph 10(e) of the THS, but they do not exceed the minimum 11.5sqm floor space requirement of double bedrooms as required by Paragraph 10(d) of the THS. In spite of this, it is acknowledged that the Technical Housing Standards are afforded limited weight in terms of the NPPF as well as the emerging Local Plan.
- 8.22 To comply with the Good Design Guide, two-bedroom houses must also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m. The two proposed bungalows and the existing dwelling are all provided with private outdoor amenity space that exceeds 11m in length and 139sqm in total area, which is compliant with the Good Design Guide.
- 8.23 It is noted that no waste and recycling storage and collection provision has been provided. As advised by the Local Highway Authority and HBBC's Waste Management Officer, this provision is secured via planning condition.
- 8.24 By virtue of these factors, the proposal does not result in any adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties and therefore it is considered to be in accordance with Policy H6 of the BNP, Policy DM10 of the SADMP and the Good Design Guide.

#### Impact upon parking provision

- 8.25 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.26 The site is accessed via the existing access onto the south-western extent of Newbold Road, which is approximately 160m to the northwest of the junction of Newbold Road/Meadow Road. The Applicant has demonstrated an effective access width of 4.8m for the first 5m behind the highway boundary. Figure DG17 of Part 3 of the Leicestershire Highway Design Guide (LHDG) states that the minimum

effective width for an access for two to five dwellings should be 4.25m. Given the fact that the access is private, the Local Highway Authority (LHA) does not seek any further access width amendments. Moreover, in accordance with Figure DG17 of Part 3 of the LHDG, Site Plan, Drg No. 22/68 01 the application has demonstrated pedestrian visibility splays of 2m by 2m at the site access.

- 8.27 However, the Applicant has not provided any details on vehicular visibility splays. The LHA have requested that, in accordance with Table DG4 of Part 3 of the LHDG, visibility splays in both directions should be 2.4m x 43m at the site access. This is secured via planning condition. The LHA have also advised that the access should be surfaced with tarmacadam, concrete or a similar hard bound material (not loose aggregate) for a distance of at least 5m behind the highway boundary. This is also secured via condition. Furthermore, the LHA have stated that the Applicant should provide adequate drainage at the site entrance to ensure that surface water does not drain into the Public Highway in the interest of highway safety. This has been secured via planning condition.
- 8.28 Internally, the application site provides two off-street vehicle parking spaces for both Plot 1 and Plot 2 to in accordance with the Paragraph 3.165 of Part 3 of the LHDG's requirements for off-street parking provision. Plot 1 is provided with a double garage, which is compliant with the internal dimension of double garages required by Paragraph 3.200 of Part 3 of the LHDG.
- 8.29 Plot 2 on the other hand is provided with 2 off-street vehicle parking spaces. However, the site vehicle spaces are too short to meet the 5.5m depth requirements of Paragraph 3.165 of Part 3 of the LHDG. In spite of this, when assessing the Site Plan, Drg No. 22/68 01 (submitted: 13.01.2022), there is sufficient space to enable the two parking spaces to have a depth of 5.5m. Moreover, due to the distance from the public highway, the LHA does not seek any amendments in these site-specific circumstances.
- 8.30 It is unknown how many bedrooms the existing dwelling has, however the property can demonstrate sufficient off-street parking provision for three vehicles, which is the maximum required by the LHDG.
- 8.31 By virtue of these factors, it is considered that the proposal provides adequate off-street parking for the two dwellings and does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policy H6 of the BNP, Policies DM17 and DM18 of the SADMP and the adopted highway authority design guide.

## **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## 10. Conclusion

10.1 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design
- Does not have an adverse impact upon the character and appearance of the area
- Retains over 80sqm of rear amenity space
- Does not have a significant adverse impact upon the amenity of neighbours
- Does not have a significant adverse impact upon highway safety
- Provides sufficient vehicle parking spaces for off-street parking

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

## 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 received by the Local Planning Authority as follows:

- Application Form (submitted: 07.10.2022)
- Garage Plan and Elevation (submitted: 02.11.2022)
- Plot 1, Elevations, Ground Floor Plan, Drg No. 22/68 02 (submitted: 07.10.2022)
- Plot 2, Elevations, Ground Floor Plan, Drg No. 22/68 03 (submitted: 07.10.2022)
- Site Location Plan (submitted: 14.10.2022)
- Site Plan, Drg No. 22/68 02 (submitted: 14.10.2022)



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

Monday – Friday: 07:30 – 18:00

Saturday: 08:00 – 13:00

No working on Sundays and Bank Holidays

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall not be first used until such time as the scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning Authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

**Reason:** To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

5. The windows on the side elevations of Plot 1 and Plot 2 that are utilised within the Master Bedroom's en-suite shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) 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).

6. 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 the National Planning Policy Framework (2021).

7. 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).

8. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2021).

a. **Notes to applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. 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 soakaways will be subject to the approval of the Building Control Surveyor.
3. 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).
4. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway which is Newbold Road. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.
5. It is noted that the implementation of the access may be hindered by a telecommunication pole adjacent to the site access. If this is the case, the Applicant would need to arrange for its relocation at their own expense. Please note, it should not be moved within the vehicle visibility splays.

6. 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.
7. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>