

Planning Committee 8 November 2016
Report of the Chief Planning and Development Officer



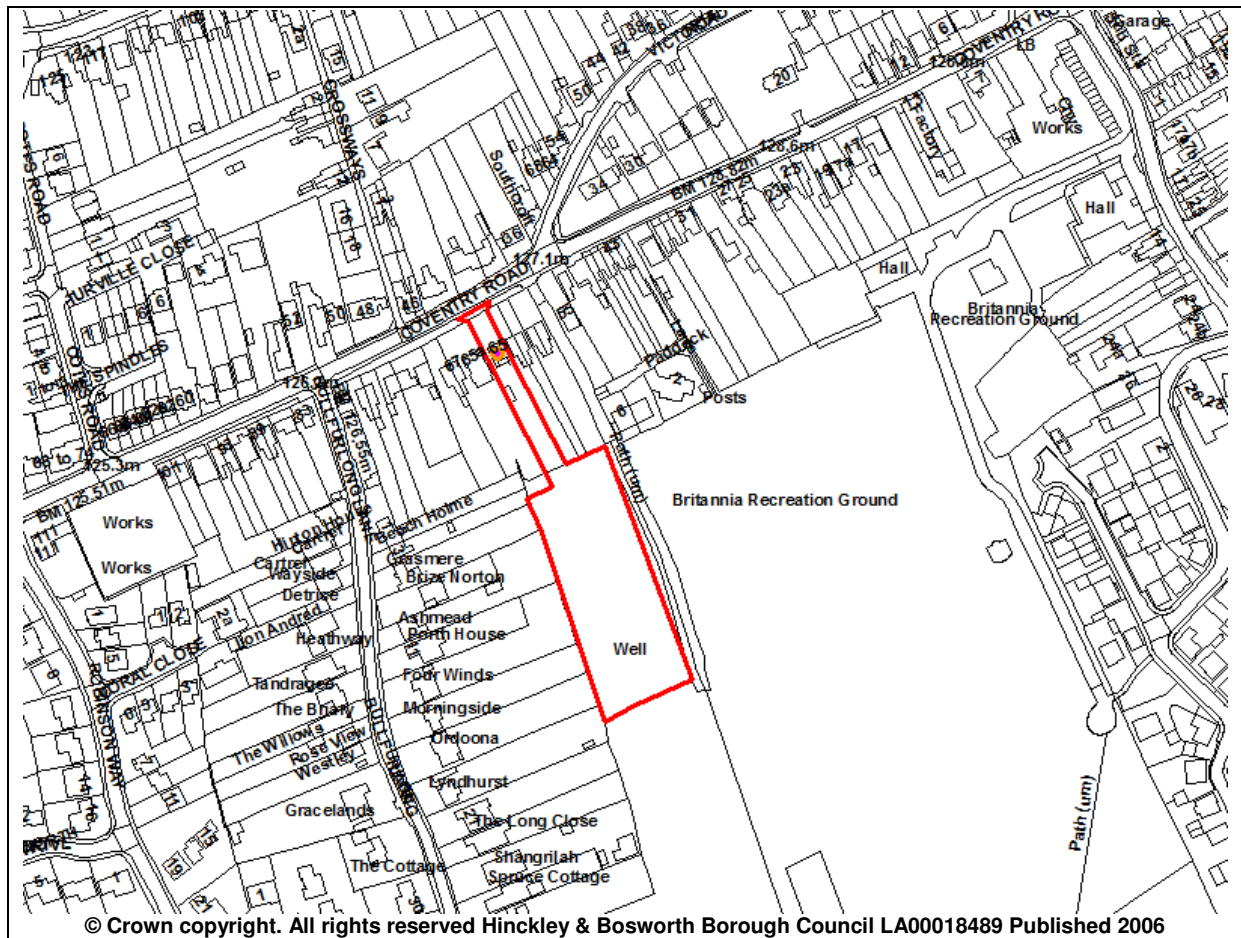
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00726/OUT
Applicant: J & A Perrin & Malin
Ward: Burbage Sketchley & Stretton

Site: 65 Coventry Road Burbage Hinckley

Proposal: Demolition of no. 65 Coventry Road and erection of 13 no. dwellings
(outline - access, layout and scale)



1. Recommendations

1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks outline planning permission for access, layout and scale only for the proposed development. The scheme comprises the demolition of the existing dwelling 65 Coventry Road and erection of 13 detached two-storey dwellings with associated road and parking provision.

2.2. The access would be located to the north of the site involving the demolition of the existing dwelling to allow an access road to run between the adjacent dwelling no's 63 and 65a Coventry Road. Hardstanding areas for refuse bin storage are proposed on either side of the access road adjacent to the entrance with Coventry Road.

- 2.3. The proposed layout would include the retention of a number of existing trees on the site and the existing hedge. Although several trees would be removed within the boundaries of the site, there would be a number of trees and shrubs planted as part of a landscaping scheme. This landscaping is shown for illustrative purposes only as access, layout and siting are the only detailed matters to be determined at this stage.

3. Description of the Site and Surrounding Area

- 3.1. No 65 Coventry Road is a detached two storey dwelling, with off-street parking within the front garden driveway. The site comprises an area of approximately 4,980 square meters (0.49ha). At the end of the garden there is an enclosed field with vehicular access from the footpath (U57) on the north side. Although this is described as '*residential garden*' on the application form it does not have the appearance of a domestic garden but one more akin to a field enclosed by hedging on 3 sides with a gate from the end of the domestic garden giving access into it. A field gate on the east side gives vehicular access from Paddock Lane which is a gated access via Coventry Road. There are a number of dilapidated outbuildings on the site including garages with hardstanding and a mobile toilet block. The applicant states that the field has been used in the past for domestic purposes relating to family parties. It is this area that will be re-developed for the proposed dwellings with the existing house to be demolished creating the access driveway into the site. The field access from Paddock Lane would be blocked up.
- 3.2. The front part of the site and the southern boundary of the field is bounded by residential development and associated gardens. The north side is adjacent to a RoW and the Britannia Recreation Ground playing fields. To the east is undeveloped agricultural land.
- 3.3. Although the front part of the site (comprising the existing dwelling and residential garden to the field boundary) is within the settlement boundary of Burbage, the field is outside of this defined boundary and is designated as countryside within the Site Allocations and Development Management Policies DPD.

4. Relevant Planning History

None relevant.

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.
- 5.2. There have been over 30 objections to the application and three letters of support.
- 5.3. The objections to the application are précised below:
- 1) There is a 5 year housing land supply
 - 2) The site is outside of the settlement boundary
 - 3) Additional traffic and congestion making the current situation on Coventry Road worse
 - 4) Contrary to the emerging Burbage Neighbourhood Development Plan
 - 5) Contrary to policies within the Site Allocations and Development Management Policies DPD
 - 6) Contrary to Burbage Village Design Statement Guide
 - 7) Contrary to the National Planning Policy Framework

- 8) Over-development
- 9) Negative impact on wildlife/trees
- 10) Would be better to build fewer larger homes than squash in smaller houses
- 11) Loss of visual amenity for neighbours
- 12) Loss of privacy for neighbours
- 13) Potential use of the Right of Way for construction traffic would be a danger to users of
- 14) Loss of on-street parking on Coventry Road
- 15) Will set a precedent for new development in the countryside
- 16) Overload of services such as doctors and schools which are already at capacity
- 17) Will extend the village towards the M69
- 18) Access to the countryside is being eroded away
- 19) Not enough information (i.e. landscape assessment is too simplistic)
- 20) Loss of open aspect
- 21) Loss of character to the area
- 22) Loss of rural feel when walking the Right of Way
- 23) Loss of views
- 24) Loss of trees
- 25) Will not help first time buyers or young families
- 26) Decrease in value of existing properties

5.4. There have been three letters supporting the application with the following reasons:

- 1) The siting of the access road is appropriate and the length of the gardens of the existing homes provides a generous separation to the new development
- 2) The five year housing supply is a minimum not a maximum
- 3) Development is high quality
- 4) Will be an asset to the village
- 5) There is a national housing shortage and the council must make an effort to help address this issue
- 6) The council has supported other similar applications within the Borough
- 7) Complies with current policies
- 8) Proximity to local facilities, services, employment, education and transport confirms its position as a sustainable location for new development within the village
- 9) Site is infill without extending beyond the southern boundary of the built up area
- 10) Site layout is sympathetic to the area and is well screened from existing properties
- 11) Economic benefits of the development and financial infrastructure contributions should be welcomed

6. Consultation

6.1. The following consultees were notified of the application;

6.2. Burbage Parish Council: no objections to this application. Hinckley & Bosworth Borough Council's Planning Committee are requested to undertake a site visit in connection with the proposal. (On receipt of revised plans additional comments were received which stated that the previous comments still stood).

6.3. LCC (Developer Contributions): requires contributions for education and library services.

6.4. LCC (Historic and Natural Environment Team): recommended that conditions be attached to secure a programme of archaeological works, commencing with a trial trench evaluation. Depending on the results of the trial trenching, appropriate mitigation measures should be prepared to the satisfaction of the local planning authority.

6.5. No objections subject to conditions have been received from:

Environmental Health (Drainage)
Environmental Health (Pollution)
Hinckley & Bosworth (Tree officer)
Leicestershire County Council (Highways)
Leicestershire County Council (Ecology)

7. Policy

7.1 Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 19: Green Space and Play Provision

7.2 Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Boroughs Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.4 Other relevant guidance

- Burbage Village Design Statement (VDS) 2006

8 Appraisal

8.1 Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Drainage
- Developer contributions
- Archaeology
- Ecology
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications. Although the NPPF sets out the national stance on the need to approve sustainable development, the need to boost the supply of housing and the development of greenfield sites for housing purposes, it also states at paragraph 196 that the planning system is plan-led and planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise; and at paragraph 197 that in the assessing and determining of development proposals, local planning authorities should apply the presumption in favour of sustainable development. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP)(2016)
- 8.3. Policy 4 of the Core Strategy seeks to ensure sustainable development in Burbage, including providing support to Burbage local centre, and ensuring development contributes to Burbage's character and sense of place. It makes provision for a minimum of 295 dwellings in Burbage over the plan period to 2026. However, the numbers stipulated within Policy 4 are a minimum and there is no limit on the consideration of housing proposals provided that they accord with policies in the development plan. Policy DM1 of the adopted SADMP is a key starting point, setting out a presumption in favour of sustainable development.
- 8.4. Policy DM1 states that planning applications that accord with the policies within the local Plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
- 8.5. In this case, Policy DM4 is the relevant policy which states that: *to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.* The Policy sets out a list of instances where development in the countryside would be considered sustainable. New housing development (unless it relates to the provision of accommodation for a rural worker (in line with Policy DM5 – Enabling rural Worker Accommodation) is not included within the criteria and therefore is not in line with this policy.

Impact on landscape character of the area

- 8.6. Policy DM10 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.
- 8.7. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.
- 8.8. The scheme comprises 'backland' development accessed only through the demolition of the existing dwelling. Such type of development is uncommon in the immediate vicinity of the site and would form a contrived form of development out of keeping with the traditional layout of the surrounding layout of development.
- 8.9. The site is bound on the north and west sides by the rear gardens of existing residential development with the Britannia Road Recreation Ground to the east and open countryside to the south. The site is bound by mature trees and hedgerows. The proposal would involve building on a greenfield site on land beyond the

settlement boundary on the urban rural fringe. The site is one that is therefore considered to be sensitive in landscape terms.

- 8.10. The prevailing character of the surrounding built-up area is suburban comprising mostly large detached dwellings in substantial plots to the west and a mix of detached and semi-detached dwellings to the north, also within reasonable size plots. The overriding main feature of the area being the long gardens associated with the dwellings. Density is low, an average of 9.2 dwellings per hectare. The proposed development is far higher - 26 dwellings per hectare. Although this could be considered appropriate in many other locations, given the low density of the surrounding area and its sensitive urban fringe location, the density of the proposed scheme would be out of keeping with the established character and identity of the area.
- 8.11. The layout, with dwellings on both sides of the internal road, has resulted in the road being too narrow for access for refuse vehicles to turn. This in turn has resulted in the need for the refuse and recycling bins to be placed on the highway on the collection day. Two hardstanding areas are shown on the revised plan on either side of the access point. However, this is not considered to be of a high quality design or to complement or enhance the character of the area and would erode the attractive character of the area.
- 8.12. With regard to the location of the site within the countryside location. The site is defined in the Hinckley & Bosworth Landscape Character Assessment 2006 and as within the Hinckley, Barwell and Burbage Fringe Character Area F. The Assessment describes the area as a landscape with varied sensitivity, with strategically significant landscapes of high sensitivity which are located close to principal urban areas (page 49). While there are no statutory landscape designations covering the site or within the immediate surrounding area, the landscape is one which is of varied sensitivity with strategically significant landscapes of a high sensitivity that are located close to principal urban areas. Whilst sensitivity can be considered to vary across this urban fringe character, it is considered that given the appeal site's close proximity to the urban settlement of Burbage and surrounding open countryside the overall sensitivity of the site is medium to high. As an open hedged field the site conforms with the assessment of Character in the area and makes a positive contribution to the character of the landscape and appearance of the countryside of which it forms a part of. The proposed development would urbanise the site and result in the loss of this area of countryside to development.
- 8.13. Burbage Parish Council is in the process of developing their Neighbourhood Plan. Although this is not in the public arena a draft plan has been produced but as there has so far been no formal consultations the plan currently carries little weight in the planning process. However, the site is not allocated for housing purposes within the plan and the Plan robustly resists development outside of the settlement boundary. Burbage does, however, have an existing Village Design Plan which includes the statement that development outside the settlement boundary should be resisted. It also assesses the characteristics of the village and surrounding housing developments. The Village Statement seeks to ensure that proposed development does not harm the distinctive character of an area. Proposals that undermine and harm the positive characteristics of a designated high quality mature area will be resisted. This is broadly in line with the requirements of Policy DM10.
- 8.14. The site lies adjacent to a public footpath which leads from Coventry Road parallel with the recreation ground (to the east) and has undeveloped land to the south. Other footpaths cross within the farmland to the south with largely unobstructed views

towards Burbage. The overall character of the area when viewed from the south and from the footpath /recreation ground is both rural and verdant, bounded by a mature indigenous hedge and trees. Introducing built form away from the established pattern of development would alter the character of the site and its surroundings to its detriment creating a prominent built form which would be visible from viewpoints to the south and east. Given the sensitivity of the site adjacent to open countryside within a low density area, the scheme for 13 dwellings is inappropriate in terms of local character and therefore conflicts with policies DM4 and DM10 and guidance contained within the NPPF.

- 8.15. The agent has provided a number of planning appeal decisions (albeit outside of the Borough) where planning permission for sites outside of settlement boundaries have been allowed where the council has been able to demonstrate a five year housing land supply. However, as each local authority area is at different stages of plan preparation it is not possible to simply apply these examples to this application. Officers are not recommending refusal based on the fact that there are identified development sites sufficient to provide a 5 year housing supply. The application is assessed against the present decision making context of the SADMP which directs development away from the countryside and towards more sustainable settlements and that the settlement development boundaries are up to date and endorsed within the DPD. Developing outside of the settlement boundary will cause harm to the landscape character value of the location. The agent has supplied other appeal decisions which argue that development can be sustainable even if outside the development boundary even when there is no housing land supply deficit. However, in this case the loss of undeveloped land is a disbenefit within this location and contrary to Policy DM4.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. The NPPF in paragraph 17 seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.17. Objections have been raised in relation to the development resulting in adverse overlooking, overbearing and overshadowing impacts to neighbouring properties. However, the dwellings in Bullfurlong Lane would be on average approximately 45-50m from the rear elevations of the dwellings on the west side of the site. There is an existing hedge denoting this boundary which is to remain and strengthened with additional native trees. It is not considered that the residents of Bullfurlong Lane will be adversely affected by the development in regard to loss of residential amenity.
- 8.18. The access road is to run the entirety of the adjacent plots no's 63 and 65a Coventry Road. The two properties are in the ownership/control of the applicant and despite letters of support from the current occupiers, the LPA has expressed their concerns in regard to the loss of residential amenity for these and future occupiers of the two adjacent dwellings. Revised plans have been submitted showing a sound attenuation fencing with a height of 1.8m alongside the length of the property and approximately 10m beyond (to secure privacy for the patio areas immediately adjacent to the dwelling) with a 1.35m high post and rail fence with hedging for the remaining 60+m. Although this is considered to go some way to screen the gardens from views from passing vehicles and pedestrians, it is considered that presently the occupiers of both these dwellings enjoy relatively little noise and disturbance given that the boundaries of their rear gardens are shared by the rear garden of no 65. Although a recent appeal decision has been allowed for the demolition of two dwellings in order

to provide a two-way access road into a larger housing development in this case, the narrowness of the road and the proximity to the dwellings would exacerbate the noise and disturbance from traffic. The two properties would effectively become corner plots with vehicular traffic from the proposed development creating noise and disturbance to the enjoyment of the rear gardens of those properties by vehicles slowing, turning and accelerating past those gardens from turning into the site from Coventry Road. In addition the proposed speed calming measures within the proposed access drive would result in noise from vehicles braking and accelerating on the exit from the site which would detrimentally impact upon the amenity of the occupiers of those dwellings. Whilst these residents are currently able to enjoy the peace, quiet and tranquillity of their rear gardens particularly in the summer months, by virtue of the access driveway being the only point of entry and exit to and from the development, the pleasant quiet and privacy of the gardens would be lost as a result of this proposal. Of particular concerns is that Coventry Road is a busy thoroughfare and it would be of utmost importance that the occupiers are able to find peace and quiet in their rear gardens away from traffic noise and pollution. If the development were to go ahead, there would be no respite for the occupiers of the adjoining dwellings from noise and disturbance from traffic and pedestrians. In this regard it is considered that the proposal does not comply with DM10 in regard to its adverse effect on neighbouring occupiers.

Impact upon Highway Safety

- 8.19. 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. Leicestershire County Council (Highways) has raised no objection to the principle of the development as proposed subject to conditions. The proposed layout demonstrates that the proposed dwellings could be provided with adequate access from the public highway and a minimum of two off-street parking spaces to serve each plot.
- 8.20. Objections have been received in relation to the siting of the access to the site, and the intensification of the use of Coventry Road. However, the plans show that the requisite visibility splays can be achieved.
- 8.21. The plans show a turning area within the site suitable for refuse and emergency vehicles to turn, however the proposal does not meet the LHA adoption standards and the applicant has confirmed that the internal access driveway will not be adopted. In this case, HBBC Waste services require an adequate collection space for refuse bins at the adopted highway boundary for 2 bins per property. Revised plans show hardstanding areas on both sides of the access road to provide the requisite area for the bins to be left on collection day. However, given that this is some 75m from the closest dwelling within the site and approximately 115m from the dwellings annotated as plots 9/10 it is considered that it may be difficult for some occupiers to manoeuvre heavy bins to and from the access point. It is not considered acceptable for 26 refuse bins to be left on the carriageway even for one day a week where they could become a highway hazard for both pedestrians and vehicles alike.

Drainage

- 8.22. Policy DM7 relates to the prevention of pollution and flooding and that development proposals must demonstrate that the proposals would not adversely impact the water quality, ecological value or drainage function of water bodies in the Borough. Ordnance Survey maps indicate there is a water well located within the southern portion of the site and this is indicated on the proposed layout drawing. There has

been no assessment made on the impact of the development on the well including impacts on flood risk and interaction between the well and surface water drainage for the development. However, a condition would be imposed requiring approval to a satisfactory drainage scheme prior to commencement of development.

Archaeology

- 8.23. Policy DM13 relates to the preservation of the Borough's archaeology and requires, where a development proposal has the potential to impact a site of archaeological interest, developers should set out an appropriate assessment, and where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.24. The Leicestershire and Rutland Historic Environment Record (HER) indicates that the site has strong potential for the presence of archaeological remains, which would be adversely impacted by the development proposal state that further information would be required. In accordance with paragraph 141 of the NPPF, developers are required to record and advance understanding of the significance of any heritage assets that may be lost (wholly or in part) in a manner proportionate to their importance and the impact of the development. In the context it is recommended that conditions be attached to secure a programme of archaeological works, commencing with a trial trench evaluation. Depending on the results of the trial trenching, appropriate mitigation measures should be prepared to the satisfaction of the local planning authority.

Ecology

- 8.25. Policy DM6 relates to biodiversity and geological interest and requires development proposals to demonstrate how they would conserve and enhance features of nature conservation and geological value including proposals for their long term future management.
- 8.26. An Ecological Appraisal and Bat Assessment were submitted as part of the proposals and LCC (Ecology) have found that the survey is satisfactory. There was evidence of a small transient roost of Brown long-eared bats found, but no bats were seen emerging during the bat surveys. The County Ecologist agrees that the roost was of a temporary nature during the last bat season although she considers that the bats may return next spring/summer, and may become more established. Therefore, the applicant's mitigation proposals must be followed to avoid harming bats during demolition. The bat recommendations are in section 8 of the ecology report. It is recommended that these measures are secured by planning condition. In addition, it is recommended that updated surveys are carried out if demolition does not take place before the next bat survey season (April 2017).

Infrastructure Obligations

- 8.27. Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon community services and facilities.
- 8.28. The general approach to developer contributions must be considered alongside the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Education

- 8.30. A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £34,845.15 is sought for primary education. The site falls within the catchment area of Burbage CE Infant and Junior Schools where there would be an additional demand for 3 pupil places taking into account existing capacity.
- 8.31. The site falls within the catchment area of Burbage Hastings High School and The Hinckley Academy. The Schools have a joint net capacity of 2,500 and 2,168 pupils are projected on roll should this development proceed; a surplus of 332 pupil places. A total of 32 pupil places are included in the forecast for these schools from S106 agreements for other developments in this area and have to be discounted. This increases the surplus at these schools to 364 pupil places. There is no contribution request sought for secondary school education.
- 8.32. The total education contribution request is £34,845.15. The contribution would be used to address existing capacity issues created by the proposed development. The request is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

Libraries

- 8.33. The library facilities contribution is outlined in the Leicestershire Planning Obligation Policy (adopted 3rd December 2014). The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.
The proposed development on Coventry Road, Burbage is within 0.6km of Burbage Library on Church Street, Burbage, being the nearest local library facility which would serve the development site. The library facilities contribution would be £390.
- 8.34. In terms of the request from the Director of Adults and Communities (Libraries) for this contribution, it is unlikely that all new occupiers will all use the library services and therefore it is unlikely that the borrower base for the library will greatly increase. It is therefore concluded that test (i) of Regulation 122 has not been met and that the contribution is not necessary to make the development acceptable in planning terms. It is therefore considered that this request cannot be justified.

Play & Open Space

- 8.35. Core Strategy Policy 4 states that new development should address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley. New green space should meet the standards in Policy 19. This sets out standards to be used to determine what improvements are required to existing facilities and what new provision is required for new development.
- 8.36. The proposal will need to provide green space and play provision using the quantity standards outlined in Policy 19. This is calculated at £171.90 per dwelling (£2,234.70 total).

The Planning Balance

- 8.37. There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to

perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF clearly defines the three dimensions of sustainable development as follows:-

Economic - It is considered that there would be a limited benefit to the local economy through the creation of jobs for the construction of the development itself, as well as securing financial contributions towards public open space and education facilities.

Social - Paragraph 47 of the NPPF requires local authorities to identify and update annually a supply of deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional 5 % buffer. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. As of 1 April 2016, the Council could confirm a five year housing land supply of 5.84 years and so the relevant policies relating to the supply of housing are considered up-to-date. The scheme provides new housing which would contribute towards providing a social benefit. However, in this settlement the residual housing requirement has been exceeded and the council can demonstrate a deliverable five year supply of housing sites. There is no identified need for housing sites outside of the established settlement boundary and the harm caused by the development on greenfield land outweighs the need for new housing in this location.

Environmental – As discussed above, the site, in policy terms lies outside of the defined settlement boundary for Burbage and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 states that the planning system should protect and enhance valued landscapes. Policy DM4 relates to sustainable new development within the countryside and sets out a range of development that would be considered sustainable under this policy. New residential development does not form part of the criteria of development. Introducing built form away from the established pattern of development would alter the character of the site and its surroundings to its detriment creating a prominent built form which would be visible from viewpoints to the south and east. Given the sensitivity of the site adjacent to open countryside within a low density area, the scheme for 13 dwellings is inappropriate in terms of local character and therefore conflicts with policies DM4 and DM10 and guidance contained within the NPPF.

- 8.38. Based on the above the scheme is not considered to comprise a sustainable form of development as required by the NPPF.

9 Equality Implications

- 9.1 Section 149 of the Equalities 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.

10 Conclusion

10.1 In conclusion, the principle of development is not considered to be acceptable as it is contrary to the housing supply policies of the Core Strategy that direct growth in accordance with the Site Allocations Development Management Policies DPD (2016) and the Earl Shilton and Barwell Area Action Plan (2014).

10.2 The proposal would introduce housing on undeveloped land designated as countryside impacting on the rural character and setting of the village of Burbage contrary to DM4 of the Site Allocations Development Management Policies DPD (2016).

10.3 The proposed layout is poor with a cramped, overdeveloped appearance with dwellings in close proximity to each other with small gardens. The amount of development proposed results in there being inadequate turning areas within the development for larger vehicles which would then require refuse bins having to be collected at a point of access on Coventry Road. This contributes to the already poor environment within the development and results in the erosion of the character of Coventry Road.

10.4. The proposed layout would lead to a form of development that would detrimentally impact upon the residential amenity of the adjoining dwellings 63 and 65a Coventry Road to an unacceptable level

10.5. For the above reasons it is recommended that planning permission be refused.

11 Recommendation

11.1 **Refuse planning permission** subject to the reasons at the end of this report.

11.2 Reasons

1. The proposed development by virtue of its location outside of the settlement boundary of Burbage would result in an unsustainable form of residential development in the countryside. The development of the site for housing would be harmful to the openness and character of the immediate and surrounding landscape and contrary to the requirements of Policy DM1, DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of Paragraph 17 and 55 of the National Planning Policy Framework (2012)

2. The introduction of built form on the application site would introduce a prominent built form into an edge of the settlement that retains a verdant and rural character. Therefore, the proposed scheme would have an unacceptable urbanising impact on the settlement edge with an adverse impact on the open character and visual appearance of the area and landscape surrounding the

settlement when viewed from the south and east of the application site. The proposal is considered to be contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 17 of the National Planning Policy Framework (2012).

3. The development, by virtue of its location results in an incongruous, uncharacteristic and uncomplimentary form of backland development with no proper road frontage which fails to complement or enhance the clearly established linear pattern of development in the vicinity of the site. The proposal in terms of layout, density and orientation would urbanise the area and result in over development harming the existing character of Coventry Road and is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD (2016) and the overarching principles and intentions of the National Planning Policy Framework (2012).
4. The proposed development would, by reason of the layout and design, introduce an incongruous and inappropriate form of development which would adversely impact on the ability of the occupiers of neighbouring dwellings to enjoy their rear amenity spaces. It is considered that the proposed development would be contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD (2016) and paragraph 53 of the National Planning Policy Framework.