

Delegated Report

Planning Ref: 24/00665/CONDIT
Applicant: Mr T Hubbard
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: Land South Of Bonita Bullfurlong Lane, Burbage

Proposal: Application to vary condition 2 on 24/00117/FUL. Amended site plan and design of units 1 and 2.

1. Recommendations

1.1. **Grant planning permission** subject to the conditions at the end of this report.

2. Planning Application Description

- 2.1. The application seeks minor material changes to permission 24/00117/FUL for the construction of 5 dwellings with associated garages and amenity spaces and improvement to the existing access.
- 2.2. Following the approval of 24/00117/FUL, the applicant learned that the underground pipeline was not mapped correctly, therefore units 1 and 2 would need to be re-sited and re-designed to avoid the buffer zone of the pipeline. Both units 1 and 2 have been reduced in terms of their development footprint.
- 2.3. The proposed dwellings are mix of two-storey, one-and-a-half storey and single storey dwellings, featuring traditional gable fronted designs with pitched and cross-hipped roofs, single storey rear extensions, dormer windows, detached garages, and a mix of render, facing brickwork and clay tile roofs. Units 3, 4 and 5 will remain the same as in the extant approval.

Unit 1

Original design: Two-storey dwelling – 5 bedrooms – Total area 3240 sq. ft. Ridge height, 7.9m, eaves height 4.4m. Width 14.4m, depth (two-storey) 11.5m. Main roof is hipped, with large gable frontage and dormer windows. Single storey front extension with garage, and large 1.5 storey rear extension. Brick and render external materials.

Revised design: Two-storey dwelling – 4 bedrooms – Total area 2915 sq. ft. Ridge height, 7.9m, eaves height 4.4m. Width 12.5m, depth (two-storey) 11.5m. Main roof is hipped, with large gable frontage and dormer windows. Single storey front extension with garage, and large 1.5 storey rear extension. Brick and render external materials.

Unit 2

Original design: Single storey dwelling – 4 bedrooms - Total area 2735 sq. ft. Ridge height, 5.9m, eaves height 2.6m. Width 19.7m, depth 23m. Hipped roof and attached double garage. Brick and render external materials.

Revised design: Single storey dwelling – 4 bedrooms - Total area 1600 sq. ft. Ridge height, 5.9m, eaves height 2.6m. Width 11.6m, depth 15.5m. Hipped roof and detached double garage. Brick and render external materials.

3. Description of the Site and Surrounding Area

- 3.1. The site relates to the northern part of a paddock formerly used for pig rearing. The site is bound by mature hedgerows. The site area is 0.58 hectares.

- 3.2. To the north of the site are residential properties within the settlement boundary for Burbage. The site itself is located outside of the settlement boundary for Burbage. Burbage village centre is approximately 700 metres to the north east of the application site. To the south and east of the site is open countryside. An access track continues beyond the application site to a farm. This track is also well used by pedestrians.
- 3.3. Bullfurlong Lane contains dwellings with a mix of scales, designs and materials, including bungalows and two-storey dwellings, and detached garages.

4. Relevant Planning History

15/00016/NONDET	Erection of 14 dwellings with vehicular access (outline - access, layout and scale)	Dismissed	29.09.2015
14/00715/OUT	Erection of 14 dwellings with vehicular access (outline - access, layout and scale)	Non-Determination	29.09.2015
16/00990/OUT	Residential Development of 5No dwellings with vehicular access	Withdrawn	14.11.2016
19/01404/OUT	Residential Development of 5 dwellings with vehicular access (Outline-access, layout and scale only)	Refused (allowed at appeal)	11.12.2020
21/01063/CONDIT	Variation of Condition 2 (reserved matters application), 4 (land contamination) and 8 (drainage) attached to application 19/01404/OUT	Permission	11.02.2022
24/00117/FUL	Construction of 5 dwellings with associated garages and amenity spaces and improvement to existing access to Bullfurlong Lane	Permission	07.06.2024

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. No representations have been received.

6. Consultation

- 6.1. Burbage Parish Council - no objection.

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM10: Development and Design

7.3. Burbage Parish Neighbourhood Plan (2021)

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking
- Policy 14: Amenity Green Space

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Leicestershire Highways Design Guide
- Good Design Guide (2020)

8. Appraisal

8.1. The principle of development is established by 24/00117/FUL, approved 07.06.24, and this proposal makes amendments to the design and siting of two of the five approved dwellings which are required due to the presence of an underground main pipeline.

8.2. The key issues are therefore:

- Design and Impact upon the Character of the Area
- Impact upon Residential Amenity
- Conditions

Design and impact upon the character of the area

8.3. Policy DM10 requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features.

8.4. Policy 2 of the Burbage Neighbourhood Plan (BNP) states that any future residential development must 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.

8.5. Bullfurlong Lane contains a mix of designs and scales which contribute positively to the character of the street scene, providing visual interest and variety. The existing large two-storey dwellings on the street frequently neighbour smaller bungalows, and the proposed cluster of five large four and five bed dwellings would appear incongruous and out of character in the context of the street scene.

- 8.6. Officers considered that the approved site plan reflects a scheme which corresponds well to the edge of settlement location and would help the proposed development to assimilate with its countryside surroundings and existing built form of Bullfurlong Lane. The variation in scale and massing of the dwellings demonstrates an appreciation for the sensitivity of the site's location on the edge of the settlement boundary of Burbage, bound on three sides by countryside. The single and 1.5 storey dwellings are therefore located at the periphery of the site, thus limiting their visual impact, and allowing for a gradual 'stepping up' in terms of scale towards the larger proposed dwellings and existing dwellings on Bullfurlong Lane.
- 8.7. The proposals as part of this Variation of Conditions application reduce the footprints of both Units 1 and 2 which is considered acceptable and would benefit the overall appearance of the scheme. Whilst 24/00117/FUL was approved and the previous designs of Units 1 and 2 considered acceptable, the reduction in scale, massing and footprint will benefit the overall appearance of the scheme, particularly at the periphery of the site where Unit 2 lies.
- 8.8. The proposed dwellings feature designs which are broadly in accordance with the previous approvals, resulting in a proposed scheme which respects the character of the surrounding street scene and edge of settlement location. It is considered that wider views towards Burbage from beyond the site to the south would be of a cluster of dwellings of mixed massing and scale, which would be viewed partly in the context of the existing edge of settlement and existing dwellings, also of mixed designs and scales. More localised views from the adjacent footpath and Bullfurlong Lane would be of five dwellings which are of a scale and design which assimilates well with the rest of the street scene and edge of settlement/adjacent countryside.
- 8.9. The proposals include a mix of hedgerow and tree planting and general landscaping, however the finer details are to be agreed through a separate planning condition for hard and soft landscaping. This will include a low post and rail fence on the eastern boundary which faces open countryside.
- 8.10. In summary, it is considered that the proposal would create a form of development which complements the existing street scene and character of the area with regard to scale and massing and respects its surroundings. The development would therefore have no harmful impact upon the visual amenity of the area and is in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 2 of the Burbage Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the adopted SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site.
- 8.12. Units 1 and 2 would back onto the rear garden of the existing dwelling at the end of Bullfurlong Lane known as 'Bonita', which is an extended detached dwelling. Plot 1, approximately 6 metres from the boundary and the dwelling is to be two-storey. However, landscaping along the common boundary is to be retained (hedge and 1.8m close boarded fence) and there are no first-floor windows proposed on this elevation. The proposed dwelling also complies with the 45 -degree rule in terms of

overbearing/overshadowing impacts. There would be no overlooking or loss of amenity to the neighbouring property.

- 8.13. The other neighbouring residential properties are set away from the proposed development and all comply with DM10 in terms of residential amenity impact.
- 8.14. Given the low density of the development the proposed dwellings would provide large amenity spaces which would be suitable for the size of the dwellings.
- 8.15. The revised proposal is unlikely to have a significant impact on residential amenity in accordance with policy DM10 of the SADMP.

Conditions

- 8.16. The full application 24/00117/FUL was issued with 12 conditions. The Conditions attached to this permission would continue to apply. Condition 2 is amended to reflect the revised drawings for Unit 1 and Unit 2, as well as the revised layout. Condition 5 (access arrangement) and 6 (parking and turning) have been amended to refer to the new Site Plan number ROC\813\PD\006M.
- 8.17. No conditions have been discharged from the original permission to date.

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. 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.

- 10.1. The proposed revisions to Unit 1 and Unit 2 would complement the character of the street scene on Bullfurlong Lane, and would improve the overall appearance of the scheme compared to the original approval as the development footprint of the buildings is now considered more appropriate. The development would not result in any unacceptable neighbouring (or prospective occupier) amenity impacts and would result in no harm to highway safety and ecology and would not result in any flood risk or drainage concerns.
- 10.2. The proposed scheme would therefore comply with Policy DM10 the adopted SADMP, Policy 2 of the Burbage Neighbourhood Plan, the overarching design principles in section 12 of the NPPF, and advice in the adopted Good Design Guide, and is therefore recommended for approval.

11. Recommendation

11.1. **Grant planning permission** subject to the conditions at the end of this report.

11.2. Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission 24/00117/FUL (07.06.2024).

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, submitted to the Local Planning Authority as follows:

- Proposed Site Plan – Drg. No. ROC/813/PD/006M
- Unit 1 – Elevations and Floor Plans - Drg. No. ROC/813/PD/001H
- Unit 2 – Elevations and Floor Plans - Drg. No. ROC/813/PD/002H
- Unit 3 – Elevations and Floor Plans - Drg. No. ROC/813/PD/003F
- Unit 4 – Elevations and Floor Plans - Drg. No. ROC/813/PD/004G
- Unit 5 – Elevations and Floor Plans - Drg. No. ROC/813/PD/005F

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) and Policy 2 of the Burbage Neighbourhood Plan (2021).

- 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.

Additionally, prior to the commencement of development above foundation level, details outlining:

- The brick manufacturer, bond and course
- The reveal depth and architectural detailing of windows and main door

- The colour and materials of rainwater goods

Shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with these approved details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 2 of the Burbage Neighbourhood Plan (2021).

- 4) No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Robert O'Callaghan Architects Drawing Number ROC\813\PD\006M have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

- 5) The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Robert O'Callaghan Architects Drawing Number ROC\813\PD\006M. 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 DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

- 6) Development shall not begin until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the Local Planning Authority (LPA), and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To ensure that the development is provided with a satisfactory means of drainage, and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policies DM7 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

- 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 10 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 Development Plan Document (2016) and the National Planning Policy Framework (2023).

- 8) No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

- 9) If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

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

- 10) No development above foundation level 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 are 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 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 DPD (2016).

- 11) No development shall take place until a 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 ensure that bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 12) No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) the incorporation of integrated bird and bat boxes into the new dwellings and native planting. Any enhancement measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Reason: In the interests of protected wildlife species and their habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Informatives

1. In relation to conditions 8 and 9, advice from Environmental Health should be sought via esadmin@hinckley-boswoeth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365 and the results submitted to the LPA before development is commenced, including calculations of soil infiltration rate and soakaway sizing to accommodate the 1 in 100 year rainfall event plus climate change allowance. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.