

**Planning Committee 10 November 2020
Report of the Planning Manager**

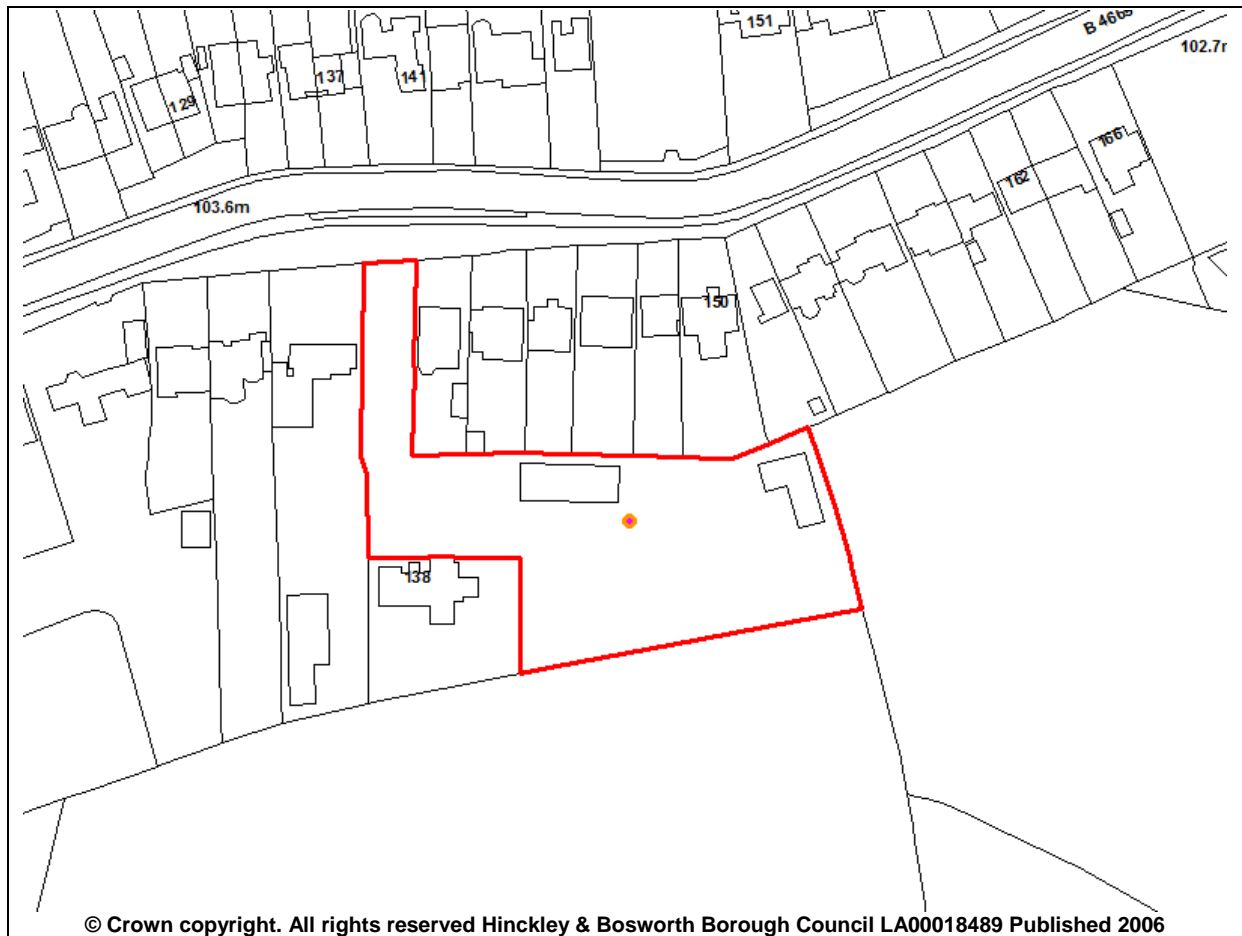
**Planning Ref: 20/00286/OUT
Applicant: Mr Sanders
Ward: Burbage St Catherines & Lash Hill**



**Hinckley & Bosworth
Borough Council**

Site: Michealmas Cottage 138 Sapcote Road Burbage

Proposal: Residential development of 5 dwellings and detached garages (Outline - with access and layout to be considered)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

2. Planning application description

- 2.1.** This application seeks outline planning permission (with all matters reserved except for access and layout) for the construction of 4 detached dwellings and the conversion of an existing single storey garage block into a residential unit. The layout submitted shows that the properties would be grouped around a central courtyard with small front and rear gardens. Each property would have a detached

double garage with 2 car parking spaces with the exception of the conversion which would have 2 car parking spaces.

- 2.2. Located in the side garden of no. 138, the properties would be accessed off the existing vehicular access onto Sapcote Road. Amended plans have been submitted showing a reduction in the number of units proposed from six dwellings to five dwellings in response to the objections received by local residents.
- 2.3. The application is supported by the following technical documents:
 - Preliminary Ecological Appraisal
 - Site Access Visibility Plan
 - Tree Survey

3. Description of the site and surrounding area

- 3.1. The application site relates to amenity land within the front and side garden of no. 138 Sapcote Road which is an imposing mock timber framed two-storey detached dwelling. Located to the rear of the properties on Sapcote Road, no. 138 benefits from a long front garden which contains a wide vehicular access drive onto Sapcote Road. Whilst having a rear garden limited to some 20 metres in length, the property has a substantial side garden with the application site measuring some 0.42 hectares.
- 3.2. The application site is located within the settlement boundary of Burbage. Bound by leylandii hedging along its eastern and southern boundaries and the gardens of properties along Sapcote Road on its northern and western boundaries, the site is detached from the open countryside which lies to the east and south of the site. The presence of domestic outbuildings such as the garages, the vehicle hardstanding and amenity grassland gives the site its residential character.

4. Relevant planning history

96/00928/GDO

- Demolition of dwelling
- Permitted Development
- 03.01.1997

97/00759/OUT

- Erection of dwelling and garage
- Refused
- 15.10.1997

15/00781/CLUP

- Use of existing detached building for commercial dog grooming
- Certificate of Lawfulness (for proposed use) Approved
- 01.10.2015

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. 29 letters of objection from 8 residential addresses have been received raising the following issues:
 - 1) The intensification of the vehicular access would cause noise and disturbance to the occupiers of neighbouring properties
 - 2) There would be noise and disturbance during the construction phase
 - 3) The access onto Sapcote is not safe to use as vehicles exceed the 40mph speed limit

- 4) Building houses on this site would cause overlooking and loss of privacy to properties along Sapcote Road
- 5) Building houses on the site would cause loss of daylight into the rear gardens of Sapcote Road and the houses would have an overbearing impact
- 6) The removal of this green space and leylandii hedge would have a negative impact on the ecological value of the site especially bats
- 7) Building on this would expose the rear gardens on Sapcote Road to crime
- 8) The site is within an area classed as “high flood risk” and building on it would increase this flood risk. There are already issues with surface water flooding (photographs provided)
- 9) The sewers do not have the capacity to cope with additional housing and are often flooded
- 10) The land to the rear of this site has been refused housing for Jelson
- 11) The housing scheme would be out of character with the area
- 12) The highway would be blocked on bin collection day
- 13) There is not any affordable housing provided as part of the proposal
- 14) Sapcote Road is a busy main road and the rear gardens provide a place of peace and quiet which would be destroyed by the proposed housing scheme

6. Consultation

6.1. Burbage Parish Council confirms that they have no objection to the principle of the original proposal for 4 houses. However, they do object to the amended proposals for 6 dwellings and now 5 dwellings for the following reasons:

- 1) The proposal would represent an overdevelopment of the site
- 2) Sapcote Road is a busy main road and there would be highway safety issues through the intensification of the use of this vehicular access
- 3) There is a history of flooding at and near the site
- 4) The bin storage area would be insufficient for the needs of the scheme
- 5) The Burbage Neighbourhood Plan identifies a need for more 2 bed houses and bungalows
- 6) The loss of this green space would impact on the ecological value of the site

6.2. Holding Objection received from LCC Ecology – a buffer of at least 5 metres should be maintained between the eastern and southern boundaries of the site and the proposed dwellings.

6.3. No objections have been received from:

- LCC Highway Authority – subject to conditions
- HBBC Environmental Services (Pollution) – subject to a condition
- Natural England
- HBBC Drainage – subject to a condition
- HBBC Waste Services – subject to a condition

6.4. No comments have been received from the Forestry Commission

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage

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

- 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. Emerging Burbage Neighbourhood Plan (Decision Statement May 2020) (BNP)

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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide SPD (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
- Flooding
- Ecology
- Other Matters

Assessment against strategic planning policies

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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. 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.

8.3 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.

8.4 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing at 1st April 2020. Due to the change in the housing figures required for the borough, the housing policies in the plan are out of date and as such paragraph 11(d) of the NPPF is triggered. 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. This is

weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

- 8.5 Policy 4 of the Core Strategy seeks to support development within the Burbage settlement boundary to deliver a minimum of 295 new dwellings. Policy DM1 of the SADMP which is in accordance with paragraph 11(d) of the NPPF, also seeks to support sustainable development. The site is in a sustainable location within the settlement boundary where there is generally a presumption in favour of residential development. In addition, the site has good access to services and facilities within Burbage and to good public transport links.
- 8.6 A Decision Statement under Regulation 18 has been issued for the Emerging Burbage Neighbourhood Plan (BNP) which means that the plan can now proceed to referendum. Therefore, the policies in the Plan have substantial weight in the determination of planning applications within its area. Policy 1 of the Emerging BNP states that residential development on land within or adjoining the settlement boundary of Burbage will be supported subject to complying with the other Development Plan policies. The application site is located within the settlement boundary.
- 8.7 Reference is made in some of the objection letters to planning permission being refused for a residential scheme to the south of the application site. The site referred to by objectors is located outside of the settlement boundary and so within open countryside whereas the application site is located within the settlement boundary. As such, the principle of residential development on the application site would be acceptable in terms of Policy 4 of the Core Strategy, Policy DM1 of the SADMP, Policy 1 of the Emerging BNP and guidance in the NPPF, subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.8 Policy 4 (Development in Burbage) in the Core Strategy states that to ensure development contributes to Burbage's character and sense of place the Council will protect and preserve the open landscape to the east which provides an important setting for the village and seek to enhance the landscape structure which separates the village from the M69 corridor as supported by the Hinckley & Bosworth Landscape Character Assessment.
- 8.9 Policy DM10 of the 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.
- 8.10 Policy 2 in the emerging BNP states that any future residential development must respect its surroundings and where appropriate should follow the existing pattern of development.
- 8.11 The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.
- 8.12 Objections to the application have been received on the grounds that the proposal would be detrimental to the character of the area and would involve an intense form of development.
- 8.13 The application site lies within the settlement boundary for Burbage. The presence of the residential dwellings on the northern and western boundaries of the site along

with the physical barriers of the hedgerow to the east and south of the site gives the area its residential character.

- 8.14 The existing views into the site from Sapcote Road would remain unaltered in that the existing vehicular access would remain the same along with the existing view of no. 138 Sapcote Road. Being located some 55 metres from Sapcote Road behind existing housing then there would be very limited views of the proposed housing scheme from Sapcote Road. A condition could be imposed to ensure that the heights of the proposed properties do not exceed 8 metres in height. Based on this assessment the street scene from Sapcote Road would remain unaltered.
- 8.15 The character of the area around the application site is predominantly detached properties fronting onto Sapcote Road with rear gardens of varying lengths. The road does have variation in plot sizes and building patterns. The properties along Sapcote Road have a generally linear pattern of development with houses in generous plots fronting the road and parking and garages found predominantly to the side. However, the later addition of no 138, a substantial detached property located to the rear of these properties has altered the historical linear pattern of development. Indeed, this form of development is also repeated to the west of the application site where properties to the rear of Sapcote Road have been constructed with a vehicular access from Winchester Drive. As such, the development would be consistent with the established pattern of buildings along this side of Sapcote Road as required by Policy 2 in the Emerging BNP.
- 8.16 The built development would occupy part of the site where the width exceeds 75 metres. Although the depths of the proposed gardens would be smaller than those found on Sapcote Road, the widths of the proposed properties would be similar. Indeed, by virtue of the width of the site the development would also create a development with similar widths between properties. The layout of the scheme has been designed so that the minimum standards as laid out in the Good Design Guide are met.
- 8.17 Having a density of some 12 dwellings per hectare the proposal would also be comparable to the density of the surrounding built development and would not appear cramped on the site. Whilst much of the area at the front of the site would be taken up with parking and the vehicular access, there would be space for landscaping including the retention of the existing oak tree in the centre of the site. This would assist in softening the appearance of the development.
- 8.18 The proposed layout development of this land would not result in significant adverse harm given the surrounding built form, and its relationship with the settlement boundary. The positioning of the built features around the boundary of the site in this instance ensures that the perceived separation between the settlement and the wider countryside is observed and maintained.
- 8.19 The proposal to retain and convert the existing garage block would add to the character of this residential garden land. Whilst submitted in outline format, the design and appearance would be the subject of a later reserved matters application. As such there would be control over ensuring that the properties are designed to be in keeping with the character and appearance of the adjoining properties.
- 8.20 The proposal to construct properties on this land would comply with the requirements in the NPPF to make the most efficient use of land. The proposal is for a mix of one 2 bed bungalow, 2 x 4 bed houses and 2 x 4/5 bed houses. The properties along Sapcote Road reflect this mix with the properties adjoining the site being predominantly large detached properties or bungalows. As such, the proposal does reflect the character of this part of Burbage.

- 8.21 Therefore, the proposal would not cause unacceptable harm to the character and appearance of the area having regard to the wider pattern of development and would accord with Policy DM10 of the SADMP and Policy 2 of the Emerging BNP which are consistent with the design principles of the Framework.

Impact upon neighbouring residential amenity

- 8.22 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.23 The proposed access to the development would be gained via an existing driveway which passes between nos 136 and 140 Sapcote Road. Objections have been received relating to the intensification of this access as it would cause unacceptable disturbance to the occupants of these neighbouring properties due to increase noise and light pollution.
- 8.24 The existing driveway would remain predominantly unaltered (with the exception of 2 metres its length being increased in width by 0.8metres next to Sapcote Road). The gap of more than 7 metres between the property of no. 136 and the access road would remain and a gap of at least 3 metres between the property of no. 140 and the access road would remain. The grass verges along this access road would remain and no additional lighting is proposed along this driveway. Whilst the access drive would be intensified in use, there is already a high level of background noise from Sapcote Road which is one of the main routes into Burbage. Against this background noise and with the intervening distances between the two properties to remain unaffected it is considered that the modest level of traffic movements generated by the development would not cause unacceptable harm to the living conditions of the occupants of the neighbouring dwelling. As such, there would be no conflict with Policy DM10 of the SADMP (2016) which seeks to avoid harm to the amenities of local residents.
- 8.25 The application site does form a boundary with 9 residential properties from Nos 136 – 152 Sapcote Road (all even numbers). The nearest proposed property (Plot 1) would be within 2.5 metres of the boundary of these properties. The proposal is for the conversion of the existing garage building into a bungalow. Any windows along the northern elevation would be set at ground floor level and would be some 28 metres from the habitable windows of the properties along Sapcote Road. This distance exceeds the minimum standard set out in the Council's Good Design Guide SPD of 21 metres. By virtue of the intervening distance and the limited height of the proposed windows it is considered that the proposal would not cause overlooking or loss of privacy to the properties along Sapcote Road.
- 8.26 The properties along Sapcote Road do face out onto open land. As such the proposal has the potential to cause overbearing impacts and overshadowing to these adjoining properties. Plot 2 would be sited some 32 metres away from the properties along Sapcote Road. Orientated to face into the site, the side elevation of the property would be sited within 3 metres of the boundary. The proposed layout plan states that there would be no habitable windows at first floor level on this elevation. The Good Design Guide includes a minimum requirement of 14 metres from a principal window to habitable rooms to a two storey blank side elevation to prevent loss of light and an overbearing impact. The proposed distance of some 32 metres would exceed this minimum requirement. A planning condition can be imposed to ensure that this property does not exceed 8 metres in height. As such, in view of the distances involved and the position of the property it is considered that the proposal would not result in any significant loss of light or have an overbearing impact on the neighbouring properties.

- 8.27 Plots 3, 4 and 5 would be constructed some 50 metres from the properties in Sapcote Road along the building line established by no. 138. In view of the distances involved and the position of the properties it is considered that the proposal would not result in any significant loss of light or have an overbearing impact on the neighbouring properties.
- 8.28 The amenity areas proposed for the properties would exceed 7 metres in length which is in accordance with advice in the Council's Good Design Guide SPD. Consideration of any reserved matters application would also ensure that the windows on the proposed properties are laid out so that they do not cause loss of privacy to these surrounding residential properties which includes the property of No. 138 to the west of the site. As such, in view of the distances involved and the requirement for consideration of the design and appearance of the properties at the reserved matters stage, it is not considered that the proposal would have a significant adverse impact on the residential amenity of the occupiers of the properties along Sapcote Road.
- 8.29 The construction of the development would be temporary and would not result in any long term impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition can be included on any consent granted to secure the submission of a Construction Environmental Management Plan for approval by the local planning authority prior to any construction work taking place to protect the amenities of neighbouring properties and minimise any adverse impacts.
- 8.30 Therefore, the proposal would be in accordance with Policy DM10 of the SADMP in terms of residential amenity.
- Impact on Highway Safety
- 8.31 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.32 The existing vehicular access from Sapcote Road would be used to serve the proposed development. Sapcote Road is a Class B road subject to a 40mph speed limit. In accordance with the Leicestershire Highway Design Guide (LHDG) an access serving 6-25 dwellings should be a minimum of 4.8m in width for the first 5m behind the highway boundary. The width of the existing vehicular access is at least 5 metres for the first 8 metres from the footpath along Sapcote Road and has a width of 4.8 metres for the first 3 metres into the application site. A condition would be imposed to ensure that the access road is at least 4.8m in width for the first 5 metres into the application site.
- 8.33 LCC as Highway Authority has confirmed that they have no objections to the proposal. With regards to the required visibility splays of 2.4m x 120m for a 40mph road, they note that the submitted access drawing demonstrates that 2.4m x 120m can be achieved if drawn to a point 2.5m offset from the nearside kerb line. The Highway Authority holds historical speed survey data at this location with recorded eastbound 85th percentile speeds of 34mph and 37mph which would require splays of 54m and 65m respectively. As the offset measurement is in the non-critical direction, the Highway Authority confirms that the proposed visibility splays are acceptable.
- 8.34 The Highway Authority confirms that there have been six recorded personal injury collisions (PICs) within 500m of the site within the last 5 years. Due to the lack of common causation factors and the fact that there have been no recorded PICs on this length of the B4669 since 2016, the Highway Authority does not consider that

the development proposal would exacerbate the likelihood of further such incidents occurring.

- 8.35 In accordance with the LHDG and Policy 4 of the Emerging BNP, at least 2 car parking spaces should be provided for the properties proposed. The layout of the proposed scheme does demonstrate that the site contains sufficient turning and parking to serve the development proposed. As such the Highway Authority recommend that planning conditions are imposed on any consent granted relating to the implementation of the proposed access in full, the provision of visibility splays, hard surfacing and site drainage and the removal of permitted development rights to construct any gates or barriers within 5 metres of the highway boundary.
- 8.36 It is considered that the residual cumulative impacts of development can be mitigated and would not be considered severe in accordance with Paragraph 109 of the NPPF and the proposal is in accordance with Policies DM17 and DM18 of the SADMP.

Flooding

- 8.37 Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.38 The Environment Agency flood maps identify the site as being located within Flood Zone 1. The Environment Agency Surface Water mapping indicates that there is some risk of surface water flooding towards the eastern boundary of the site. Some of the objection letters have indicated that the fields to the south of the site have experienced flooding from water draining off the site.
- 8.39 HBBC Drainage has raised no objections to the proposal. They have stated that at present the site is currently not positively drained and so the source of this flooding is likely to be surface water. As part of the proposed scheme there is a requirement for the development proposal to incorporate a sustainable drainage system to ensure that flood risk is not increased. This system has been recommended as part of a planning condition to ensure that surface water from the proposed development is intercepted by a sustainable drainage scheme. Attenuation storage would need to be provided on site and runoff would be released from the site at greenfield runoff rates. This slow release of water would ensure that flood risk downstream is not increased.
- 8.40 It is considered reasonable to require drainage details to be provided through a condition to ensure surface water is being discharged incorporating sustainable urban drainage. It is considered that the development would be in accordance with Policy DM7 of the SADMP.

Ecology

- 8.41 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation. The application is accompanied by a Preliminary Ecological Appraisal and a Tree Survey. The Preliminary Ecological Appraisal records that the majority of the site is of 'low ecological value' with the boundary native hedgerow to the north and the semi-mature trees being the most important. There are no on site trees or buildings with bat roost potential and no evidence of badger foraging on site or within 30m of the site boundary. There are no Statutory or Non-Statutory Designated Nature Conservation Sites either within the site or that would be impacted by this development. There are no protected species recorded within the site.
- 8.42 The proposal includes the retention of the boundary hedgerow to the north and the majority of the trees on site. The existing leylandii hedgerow would be removed along the eastern and southern boundaries of the site and replaced with native

hedgerow. Further details on landscaping would be required as part of any reserved matters approval.

- 8.43 LCC Ecology has been consulted on the proposal and they confirm that the development site is an area of amenity grass land with low ecological value. However, they have placed a holding objection on the proposed layout as the development would be within 5 metres of the proposed hedgerow along the eastern and southern boundaries of the site. There are two detached garages proposed within this 5 metre buffer strip. The agent has indicated that an amended layout plan is to be submitted before the date of the committee meeting which would remove these garages. With the removal of these garages, the proposed layout would provide a 5 metre buffer along the eastern and southern boundaries of the site.
- 8.44 Subject to the receipt of an amended layout of the proposed residential scheme to overcome the Ecology objections, it is considered that the proposal would conserve the ecology of the area and is therefore in accordance with Policy DM6 of the SADMP.

Other Matters

- 8.45 Policy DM3 of the 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.
- 8.46 The request for any planning obligations (Infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.47 In this instance the proposed site area and number of dwellings do not exceed the thresholds for requiring the delivery of affordable housing or on site play and open space. Any requested infrastructure contribution for public play and open space facilities off site would need to be necessary to make the development acceptable in planning terms and therefore CIL compliant. The Council's s106 Monitoring Officer confirms that the proposal would not result in any significant impact on existing play and open space facilities space facilities within Burbage. As such the proposed development would not cause significant pressures on facilities that would warrant a contribution being sought.
- 8.48 Further to this, as the proposal is for 5 dwellings, it is not expected that the proposal would have an adverse impact on other infrastructure services and facilities within Burbage that would require mitigating, in line with LCC Planning Obligations Policy (2019). The development is considered to be acceptable in planning terms without any contributions and therefore any contribution would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion and Planning Balance

- 10.1. In accordance with Policy 1 in the emerging BNP, as this application site is within the settlement boundary for Burbage, the proposal should be supported subject to its compliance with other development plan policy.
- 10.2. Paragraph 11 of the NPPF recites the presumption in favour of sustainable development. Whilst the Council can demonstrate a five year supply of housing land, the associated settlement boundaries are considered to be out-of-date. In such circumstances, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits.
- 10.3. The proposal seeks development of an existing side garden for the erection of 4 detached dwellings and the conversion of an existing garage block. The site is currently amenity grassland with two residential buildings located on it. Given the surrounding development and the character of the area, the land is residential in character and is not interpreted as countryside. The proposed layout development of this land would not result in significant adverse harm given the surrounding built form, and its relationship within the settlement boundary. The positioning of the built features around the boundary of the site in this instance ensures that the perceived separation between the settlement and the wider countryside is observed and maintained.
- 10.4. The NPPF does seek to significantly boost the supply of housing. However, the small scale of this proposal means that 5 additional units would attract limited weight in the planning balance. Indeed, the Council does not have a shortfall of housing. The proposal does not include any affordable housing provision or any provision towards public open space in Burbage. There would be some short-term economic benefit from the investment in construction but this would be small in scale and temporary.
- 10.5. The proposal would not have a significant impact on residential amenity, ecology (subject to amendments to the layout), and flooding or highway safety and is therefore in accordance with Policy 4 of the Core Strategy, Policies DM6, DM7, DM10, DM17 and DM18 of the SADMP (2016) and Policies 1, 2 and 4 of the Emerging Burbage Neighbourhood Plan (Decision Statement May 2020).
- 10.6. Having regard to Policy DM1 of the SADMP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that

the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

11.3 Conditions and Reasons

1. Application for the approval of reserved matters shall be made within 18 months 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 conditions relating to the:-
 - a) appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) scale of each building proposed in relation to its surroundings

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 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:
 - a) Site Location Plan Drg No: 20/24 01a received by the local planning authority on 16 March 2020.
 - b) Proposed Site Access Visibility Drg No: 22187-01 received by the local planning authority on 29 May 2020
 - c) Proposed Layout Drg No: 20/24 02f received by the local planning authority on 4 September 2020.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the SADMP (2016) and Policy 2 of the Emerging BNP (2020).

4. Prior to the commencement of development, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site

shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).

5. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

6. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall 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 the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

7. There shall be no commencement of development until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing 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 any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

8. No part of the dwellings hereby approved shall exceed 8.0 metres in height to their ridge above the existing ground level.

Reason: To respect the character of the area in accordance with Policy DM10 of the SADMP (2016).

9. No development above foundation level of the dwelling hereby approved shall take place until samples of the materials to be used in the construction of the

external facing materials have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.

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

10. Works of site preparation and/or construction shall not take place in any phase other than between the hours of 07:30 hrs to 18:00 hrs Monday to Friday and 08:00 hrs to 13:00 hrs on Saturdays. There shall be no working on Sundays or on Bank or Public Holidays.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. No part of the development hereby approved shall be occupied until the access road has been laid out with a minimum width of 4.8 metres, a gradient of no more than 1:30 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 9.2 metre dropped crossing. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and in the interests of highway safety to accord with Policy DM17 in the SADMP.

12. No part of the development hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 metres and 2.4 metres by 105 metres to the east and west of the site access respectively. 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: In the interests of highway safety to accord with Policy DM17 in the SADMP.

13. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Drg No: 2024 02f. 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 in the interests of highway safety to accord with Policy DM17 in SADMP.

14. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of five metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway to accord with Policy DM17 of the SADMP.

11.3 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning permission does not give approval to work on the public highway. Therefore, prior to carrying out 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.
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 and approved by the Building Control Surveyor before development is commenced. If the ground strata prove unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so the provision on site for the storage of containers as shown on the approved site plan should be provided.