

Delegated Report

Planning Ref: 23/00695/OUT
Applicant: Mr Martin
Ward: Burbage Parish Council



Hinckley & Bosworth
Borough Council

Site: 29 Sapcote Road, Burbage, Hinckley,
Leicestershire

Proposal: Outline planning application for the erection of 1 detached dwelling
(All matters reserved except for access)

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 application seeks outline planning permission (access only) for the erection of a detached dwelling. Amended plans were received on 13.10.2023 that reduced the proposed to one dwelling on the northern side of the existing dwelling with the area to the south of the existing dwelling forming a garden area but with a detached pitched roof garage proposed also. The proposed is for a chalet bungalow with front facing dormer windows built on the garden land associated with 29 Sapcote Road. Matters relating to layout, scale, appearance and landscaping are reserved for later consideration. Vehicles will use the existing U shaped entrance and exit from the site.

2.2. The key aspects forming the proposal include:

- The erection of a detached dwelling;
- Areas of open space and landscaping
- Vehicular and pedestrian access from existing private drive directly off Sapcote Road as well as a 2 bay detached garage on the southern side of the existing dwelling.

2.3. A Planning/Design and Access Statement has been submitted to support the application.

2.4. The application is also accompanied by sketch model drawings to demonstrate how the development would be delivered. These have been informed by the following external reports and assessments:

- Preliminary Ecological Appraisal
- Highways Technical Note
- Site Location Plan
- Proposed Site Plan

3. Description of the Site and Surrounding Area

3.1. The application site comprises an area of approximately 1,902.84 sq. m., within Burbage, a village within the Hinckley and Bosworth Borough Council. The existing dwelling, 29 Sapcote Road benefits from a private drive accessed off Sapcote road and is located within a residential area. 4 other dwellings use this drive for access to their property.

- 3.2. The site is bordered to the north by No. 27, an existing residential dwelling and garden space, with the access track leading to the property forming the eastern boundary of the site. Agricultural land is situated beyond. To the south (No 25a) and west (No 21) of the site are existing residential dwellings. (It's worth noting that No 21 Sapcote Road was recently granted permission 23/00135/FUL for 'Proposed erection of two detached dwellings (following demolition of existing dwelling) with associated parking and landscaping' which was decided at the September Committee meeting 2023. The single storey element on this boundary associated with No 21 will be demolished creating a less enclosed space for the south-west corner of No. 29's garden area. In the place of this single storey element are going to be 2 approved parking spaces with landscaping).
- 3.3. The village of Burbage is located approximately 1.7 miles from Hinckley and 12 miles from Leicester. Key services and facilities available within these settlements include public transport links, education facilities and employment opportunities.
- 3.4. The surrounding area is characterised by a mix of predominantly detached (but also semi-detached) bungalows, dormer bungalows and two storey houses and a variety of individual designs and styles. External materials are predominantly red brick and occasional render.

4. Relevant Planning History

No relevant planning history

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. 4 responses have been received as a result of public consultation objecting to the proposal for the following summarised reasons:-
- 1) Potential support for the proposal once a few concerns are overcome
 - 2) As long as the proposed are bungalows with dormers to the front and not rear there is no problem with the proposed
 - 3) The site does look congested, especially plot 2
 - 4) The dwelling in Plot 2 should be moved east or reduced in size to safeguard the large conifer on the southern side of the site
 - 5) The red line should extend to the main road as works will be required to maintain it
 - 6) The dwelling on Plot 2 will affect a neighbours privacy
 - 7) The single track lane will not support any more traffic
 - 8) Some newts have been seen on the driveway
 - 9) The proposed will lead to overdevelopment of the site
 - 10) The proposed will lead to overbearing of neighbours
 - 11) Negative impact on the character of the area
 - 12) The existing private access road (track) will need upgrade for both (short term) construction traffic and long-term permanent traffic / pedestrians

6. Consultation

- 6.1. No objection has been received from:-
Environmental Health (Pollution)
Environmental Health (Drainage)
- 6.2. HBBC Waste- No objection but 'Please ensure there is adequate space on the property to store the waste containers and also space at the kerbside (where the property meets the public highway) for the placement of the containers on collection day, we do not collect from private driveways'.

- 6.3. LCC Ecology- The PEA is acceptable but additional surveys are required before a decision can be made. Following the submission of a bat survey and a re-consultation LCC Ecology removed their objections.
- 6.4. LCC Highways raises no objection
- 6.5. Burbage Parish Council objects to this application: 'The access track is inadequate to support any increase in traffic and it should be noted that the area in front of property No 25a is already often congested with parked vehicles. There is also concern that, due to the intention to retain the existing bungalow on the application site, the dwelling proposed at Plot 2 would be unacceptably close to existing properties No 21 and 25a and would be a clear overdevelopment of that part of the site'.
- 6.6. Following re-consultation Burbage Parish Council has no objections to this application. The application has therefore received fewer than 5 objections and no longer needs to be determined by planning committee in reference to the Councils Scheme of Delegation.

7. Policy

- 7.1. Burbage Neighbourhood Plan (BNP) 2015-2026
- Policy 1: Settlement Boundary
 - Policy 2: Design and Layout
 - Policy 4: Parking
- 7.2. Core Strategy (2009)
- Policy 4: Development in Burbage
 - Policy 19: Green Space and Play Provision
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM6: Ecology
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
 - Community Infrastructure Levy (CIL) Regulations (2010)
- 7.5. Other relevant guidance
- Open Space and Recreation Study (2016)
 - The Good Design Guide (2020)
 - National Design Guide (2019)

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
 - Infrastructure contributions
 - Other issues

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016). In addition, the Burbage Neighbourhood Plan (BNP).
- 8.4. The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focus on the delivery of a lower housing requirement than required by the up-to-date figure and the Council cannot currently demonstrate a 5 year housing land supply. 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 Framework taken as a whole.
- 8.5. Notwithstanding this, Policy 4 of the adopted Core Strategy supports development within the settlement boundary of Burbage and Policy 1 of the Burbage Neighbourhood Plan also supports residential development on land within or adjacent to the settlement boundary of Burbage, subject to complying with other adopted development plan policies.
- 8.6. The site is in a sustainable urban location inside the settlement boundary of Burbage and with reasonable access to a full range of services and facilities and sustainable transport modes. Residential development of the site for a dwelling would therefore be sustainable and acceptable in terms of strategic planning Policy 4 of the adopted Core Strategy and Policy 1 of the BNP subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.7. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. Policy 2 of the BNP requires new development to respect its surroundings and follow the existing pattern of development where appropriate.
- 8.8. The Good Design Guide SPD provides guidance on residential development in particular extensions, conversions and new residential development.
- 8.9. Paragraph 134 of the NPPF states 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. Local policy is considered to accord with the NPPF.

- 8.10. The application seeks outline planning permission for access only at this stage with all other matters reserved, however, the Council must be satisfied that an acceptable form of development could come forward on this site.
- 8.11. The proposed site plan illustrates that the scheme seeks to subdivide the plot, and erect one 1.5 storey dwelling in the garden to the north of the application property, with access from Sapcote Road.
- 8.12. The proposed would provide an appropriately sized plot with a dwelling similar in design to the existing dwelling to the south & correspond well with the prevailing character of the area. The erection of 1 dwelling on this plot is comparable to the low density character of neighbouring development in the vicinity. The indicative only layout demonstrates that satisfactory shared vehicular access is available from Sapcote Road. The indicative layout demonstrates that adequate separation distances could be achieved to existing dwellings and adequate space for private amenity, parking and turning to serve both the host and proposed dwelling. If approved, additional boundary treatments would be required to protect the privacy and amenity of neighbouring properties and the future occupiers of the proposed dwelling.
- 8.13. It will be important to ensure that a dwelling of a similar scale as presented here comes forward at REM stage to ensure its scale complements the surrounding built form. From the information submitted with this application 'scattered trees on site are to be maintained', care will need to be taken to ensure existing trees are retained as much as possible and should approval be recommended tree protection measures secured.
- 8.14. Subject to detailed design at reserved matters stage, in principle, the proposed is not considered to result in any significant adverse impact on the character or appearance of the surrounding area. The proposals are therefore in accordance with Policy DM10 of the adopted SADMP.
- Impact upon neighbouring residential amenity
- 8.15. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.16. The Good Design Guide SPD outlines that development where an existing plot is to be subdivided will require clear and convincing justification in relation to its context. It will at a minimum need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. The Good Design Guide SPD also outlines appropriate distances between properties.
- 8.17. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 8.18. Objections to the proposal have been received on the grounds that it would result on adverse impacts from loss of light, loss of outlook and loss of privacy from overlooking. These objections were largely overcome with the amended plans which reduced the proposed to 1 dwelling.
- 8.19. This application is for outline planning permission only with all matters reserved for future submission and assessment except access. Consideration of the layout, footprint and scale of the dwelling, separation distances, position of windows, levels and boundary treatments to ensure no significant adverse overbearing or overshadowing impacts or loss of privacy from overlooking would be assessed at the reserved matters stage. The reserved matters application would need to demonstrate that the proposed dwelling would not result in any significant adverse impact on the amenity or privacy of any neighbouring dwellings and that the scheme would provide satisfactory amenity for the future occupiers of the site.
- 8.20. The indicative only layout demonstrates that an acceptable separation distance could be achieved with neighbouring dwellings. The separation distance together with the erection of appropriate boundary treatments will protect the privacy and amenity of the occupiers of neighbouring properties from any adverse impacts from loss of privacy and from overlooking. Hard and soft landscaping measures will be considered at the reserved matters stage.
- 8.21. By virtue of the position of the site and potential separation distances to neighbouring dwellings, subject to the approval of all reserved matters (including site layout, scale and design of the proposed dwelling and boundary treatments), development of the site for one detached dwelling would be unlikely to result in any significant adverse impacts on the residential amenity of any neighbouring properties and the development would therefore be able to demonstrate accordance with the requirements of Policy DM10 of the adopted SADMP.
- Impact upon highway safety
- 8.22. 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. Policy 4 of the BNP requires dwellings with two or more bedrooms to provide a minimum of two off-street car parking spaces unless this is unachievable.
- 8.23. LCC Highways have no objection to the proposed as the site is situated approximately 80m away from the public highway along a private drive. The applicant has submitted an 'access visibility extents' drawing that demonstrates that where the private drive and the public highway meet the access arrangements & visibility splays are in compliance with requirements.
- 8.24. The proposed site plan demonstrates that the proposed plot would have sufficient boundary to be able to provide an access of adequate width and pedestrian visibility in the position proposed to serve 1 additional dwelling without any significant adverse impacts on highway safety and provide a minimum of 2 off-street vehicle parking spaces. The existing bungalow would be served by an existing access off Sapcote Road and would retain a minimum of 2 off-street parking spaces on the expanded onsite hardstanding as well as the proposed garage.
- 8.25. Subject to standard access related conditions to control width, pedestrian visibility, surfacing and gates etc. and adequate off-street parking provision being provided within the future layout to serve the existing and proposed dwellings, the proposal

would not result in any significant adverse impacts on highway safety and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP and Policy 4 of the BNP.

Infrastructure contributions

- 8.26. 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. However, following amendments to national planning guidance, in this case the proposal is for only 1 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 issues

- 8.27. Adequate space at the highway boundary of the site has been provided through an amended site plan submitted on 6th December 2023 to serve as a collection point for refuse and recycling containers for the host and proposed dwelling. A construction plan would also need to be submitted to ensure the access lane is maintained and/or improved to enable it to cater for the increased volume of traffic.
- 8.28. As well as a preliminary wildlife assessment a bat survey was submitted on 13/10/2023. LCC Ecology were re-consulted and no longer have objections to the proposal. As well as that in the amended plans, received on 6th December, 2 bat boxes have been added to the southern elevation of the proposed & existing dwelling as per LCC Ecology advice. The proposal is in accordance with Policy DM6 of the adopted SADMP.

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 application site is located within the settlement boundary of Burbage in a sustainable urban location where residential development is generally in accordance with adopted strategic planning policies. The application site is a residential plot with an existing bungalow centrally on the plot. By virtue of its size and orientation the site would be capable of being developed to follow the existing pattern of development along this lane for 1 new detached dwelling in an adequately sized plot. The layout, scale, design/appearance and landscaping will be assessed at the reserved matters stage but it is officer opinion the proposal would complement the character of the surrounding area & provide a suitable standard of amenity for any future occupiers.
- 10.2. The proposal would be in accordance with DM6 & DM10 of the adopted SADMP and it is therefore recommended outline planning permission (for access only) is approved subject to the following conditions.

11. Recommendation

- 11.1. **Approve planning permission** with the following conditions:

11.2. Conditions

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above condition relating to the:-

- a) Appearance
- b) Landscaping
- c) Layout
- d) Scale

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
Site Location Plan Drawing No. 3794.PL01 Rev B received by the local planning authority on 06/12/2023.

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).

4. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan Drawing No. 3794.PL03 Rev A have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

5. 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).

7. No development (including vegetation clearance) shall commence until a detailed scheme of landscaping and measures for the protection of trees to be retained during the course of development has been submitted to and approved in writing by the Local Planning Authority. This shall include the following items;
 - i) A site specific tree protection plan;
 - iii) A tree survey of the existing protected trees;
 - iv) An arboricultural implications assessment

Thereafter, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall they be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site and that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2023).

6. No development shall commence on the site until a scheme to provide a sustainable surface water drainage system, incorporating flood resilience measures and flood volume compensation, has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

7. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

Notes for 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. This permission does not grant or imply consent for the details shown on the plans accompanying the application which are for illustrative purposes only.
3. The access should be surfaced with tarmacadam, concrete or similar hard bound material for a distance of at least 5 metres behind the highway.
4. Parking spaces should be a minimum size of 2.4m x 5.5m, with 0.5m added if bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side, and 1m added if bounded on both sides. The LHA also expect a minimum of 2 spaces for a dwelling with up to 3 beds and 3 spaces for a dwelling with 4+ bed.
5. Details of the existing and proposed ground levels of the site shall be submitted with the reserved matters application. The development shall then be implemented in accordance with these details.

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

6. 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).

