

**Planning Committee 25 May 2021
Report of the Planning Manager**

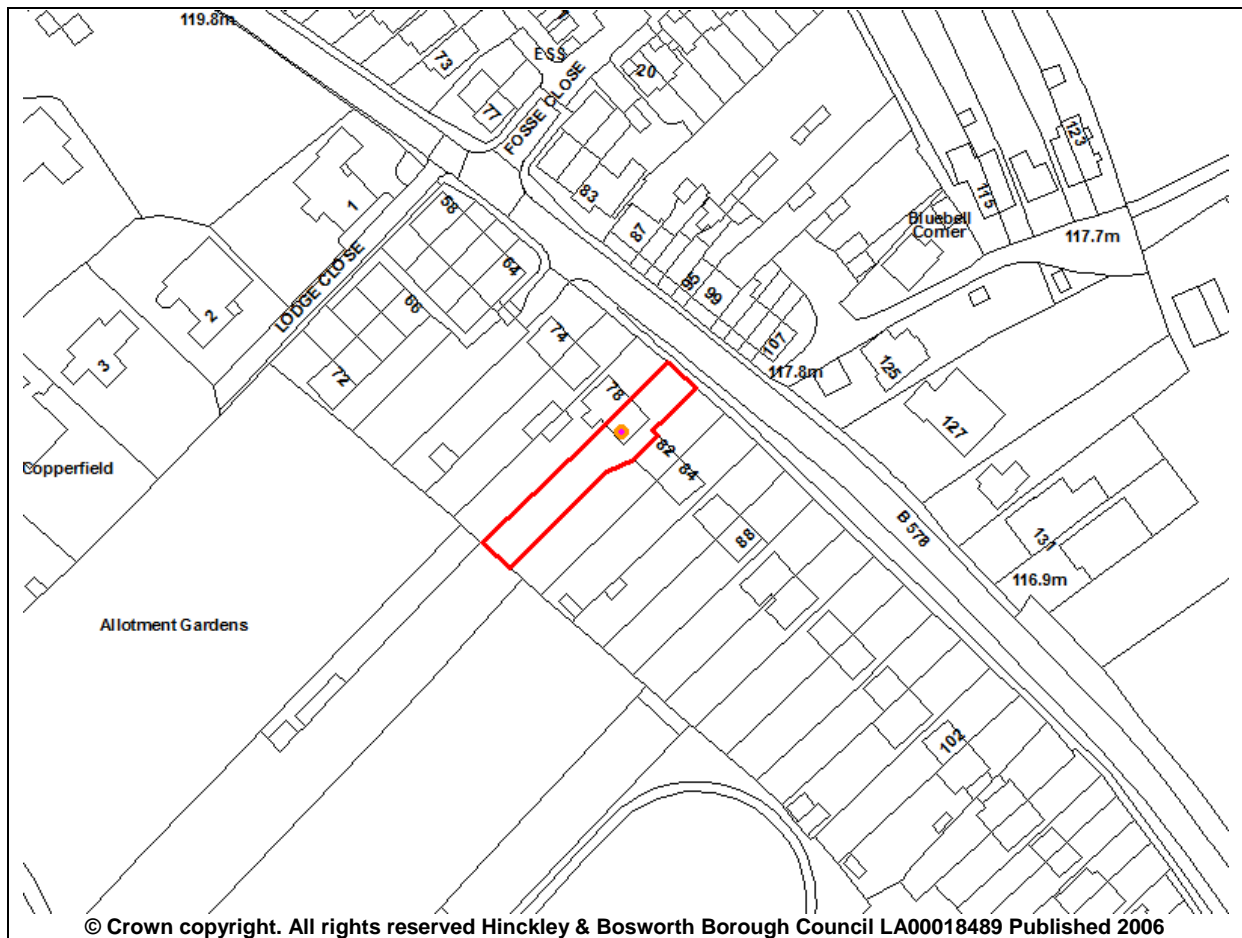
**Planning Ref: 20/01193/FUL
Applicant: Mr Gary Upton
Ward: Burbage Sketchley & Stretton**



**Hinckley & Bosworth
Borough Council**

Site: 80 Lutterworth Road Burbage Hinckley

Proposal: Installation of vehicular hardstanding to front garden including dropped kerb access from a B classified highway



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 planning permission for hardstanding to the front garden including dropped kerb access from a B classified highway at 80 Lutterworth Road, Burbage.

3. Description of the site and surrounding area

- 3.1. The application site is a semi-detached council-owned property on a classified B road. The property is similar in design and appearance to other dwellings on the same road. Other properties on the road have a mix of driveways, with some having hardstanding and others having grass. Despite this, many cars park on street. Traffic calming measures are in place on Lutterworth Road and the property is situated next to a telegraph pole and facility chamber on the pavement.

4. Publicity

- 4.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. No responses were received.

5. Consultation

- 5.1. LCC Highways were consulted on the application and stated that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The comments also highlighted that if the proposed access conflicts with the facility chamber, the Applicant will be required to strengthen the chamber, with vehicles on a day to day basis driving over the chamber to access the dwelling. It was suggested that the access could be moved by half a metre to avoid the chamber.
- 5.2. Burbage Parish Council were consulted on the application and while they didn't object to the application, they stated that they would like a porous material, like block paving to be used for the proposed driveway.

6. Policy

- 6.1. Burbage Neighbourhood Plan 2015-2026
- Policy 1: Settlement Boundary
 - Policy 4: Off Street Parking
- 6.2. Core Strategy (2009)
- Policy 4: Development in Burbage
- 6.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 6.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 6.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
- ### **7. Appraisal**
- 7.1. 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

Assessment against strategic planning policies

- 7.2 The proposal is located within the settlement boundary of Burbage and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.

Design and impact upon the character of the area

- 7.3 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 7.4 This application seeks planning permission for the creation of a new vehicle access to the front of no.80 Lutterworth Road, Burbage. The existing frontage features a pathway up to the host dwelling and landscaping either side. The width of the existing frontage is approximately 8.5 metres. It is proposed that 4.5 metres (approx.) in width and 5.0 metres (approx.) in depth of this would be tarmac hardstanding, edged with concrete edging stones, as per the site plan, application form and the design and access form submitted. There is a proposed 4.0 metre wide dropped kerb that would be situated to the side of the facility chamber and telegraph pole. Amendments were made following LCC Highways comments, moving the access further away from the facility chamber, it is now positioned 1.2 metres (approx) from the chamber. Grass would be retained as part of the host dwelling's frontage as soakaway provision and the grass verge would remain in situ. The proposal would be very similar to that of the adjacent properties. The creation of an access in this location would not be detrimental to the character of the area as there are examples of drives and access points along Lutterworth Road
- 7.5 Overall the proposal to create a new vehicular access to serve no. 80 Lutterworth Road would not have an adverse impact upon the character and appearance of the surrounding area and will therefore comply with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 7.6 Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 7.7 By virtue of the siting and nature of the proposal it would not have any adverse impacts on the residential amenity of any neighbouring properties and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 7.8 Policies DM17 and DM18 of the SADMP and policy 4 of the BNP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 7.9 There is no existing off-street parking provision at the application site. The proposal would see one off-street parking spaces provided for the host dwelling which would help to alleviate parking problems on the street and provide access to safely transfer the disabled child from the vehicle to the property, aided by her wheelchair. Conditions are to be imposed on having visibility splays of 2.4 by 43 metres in line with the LCC Highways Design Guide.
- 7.10 Amendments were made to the proposal positioning the access 1.2 metres away from the facility chamber, to avoid conflict as per LCC Highways comments.
- 7.11 No objections were received from LCC Highways and the proposal would have an acceptable impact upon the highway. The proposal would therefore comply with Policies DM17 and DM18 of the SADMP.

8. Equality implications

8.1 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.

8.2 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.

8.3 The equality implications arising from this application relate to the protected characteristics of a disabled child who requires access to the house via a driveway to make the transfer from the vehicle to the house safer and easier.

8.4 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).

9. Conclusion

9.1 The application would not have a detrimental impact upon highway safety, character of the area or neighbouring residential amenity. The proposal is therefore considered to be in accordance with Policies DM1, DM10, DM17 and DM18 of the SADMP, Policies 1 and 4 of the Burbage Neighbourhood Plan and is therefore recommended for approval subject to conditions.

10. Recommendation

10.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

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

10.3. **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - a) Site Location Plan 1:1250 19/313/LUT PL01 (Received 7th April 2021)
 - b) Block Plan Scale 1:500 19/313/LUT PL01 (Received 7th April 2021)

- c) Site Plan Scale 1:100 19/313 LUT SP01 Rev A (Received 9th April 2021)

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. All driveways and parking areas shall be constructed of porous materials, or provision shall be made to direct run-off water to a permeable or porous area or surface within the curtilage of the property.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 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 vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. 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: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and 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. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and 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).

6. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019)

10.4. 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 licenses/permits/agreements are in place. Or

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 highways and therefore you should take every effort to prevent this occurring.