

**Planning Committee 2 February 2021
Report of the Planning Manager**

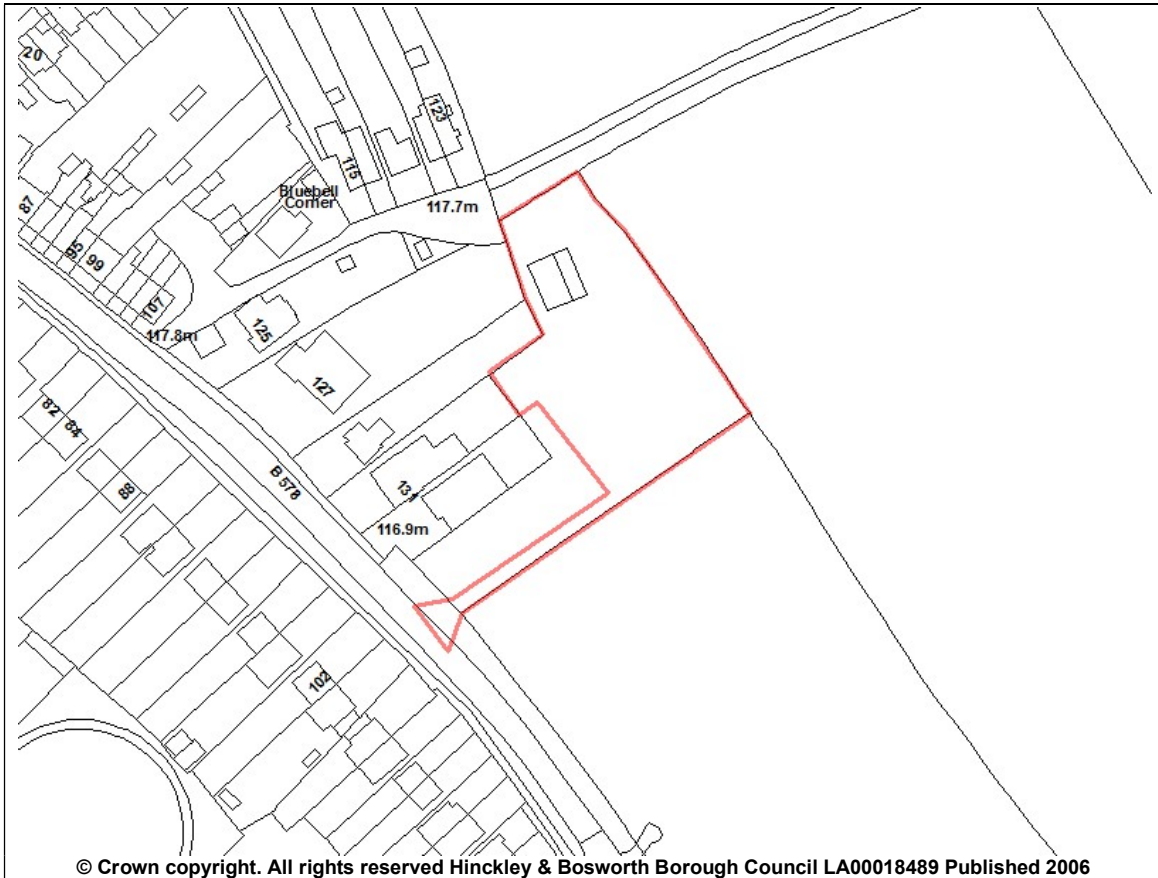
**Planning Ref: 20/01111/REM
Applicant: Mr T Knapp
Ward: Burbage Sketchley & Stretton**



Hinckley & Bosworth
Borough Council

Site: Land Rear of 125 - 131 Lutterworth Road Burbage

**Proposal: Approval of reserved matters (appearance, landscaping, layout and scale)
of outline planning permission 19/01112/OUT for six dwellings**



1. Recommendations

1.1. Grant approval of reserved matters subject to:

- Planning conditions attached 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 the approval of reserved matters (appearance, landscaping, layout and scale) following the approval of outline planning permission with access only (ref. 19/01112/OUT) for the erection of six dwellings.

2.2. The applicant originally proposed the introduction of seven dwellings, six two storey properties (x5 three bed and x1 four bed) and one bungalow (three bed). During

the course of the application this number was reduced to six (all three bed) following officer concerns for the proposed layout. The pond in the rear garden of Plot 1 was also reduced to afford an acceptable level of usable private outdoor amenity space for future occupants. The internal arrangement of Plot 2 has also been reconfigured so that a large obscurely glazed en-suite window would no longer be located along the front elevation of this property. Relevant re-consultations have been undertaken.

- 2.3. The scheme proposes a development of six detached dwellings, five two storey properties and one bungalow. Each two storey dwellings would include an integral garage. Dwellings would be served by a private garden to the rear and off-street parking to the front. The dwellings would incorporate various pitched roof designs, single storey projections and dormers. Access in and out of the development would be off Lutterworth Road.
- 2.4. The red line boundary approved under 19/01112/OUT has been slightly reduced to allow for additional, approved residential curtilage for nos. 133 and 135 Lutterworth Road, Burbage. This alteration does not affect the current application.
- 2.5. A design and access statement has been submitted to support the application.

3. Description of the site and surrounding area

- 3.1. The application site consists of a parcel of relatively flat land located to the rear of numbers 125 to 135 Lutterworth Road. Nos. 131-135 are dwellings recently constructed to the south west of the site. The site is located adjacent to but outside of the settlement boundary of Burbage, within designated countryside. To the north west of the site is a single track private road serving a number of dwellings accessed off Lutterworth Road. Outline planning permission did not grant permission to use this track as part of the approved scheme. To all other boundaries is open countryside.

4. Relevant planning history

19/00573/FUL

- Conversion of existing building to residential (C3) use and single storey extension to side
Planning permission granted
21.08.2019

19/01112/OUT

- Residential development (outline- access only)
Outline planning permission granted
30.07.2020

17/01124/FUL

- Demolition of existing dwelling and erection of 3 new dwellings and associated access
Planning permission granted
21.12.2017

18/01278/FUL

- Erection of detached dwelling and a new vehicular access
Planning permission granted
12.06.2019

19/00363/CONDIT

- Variation of conditions 2, 4, 5, 7 and 8 of planning permission 17/01124/FUL to refer to an amended site plan with relocated access and amended landscaping (retrospective)
Planning permission granted
23.05.2019

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. As a result of the public consultation for both original and amended plans, objections from 13 different addresses have been received on the following grounds:

- 1) The plot is outside of the settlement boundary and approval will set a precedent for large developers to further harm the countryside
- 2) Insufficient off-street parking provision
- 3) The development will exacerbate existing traffic issues along Lutterworth Road. Lutterworth Road is already at vehicular capacity
- 4) There is no capacity for local schools to take on additional families
- 5) Vehicular safety is poor along Lutterworth Road and the development will cause more safety hazards as more vehicles park along the road
- 6) Loss of valuable and accessible countryside making Burbage an undesirable place to live
- 7) Harmful to the visual amenity of Burbage
- 8) The highway along Lutterworth Road itself is in a poor state and is in need of repair
- 9) The proposed access is adjacent to the newly installed traffic calming measure (single lane chicane) along Lutterworth Road. The access will be dangerous for this reason
- 10) The access is too narrow and two vehicles will not be able to pass
- 11) Construction vehicles will be parked along Lutterworth Road
- 12) The house types proposed are not needed in Burbage. More affordable homes rather than market housing is needed
- 13) The access is directly adjacent to the exit of the northern choke point in Burbage
- 14) The site can only take up to one or two dwellings at most
- 15) Plots in the northern corner of the site will use the single track road off Lutterworth Road
- 16) No off-street parking for visitors and limited parking for delivery vans
- 17) No control over the pond on site being filled in by future occupants
- 18) Loss/harm to wildlife
- 19) No pedestrian footpath along the access road
- 20) The hedgerow along the access whilst growing will reduce the width of the access with no indication of who/how the growth would be maintained to prevent this
- 21) Bin storage along the public footpath would obstruct and be safety hazard for pedestrians
- 22) The turning head will be used as a parking place to compensate for the lack of off-street parking, leading to vehicles reversing along the length of the access
- 23) The original plot 5 would be cramped and vehicles will struggle to manoeuvre in the off-street parking provided
- 24) Emergency vehicles will have difficulty using the narrow access
- 25) Approval to convert the existing building on site would be a far more sustainable option rather than a profit driven development

- 26) Dwelling in northern corner of the site will have an overbearing, overlooking and overshadowing impact upon the private outdoor amenity space of existing dwellings
- 27) Hedging along the rear of properties backing on to the proposed development would offer insufficient screening with no indication in the submission of improving this
- 28) The waste bin storage area is insufficiently sized
- 29) No.135 Lutterworth Road will likely use the new access adding more congestion to an unsafe opening

5.2. Councillor Barry Walker called for the application to be determined by the planning committee. He raised concerns to the original scheme on the following grounds:

- 1) Overdeveloped site in comparison to the five dwellings originally suggested by the outline application
- 2) Overcrowding of the site would afford no off-street parking facilities for visitors which would result in more vehicles parking on Lutterworth Road, a road which is already congested and has traffic issues
- 3) The access road and proposed gated entrance would be hazardous and inadequate for the level of development proposed
- 4) The pond on the site had been wholly incorporated into the garden area of Plot 1. Without clarification of the pond's function, it could be a flood attenuation pond and should therefore remain accessible as an open space

6. Consultation

6.1. Burbage Parish Council have objected to the proposed development on the following grounds:

- 1) Overdevelopment
- 2) Insufficient off-street parking meaning more vehicles will parking on an already congested Lutterworth Road
- 3) Gated access hazardous and inadequate
- 4) The pond on the site had been wholly incorporated into the garden area of Plot 1. Without clarification of the pond's function, it could be a flood attenuation pond and should therefore remain accessible as an open space

6.2. No comments have been received from Archaeology however no objections were received to the scheme during its outline stage.

6.3. No objections have been received from HBBC Drainage, Environmental Health or LCC Ecology.

6.4. No objections subject to conditions have been received from LCC Highways and HBBC Waste.

7. Policy

7.1. Burbage Parish Neighbourhood Plan 2015 – 2026 (BNP) (Referendum Version 2020)

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking
- Policy 9: Biodiversity

- 7.2. Core Strategy (2009)
- Policy 4: Development in Burbage
 - Policy 16: Housing Density, Mix and Design
- 7.3. Site Allocations and Development Management Policies DPD (2016) (SADMP)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - 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)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide
 - Landscape Character Assessment (2017)
 - Affordable Housing Supplementary Planning Document (SPD) (2011)
- 8. Appraisal**
- 8.1. Albeit outside of the defined Burbage settlement boundary, in strategic terms the principle of residential development adjacent to the Burbage settlement boundary has already been established as acceptable by the extant outline planning permission reference 19/01112/OUT.
- 8.2. The key Issues in respect of this reserved matters application are therefore:
- Layout, scale, design, appearance and landscaping and impact upon the character of the surrounding area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Ecology
 - Other matters
- Layout, scale, design, appearance and landscaping and impact upon the character of the surrounding area.
- 8.3. Policy 2 of the SADMP requires new development to respect its surroundings and where appropriate follow the existing pattern of development.
- 8.4. 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.
- 8.5. Policy DM4 of the SADMP requires that development in the countryside does not have a significant adverse effect on the open character or appearance of the surrounding landscape and countryside.
- 8.6. The Good Design Guide SPD suggests a minimum rear garden length of 7 metres and the provision of adequate private amenity space (80 square metres for a 3 bed

house). It also recommends that building plots should be a similar size, footprint and position to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built form should be of a similar scale, mass and roof form.

- 8.7. Paragraphs 124 and 127 of the NPPF (2019) state that good design is a key aspect of sustainable development. Planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; establish a strong sense of place; and provide a high standard of amenity for existing and future users, whilst not preventing or discouraging appropriate innovation or change.
- 8.8. The proposed development would introduce built form in to an otherwise semi-rural site adjacent to the Burbage settlement boundary. The site is situated to the rear of a row of houses lining the north east side of Lutterworth Road. The development would be directly behind three dwellings recently built under 19/00363/CONDIT (nos.31-135). The site is not clearly visible from Lutterworth Road, although it would be partly viewed when approaching Burbage from the south east. Established properties among the south east end of Lutterworth Road are generally characterised as relatively large two storey properties on generous plots. There are some instances of development at depth in the area for example the properties to the north west of the site which front out on to an historic public right of way/private access track and the Davidsons development further south east of the application site on the south west side of the Lutterworth Road. The proposed development would see the creation of six dwellings on land rear of existing development along Lutterworth Road, extending built form along Lutterworth Road further north east. Notwithstanding, the site would still retain a strong sense of enclosure through the retention of hedgerow planting to boundaries adjacent to the wider countryside.
- 8.9. The development would comprise a gated access road already part laid along the side of no.135 Lutterworth Road. The access road would then extend up towards the north west corner of the application site of the site. Four of the two storey detached dwellings would be located on the north east side of the road, with the fifth at the end in the north west corner of the site. The single detached bungalow would be located on the south west side of the road, directly behind the plot comprising the newly built 131 Lutterworth Road. All dwellings would have three bedrooms. In the original submission, each dwelling with the exception of the single bungalow would be orientated so as to front the road and address the street. Amendments were received re-orientating the bungalow accordingly so as to create a consistent street scene. Albeit further back, the development would still address the Lutterworth Road street scene; the dwelling on Plot 1 would front the gated entrance into the site and thus be visible from the highway. The proposed layout would help create a unique sense of place; making use of the site's natural boundary treatments and promoting natural surveillance of the gated community that the proposal seeks to establish.
- 8.10. The scheme originally proposed seven dwellings on the site. Two dwellings were to be in its north west corner, both appearing considerably cramped. During the course of the application, this number was reduced to six to alleviate a sense of overdevelopment. Each of the six plots as per the amended site plan provided demonstrate a density and size similar to more recent introductions in the Lutterworth Road street scene.

- 8.11. The number of dwellings proposed is considered to be low density within the moderately sized application site. Arranged around a single street, it is considered that the development would be well contained and enclosed to ensure limited encroachment into the countryside beyond. Notwithstanding, Core Strategy Policy 16 recommends a density of 40 dwellings per hectare in and adjoining Burbage. The likely density of the development although lower than this, provides for a scheme compatible with the surrounding properties and the site's edge of settlement location. The lower density is therefore considered appropriate. In accordance with Policy 16 lower densities may be acceptable where site context requires it. This is considered relevant in the case of the current application.
- 8.12. Each dwelling would be designed with varying dual pitched roofs. Plot 6 would be designed with dormer windows set within the roof slope along its front (north east) and side (north west) elevations. Plot 5 would be designed with a dormer window breaking through the first floor eaves on the rear (north east) elevation of the dwelling. Plot 1 would feature a two storey bow window on its front gable end (south west). To its rear would be a single storey dual pitched projection (north east). Plot 2 would feature a single storey bow window to its front elevation (south west), three dormer windows breaking through the first floor eaves to its rear (north east), a hipped canopy entrance porch and a single storey garage projection to its south west side. Plots 3 and 4 would have an identical design and appearance to one another, featuring a two storey gable end to front (south west), dormers to front and rear and a single storey rear projection (north east).
- 8.13. Each two storey dwelling would be characterised by varying but similar eaves levels and their overall heights would vary between 8.1 and 8.4 metres (approx.). The dwellings would therefore have a fairly uniform roof scape. The street fronting elevations on Plots 2, 3 and 4 would form a uniform building line, with the south east gable end on Plot 5 also meeting this. Plot 1 would be set further forward to better address the Lutterworth Road street scene and the access road leading up to the development. Plots 2, 3 and 4 would all be similarly sized, with Plot 5 being the largest of all, occupying the north west corner of the application site. Plot 6 would be the shallowest of all plots, however would still accommodate for a spacious dwelling with sufficient off street parking and private outdoor amenity space.
- 8.14. Plot 6 would be the only dwelling sited on the site south west side of the site. Notwithstanding, its orientation towards the dwellings opposite and its proximity to the access road ensures that this plot would still appear closely linked to the street scene. Each dwelling would be sufficiently set back from the private highway.
- 8.15. The boundaries of each plot would be marked by a combination of existing hedgerows and brick walls, new native planting and close boarded fencing, consistent with the boundary treatments adopted for the dwellings newly constructed south west of the application site. The private outdoor amenity space serving each of the dwellings would be at least 7 metres in depth at its further point. The private garden space serving Plots 1, 2 and 5 would exceed 80 m² (approx.). The pond in Plot 1 would not be for flood attenuation purposes and was reduced during the course of the application to ensure sufficient private outdoor amenity space for any future occupier(s). The private outdoor amenity space for Plots 3, 4 and 6 would be just under 80m². However, in the context of the scheme it is not considered that this slight shortfall would have a significant detrimental impact upon the enjoyment of each dwelling by future occupants.
- 8.16. The proposed design, scale, plot size and use of materials to match those on the newly built dwellings south west of the application site (nos.131-135) would not be uncharacteristic of the character or appearance of dwellings in the surrounding area which comprise a variety of styles, design, finishes and scales.

- 8.17. When approaching Burbage from the south east, the development would be read as part of the existing built form along Lutterworth Road, where countryside meets settlement.
- 8.18. Concerns has been raised that the application site is only capable of accommodating for one or two dwellings. As set out above however the development would complement the size of those existing dwellings on Lutterworth Road and would provide for a spacious dwellings with sufficient space for off-street parking and private outdoor amenity space. It is therefore not considered that the introduction of six dwellings on the application site would result in overdevelopment.
- 8.19. Overall it is considered that by virtue of the layout, scale, design and use of appropriate external materials, the proposed scheme would be well contained and would complement the character and pattern of existing development along Lutterworth Road. The proposal would neither have a significant adverse impact upon the character of the countryside and would therefore be in accordance with Policy DM4 and DM10 of the SADMP, Policy 2 of the BNP, the guidance set out in the Good Design Guide SPD and the overarching design principles of the NPPF (2019).

Impact upon neighbouring residential amenity

- 8.20. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings.
- 8.21. The rear (south west) elevation of dwelling on Plot 6 would face the two storey rear of no.131 Lutterworth Road. There would be no dormer windows along this elevation of the proposed dwelling. Bearing this in mind, along with the single storey nature of the dwelling and the close boarded fencing proposed along the south west boundary of Plot 6, this dwelling would not have any adverse overlooking impacts upon no.131. Lutterworth Road. No. 131 Lutterworth Road has a rear private amenity space approximately 21 metres in depth. Combining this with the 8 metres depth of the private amenity space to be created within Plot 6, the dwelling in this plot would not have any adverse overbearing impacts upon no.131. This distance along with the scale of the dwelling on Plot 6 would also mitigate any overshadowing impacts upon no.131.
- 8.22. The rear boundary of nos. 133 and 135 Lutterworth Road would not adjoin any of the proposed plots. The distance between the rear of nos.133 and 135 and the front elevations of dwellings on Plots 1 and 2 on the application site would be around 35 metres. This distance is considered sufficient to avoid any adverse overlooking, overbearing or overshadowing impacts upon these existing dwellings. The private outdoor amenity spaces of nos.133 and 135 are enclosed with high boundary fencing. It is therefore not considered that privacy of these areas would be significantly compromised by the proposed development. Albeit the access road into the site running alongside no.135, the quantum and type of development proposed would not result in any adverse noise and disturbance to the enjoyment of this property.
- 8.23. The north east and south east boundaries of the application site would be adjacent to open countryside. There is therefore no neighbouring residential amenity to consider in these directions.
- 8.24. The north west boundary of Plot 6 would be shared with no.129 Lutterworth Road. The north west elevation of the single storey dwelling on this plot would face the bottom end of this neighbouring property's private outdoor amenity space which is of great depth. The side of the dwelling on Plot 6 would face the rear outdoor

private amenity space of no.129 Lutterworth Road. A dormer window is proposed on the north west side, serving a bedroom. Although a habitable window, this window would not look into the immediate private outdoor amenity space closest to the rear elevation of no.129, an area which is most regularly used. It is therefore not considered that a window overlooking the end of no.129's 40 metres (approx.) garden would have any significant overlooking impacts. The single storey scale of the dwelling on Plot 6 would also mitigate any overshadowing impacts upon this area of garden and the dwelling's distance from the rear elevation of no.129 would prevent any adverse overbearing impacts.

- 8.25. The north west boundary of the application site would be adjacent to countryside and no windows on the on the north west elevation of the dwelling on Plot 5 would directly face residential development at depth further west of the application site. This development at depth is set back from the application site by virtue of an un-adopted access track and a strip of countryside land. The north west elevation of the dwelling on Plot 5 would be approximately 12 metres from the application site's boundary. It is therefore not considered that the proposed development would have any adverse overlooking, overbearing or overshadowing impacts upon dwellings further north west of the application site.
- 8.26. The south west elevation of the dwelling on Plot 5 would be set back from the shared boundary with no.129 and no.127 Lutterworth Road by approximately 3.4 metres. Although windows along this elevation would serve habitable rooms, the dwelling itself would be at a significant distance from the rear elevations of nos.127 and 129 and would only overlook into the private outdoor amenity area at the very bottom of both neighbouring properties' 40 metres (approx.) gardens. The development would therefore not have any adverse overlooking, overbearing or overshadowing impacts upon these neighbours by virtue of the separation distances established.
- 8.27. By virtue of the layout, scale, design, boundary treatments and separation distances the proposal would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring dwellings and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.28. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 4 of the emerging BNP requires two off-street parking spaces to be provided for each new dwelling or two bedrooms or more, unless it is unachievable.
- 8.29. Multiple third party concerns have been raised regarding the access and parking arrangements within the site.
- 8.30. Leicestershire County Council Highways have provided no objections to the scheme, both in its original and amended form. Notwithstanding, the reduced number of dwellings on site, would allow for the provision of a turning area in the north west corner of the site so that vehicles can enter and leave in a forward direction.
- 8.31. Satisfactory access arrangements to the site and visibility splays were approved and secured by conditions at the outline stage. The proposed access was considered to be acceptable for the types of vehicles that it would be used by.
- 8.32. The proposed access would be 5.2 metres in width and would be located along the side of no.135 Lutterworth Road. There would be no vehicular access to and from

the site via the single track road off Lutterworth Road, north west of the application site. Planning permission at the outline stage was not granted for this. Two turning heads are shown within the site and the entrance gates along the access road are at an acceptable distance from the highway. Albeit acceptable for the quantum and type of development proposed, the access road would not be to an adoptable standard. The access road would therefore be private. No concerns have been raised regarding the safety of the point at which the development meets Lutterworth Road by LCC Highways. The access road would be private and used to serve a small number of six dwellings, as such, no requirement for a public footpath along the access road has been raised by LCC Highways.

- 8.33. Each dwelling on site would be served by two off-street parking spaces (including garages). This arrangement would be in accordance with LCC Highways design guidance, DM18 of the SADMP and Policy 4 of the BNP. There would be enough turning space for vehicles to enter onto the highway in a forward gear.
- 8.34. According to the quantum of development proposed, along with the access, turning and parking arrangements shown, LCC Highways do not consider that the impacts of the proposed development upon the nearby road network would be severe. Introducing vehicular movements from six additional dwellings along Lutterworth Road would not have a significant detrimental impact upon existing traffic levels along Lutterworth Road. The required off-street parking arrangements are all catered for in the confines of the gated application site. The dwellings are set back from Lutterworth Road by a long access road and set behind entrance gates. The development would therefore be most accessible for vehicles parking within the application site. Any overspill onto Lutterworth Road would likely be limited/avoided.
- 8.35. A concern has been raised that the occupiers of no.135 Lutterworth Road would use the proposed access road and that this would subsequently lead to more congestion. The access road has been assessed as acceptable for the quantum of development proposed as such would not lead to significant levels of congestion. Boundary treatments are to be added along the side of no.135 Lutterworth Road, and this dwelling already has its own private access. It is therefore very unlikely that this dwelling would be able to or wish to use the access road serving the proposed development.
- 8.36. The access road has already been approved at outline stage and the car parking provision meets the requirements of the Neighbourhood Plan. The proposed development is therefore in accordance with LCC Highways design standards, Policy DM17 and DM18 of the SADMP and Policy 4 of the BNP.

Biodiversity

- 8.37. Policy DM6 of the SADMP requires development proposals to conserve and enhance a site's ecological features. Policy 9 of the BNP seeks to protect species rich wildlife corridors and hedgerows.
- 8.38. According to the submitted site plan, the proposal seeks to incorporate an acceptable level of soft landscaping into the development scheme which would maintain and promote the existing ecological value of the site. According to this, along with the schedule of native species planting provided by the applicant, LCC Ecology have raised no objections to the proposed development. Notwithstanding, conditions which protect those trees and hedges to be retained that were not included at outline stage shall be imposed upon approval of the reserved matters assessed in this application, to ensure that the development would not result in significant ecological harm to the countryside that it forms part of.
- 8.39. Third party concern has been raised for the prospect of the pond in Plot 1 being filled in by future occupants. Having seen the submitted details, LCC Ecology has

not raised any concern for this potential eventuality and the harm that it may or may not have upon the biodiversity of the site.

- 8.40. On the basis of the above, the proposed development does not raise any significant ecological concerns and would be in accordance with Policy DM6 of the SADMP and Policy 6 of the BNP.

Other matters

- 8.41. Street Scene Services (Waste) recommend a condition to secure a scheme for the provision for waste and recycling storage at the adopted highway boundary. The satisfactory provision of such storage at the point of the adopted highway boundary has been demonstrated. A condition is therefore not necessary in this case. The bin storage location would be within the application site and would therefore not obstruct the pedestrian footpath.
- 8.42. A third party concern has been raised regarding the poor state of the Lutterworth Road highway and its need for repair. This concern is not directly related to the application at hand and is instead a matter to raise with the Local Highway Authority.
- 8.43. A third party concern has been raised that construction vehicles will be parked along Lutterworth Road. This is not a material planning consideration. Should any vehicles be parked illegally along Lutterworth Road as a result of the development then either the police or the Local Highways Authority should be contacted.
- 8.44. A third party concern has also been raised for the type of housing that the proposed development would introduce. There is a concern that the proposed development does not support the affordable housing need in Burbage. According to the number of dwellings proposed, there is no requirement for a percentage of dwellings on site to be affordable homes, as the Council's Affordable Housing SPD (2011) sets out.
- 8.45. A third party concerns has also been raised for the maintenance of the hedgerow to be installed along the access road. This is not a material planning consideration and instead is a long-term landscape management matter that the developer must consider measures for.
- 8.46. Third party concern has been raised for poor existing boundary treatments around the site. The applicant proposes to infill the existing hedgerow along the north east boundary of no.129 Lutterworth Road to match existing and provide an appropriate degree of screening from the proposed development. This has been demonstrated on the submitted site plan.

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

- 10.1 The site is located adjacent to the settlement boundary of Burbage in a sustainable urban location with reasonable access to a full range of services and facilities in the town centre by sustainable transport means where residential development has been found to be acceptable in principle. The site has the benefit of outline planning permission for dwellings to which this application seeks approval of the matters not approved at outline stage. By virtue of the layout and separation distances, scale, design and external materials, the scheme would respect and complement the character and appearance of the surrounding area and would not result in any significant harm to the Lutterworth Road street scene, the wider countryside, the amenities of any neighbouring properties, highway or pedestrian safety biodiversity. The proposal would therefore be in accordance with Policies 1, 2, 4 and 9 of the BNP, Policy 4 and 16 of the adopted Core Strategy, Policies DM1, DM4, DM10, DM6, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF (2019) and is therefore recommended for the approval of reserved matters subject to conditions.

11. Recommendation

- 11.1 **Grant approval of reserved matters** subject to:
- Planning conditions set out 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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Plot 6 - General Arrangement Ref: 4626/70 Rev: B received 21 December 2020

Plot 5 - General Arrangement Ref: 4626/50 Rev: A received 21 December 2020

Proposed Access and Site Layout Plan Ref: 4626/02 Rev: E received 21 December 2020

Plot 2 - General Arrangement Ref: 4626/20 Rev: B received 14 December 2020

Plot 1 - General Arrangement Ref: 4626/10 Rev: A received 14 December 2020

Plots 3 & 4 General Arrangement Ref: 4626/30 received 20 October 2020

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).

2. The materials to be used on the external elevations of the proposed dwellings shall accord with the following details received 13 January 2021:

Wienerberger Kenilworth Antique brick
Marley Modern Duo Smooth Grey roof tiles

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).

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been provided in accordance with Proposed Access and Site Layout Plan Ref: 4626/02 Rev: E received 21 December 2020. 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 DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

4. 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 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

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 in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

5. The approved hard and soft landscaping scheme shall be carried out in accordance with the Proposed Access and Site Layout Plan Ref: 4626/02 Rev: E received 21 December 2020 and the planting schedule received 05 January 2021 from george@gbae.co.uk in the first planting season following the first occupation of the dwelling to which it relates. 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 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 in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. During the construction period, none of the trees or hedges indicated to be retained on Proposed Access and Site Layout Plan Ref: 4626/02 Rev: E received 21 December 2020 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

7. The use of the garages for each dwellinghouse shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate off-street parking facilities are available in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 **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 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.