

Delegated Report

Planning Ref: 24/00275/OUT

Applicant: Tracey Cleall

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 21 Greenmoor Road Burbage Hinckley

Proposal: Outline application for the provision of a single dwelling (all matters reserved except for Access and Layout.)

1. Recommendations

- 1.1. **Refuse planning permission** subject to:
- Planning reasons outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks outline planning permission for the Access and Layout of the provision of one detached dwelling to the rear of 21 Greenmoor Road, Burbage. All other matters are reserved. To facilitate this development, the scheme creates a new access onto Rugby Road.
- 2.2. The layout of the scheme externally measures 10m in width by 9m in depth, with a total footprint of 79.1sqm. The Proposed Block Plan indicatively suggests that the proposal is a three-bedroom dormer bungalow.
- 2.3. The precise appearance of the scheme is reserved for later approval; therefore, the extent of the application, including its layout and access, are described, and assessed via the submitted, 'Block Plan 24 29 02,' (submitted: 22.03.2024).

3. Description of the Site and the Surrounding Area

- 3.1. The 336sqm application site is located within the identified settlement boundary of Burbage and is currently utilised as a part of the garden land associated with 21 Greenmoor Road, Burbage.
- 3.2. 21 Greenmoor Road is a three-bedroom, detached, dormer bungalow that is constructed with Oast Russet Brick and Marley Duo Edgemere roof tiles. The host dwelling was demolished and rebuilt via planning permissions 15/01042/FUL and 20/00198/CONDIT. Greenmoor Road itself is wholly residential in character and comprises a variety of bungalows and two-storey residential properties that feature long gardens that back on to Rugby Road.
- 3.3. Due to the topography of the site, the application site sits slightly higher than the host dwelling. Based on the Topography Plan, the land rises from the front of 21 Greenmoor Road to the rear of the site adjacent to Rugby Road by 2.3m from 112.97m AOD to 115.32m AOD respectively. However, it is noted that the site levels for the existing dwelling are predominantly 113.5m AOD.
- 3.4. Rugby Road is a highly trafficked, adopted, and classified 'B' road (B4109), which is subject to a 30mph speed limit and is part of the County Council's Resilient Network. Rugby Road is a main route in and out of both Burbage and Hinckley and provides a direct route to the M69. There are no dwellings that directly front on to, nor have an access onto, this side of Rugby for a minimum of 275m to the north and 175m to the south.

4. Relevant Planning History

4.1 N/A.

5. Publicity

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

5.2 No responses have been received.

6. Consultation

6.1 There have no objections to the application from the following consultants:

- Burbage Parish Council
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer (subject to conditions)
- Local Highway Authority (LHA) (subject to conditions)

Waste

6.2 The Council's Waste Management Officer requested a planning condition that secures the adequate provision of storage and collection of refuse and recycling containers.

6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 4: Development in Burbage

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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 Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Design and impact upon the character of the area

- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

- 8.2 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. The NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. 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.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. 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.
- 8.7 Nevertheless, in accordance with Paragraph 225 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. 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 The development is within the identified settlement boundary of Burbage, and is therefore considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.8 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.
- 8.9 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.10 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 01 April 2022.
- 8.11 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.12 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.13 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim is to meet as much of the area's identified housing need as possible with an appropriate mix of housing types for the local community.
- 8.14 Paragraph 70 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.15 The development is for one residential property, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.16 Whilst the Council is unable to deliver a five-year supply of land for housing, given the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, it is considered that limited weight should be given to the provision of the proposed dwelling.

Design and Impact upon the Character of the Area

- 8.17 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings

and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 8.18 Paragraph 139 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.
- 8.19 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.20 Policy 2 of the BNP requires any future development within the Parish of Burbage to respect its surroundings and, where appropriate, should follow the existing pattern of development, and should retain existing important natural features on the site, such as trees, hedgerows, and streams.
- 8.21 The Good Design Guide states that where an existing plot is proposed to be subdivided to create additional development in 'backland' locations, this will require clear and convincing justification to its context. The GDG also states that some sites may be able to accommodate this type of development, whereas others will not.
- 8.22 No details of the appearance of the scheme have been provided at this stage, and the only justification for the development that the Applicant has provided is that the proposal would not be out of keeping in the area, *"Given that many of the dwellings have accesses directly onto Rugby Road."*
- 8.23 Whilst it is likely that a dwellinghouse in this location would preserve the residential character of the area, it is noted that there are no other examples of properties within the rear gardens of the dwellings along Greenmoor Road, nor are there any that have an access on to Rugby Road along its western boundary for over 450m. It is evident that this side of Greenmoor Road is largely characterised by mature vegetation and trees along the rear boundaries of residential gardens. Ultimately, it is considered that the provision of a dwelling in this location and the proposed over-engineered site access are unlikely to preserve, nor complement, the character of this area.
- 8.24 Furthermore, it is noted that all properties along the eastern side of Rugby Road are predominantly two-storey semi-detached properties that are accessed via a service road that runs parallel to Rugby Road, which does not form part of the main classified 'B' element of the public highway like the current proposal does. Therefore, it is considered that a development in this back-land location would fail to complement, respect, or enhance the character of the surrounding area.
- 8.25 In light of the above, the proposal represents back-land development in an area that is characterised by long residential gardens, and mature vegetation and trees associated with the properties along Greenmoor Road, which do not have any form of access onto Rugby Road. As a result, the layout and access of the scheme are not considered to complement, respect, or enhance the character of the surrounding area, and is therefore likely to cause harm that is contrary to, and in conflict with, Policy 2 of the BNP, Policy DM10 of the SADMP, nor the Good Design Guide.

Impact upon Residential Amenity

- 8.26 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.27 Paragraph 14.2 of the SADMP states that new development should be located and designed in such a way that the amenity of both existing residents and occupiers are fully considered when assessing planning applications.
- 8.28 Policy DM10(a) and (b) of the SADMP states that development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.29 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.
- 8.30 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. The Good Design Guide also states that, *“An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.”*
- 8.31 There are no residential properties to the immediate north or south of the site, and therefore the scheme is unlikely to result in any harm to neighbouring residential amenity as a result of overbearing or loss of light impacts.
- 8.32 The rear of 21 Greenmoor Road is 21.9m from the rear elevation of the new development, which increases to 26.5m at two-storey. This is in accordance with the Good Design Guide and is unlikely to result in significant harm to residential amenity as a result of overlooking or loss of privacy.
- 8.33 To comply with the Good Design Guide, three-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.34 The proposal features a private rear amenity area that has a depth of 8m and an area of 110sqm, which is compliant with the Good Design Guide. The host dwelling also retains a private rear amenity area with a depth of 14m and an area of 120sqm, which is in accordance with the requirements of the Good Design Guide.
- 8.35 As a result of these considerations, the layout of the proposal is unlikely to result in a significant adverse impact on the residential amenity of neighbouring properties or the future occupants of the scheme. Nevertheless, it is considered that such a proposal is likely to overcome any such issues, subject to its detailed design. Therefore, the application is in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.36 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.37 Ultimately, 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, in accordance with Paragraph 115 of the NPPF.
- 8.38 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.39 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.40 The development proposes a new access on to Rugby Road, which is a highly trafficked classified 'B' road.
- 8.41 There have been five Personal Injury Collisions (PICs) recorded within 500m of either side of the access within the last five years, and all the PICs were classed as 'slight' in severity. Four of the PICs were at the crossroads of Rugby Road/ Brookside/ Dudley Road, and no information has been received from the Police in relation to the fifth PIC.
- 8.42 The development has an access with an effective width of 4.25m where it meets the highway. The LHA have suggested that this is an over engineered access for a single dwelling, given that the LHDG's minimum width requirement for this form of access is 2.75m. Notwithstanding this, the LHA would not seek any amendments in these site-specific circumstances.
- 8.43 The site access benefits from vehicular visibility splays of 2.4m by 43m in both directions from the site, which accords with Table DG4 of Part 3 of the LHDG.
- 8.44 The development also benefits from pedestrian visibility splays of 1.5m on either side of the access. However, given the site's proximity to Sketchley Hill Primary School to the southeast, and numerous recreation grounds, the LHA have stated 2m pedestrian splays should be provided on either side of the access. Nevertheless, the LHA are satisfied that these can be provided within the site, and as such can be secured via planning condition.
- 8.45 The LHA have reviewed the PIC data and were unable to find any trends or patterns. As such, the LHA are satisfied that the proposals are unlikely to introduce any new highway safety issues within the vicinity of the application site.

- 8.46 The development provides sufficient off-street vehicle parking and turning facilities with appropriate dimensions to accord with Paragraphs 3.151 and 3.165 as well as Figure DG13 of Part 3 of the LHDG.
- 8.47 In light of the above, and subject to further information being provided by the Applicant, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as being in accordance with Policies DM17 and DM18 of the SADMP and the LHDG.

Planning Balance

- 8.48 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.49 The proposal represents backland development in an area that is characterised by long residential gardens and mature vegetation associated with the properties along Greenmoor Road, which do not have any form of access onto Rugby Road. As a result, the layout and access of the scheme are not considered to complement, respect, or enhance the character of the surrounding area. This harm is exacerbated by the overdeveloped site access. Moreover, if this scheme was to be granted planning permission, this is very likely to lead to further residential development along this side of Rugby Road, which would completely transform the verdant character and unbuilt nature of the surrounding area and cause further significant harm.
- 8.50 Therefore, the development is considered to result in harm to the character of the surrounding area, which is contrary to, and in conflict with, Policy 2 of the BNP, Policy DM10 of the SADMP, nor the Good Design Guide. This harm is considered to attract significant weight in the planning balance.
- 8.51 To justify this development, the Applicant has referred to the development of one dwellinghouse at Sketchley Hill House, which included the formation of a new access onto Rugby Road via planning permission 21/01361/FUL.
- 8.52 In spite of this, it is noted that Sketchley Hill House is a large plot that occupies a distinctive position along the eastern side of Rugby Road. This property is also distinctive because it is the only residential property on the eastern side of Rugby Road for 415m.2m to the north and 386.5m to the south that has a direct access onto the classified element of Rugby Road. Furthermore, the proposal within 21/01361/FUL is considered to represent infill development to the side of a large existing plot that benefited from an existing site access via Rugby Road. This is considered to have significantly different material considerations in comparison to this current application site.
- 8.53 Moreover, it is considered that the surrounding character of the site on the eastern side of Leicester Road is materially different to that of the application site because it is on the opposite side of the public highway where several properties benefit from an access onto the unclassified elements of Rugby Road.

- 8.54 Ultimately, all planning applications should be considered on their own merits, and it is not considered that the character of an application site, which is 110m south of this current proposal on the opposite side of Rugby Road with materially different site-specific considerations appropriately justifies the incongruous backland development that the current scheme proposes.
- 8.55 Nevertheless, the development is considered unlikely to result in any significant harm to highway safety nor the residential amenity of neighbouring properties or the future occupiers of the scheme. However, these are not benefits of the scheme and therefore they are afforded minimal weight in the planning balance.
- 8.56 In spite of this, it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. Nevertheless, these benefits when associated with one dwelling are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.
- 8.57 As a result, the adverse impacts of the development on the character of the surrounding area are considered to significantly and demonstrably outweigh any of the limited benefits that are associated with the provision of one dwelling. Therefore, the proposal is considered to be contrary to, and in conflict with, Policy 2 of the BNP, Policy DM10 of the SADMP, nor the Good 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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be refused.

11. Recommendation

11.1 Refuse planning permission subject to:

- Planning reasons outlined at the end of this report.

11.2 Reasons

1. The development fails to complement, respect, or enhance the character of the surrounding as a result of its back-land location, layout, and access and it considered to have a significant detrimental effect on the character and appearance of the area. This harm is considered to significantly and demonstrably outweigh any potential benefits of the scheme. As a result, the scheme is in conflict with, and contrary to the Good Design Guide (2020), Policy 2 of the Burbage Neighbourhood Plan (2021), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 12 of the National Planning Policy Framework (December 2023).

a. Notes to Applicant

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 22.03.2024)
 - Block Plan 24 29 01 (submitted: 22.03.2024)
 - Site Location Plan 24 29 02 (submitted: 22.03.2024)
 - Site Plan 4006 (submitted: 22.03.2024)