

Planning Committee 18 December 2018  
Report of the Interim Head of Planning

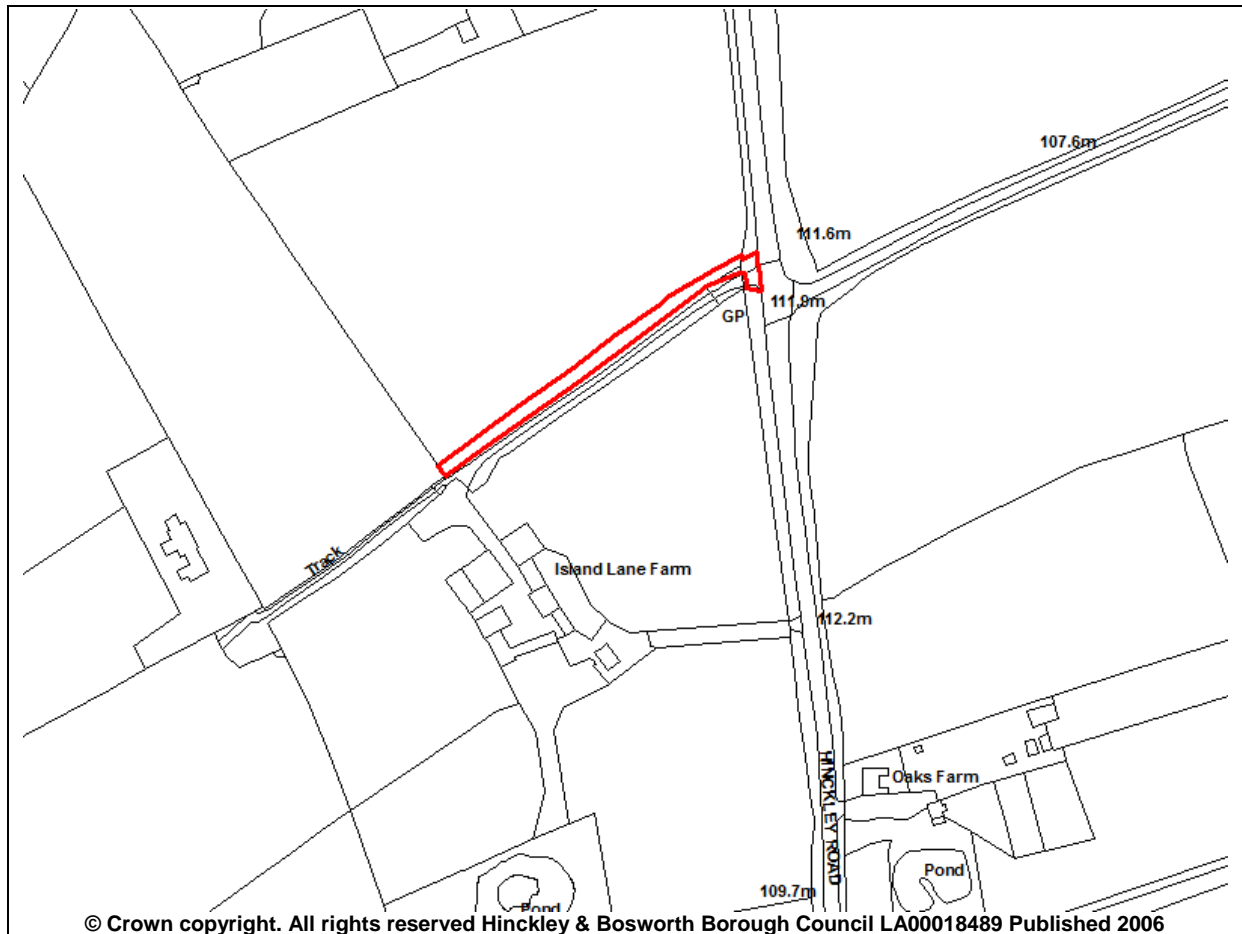


Hinckley & Bosworth  
Borough Council

Planning Ref: 18/01061/FUL  
Applicant: Mr James Whitby  
Ward: Newbold Verdon with Desford & Peckleton

Site: Beechwood Farm Ashby Road Stapleton

Proposal: Widened vehicular access and new driveway (resubmission of 17/00271/FUL)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

## 2. Planning Application Description

2.1. This application seeks full planning permission for the widening of the existing vehicular access and a new driveway from the A447 to Beechwood Farm.

2.2. The application site includes the existing access with the A447 which currently serves both Island Lane Farm and Beechwood Farm. The development would

widen the existing access point and create a new driveway to serve Beechwood Farm.

- 2.3. The new driveway would be approximately 255 metres in length and would extend from the dwelling across what is currently agricultural land parallel to the existing private access road. The proposed driveway would be approximately 4.25 metres wide for a distance of 20 metres back from the highway boundary and then would narrow to approximately 2.75 metres with passing places.
- 2.4. The driveway would be separated by hedgerow from the existing track and a new hedgerow is proposed along the north of side of the new driveway to separate it from the remainder of the field.
- 2.5. This application is a resubmission of a previously approved planning application (reference 17/00271/FUL permitted 30<sup>th</sup> June 2017) for the same development. The only difference being that the position of the widened access point with the A447 has been adjusted 0.5 metres northwards. The site boundary has therefore slightly been increased to the north. The proposed driveway has not been adjusted from previously permitted.

### **3. Description of the Site and Surrounding Area**

- 3.1. The application site is located within Beechwood Farm which is located to the west of the A447. Beechwood Farm is a detached residential property surrounded by open agricultural land. Island Lane Farm, with which it currently shares an access road, is located approximately 145m to the south east.
- 3.2. Greenacres Garden Centre is approximately 300m to the north east and Woodlands Garden Centre is approximately 380m to the south east. The T-junction of the A447 and Bosworth Road is on the opposite (east) side of the A447.
- 3.3. There is a bridleway on the existing access road running between the A447 and Island Lane Farm. A public footpath then runs to the west and the proposed new driveway would cross this footpath.

### **4. Relevant Planning History**

13/00567/FUL	Erection of new dwelling, demolition of existing outbuildings and conversion of existing dwelling into garage and workshop ancillary to new dwelling	Permission	03.09.2013
14/01126/FUL	Demolition of existing buildings on site and erection of a dwelling	Permission	07.01.2015
16/00904/COU	Change of use to residential and increase in width of vehicular access onto A447	Refused	28.11.2016
17/00271/FUL	Widened vehicular access and new driveway	Permission	30.06.2017

## **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 and a notice was displayed in the local press.
- 5.2. Letters of support from 24 separate addresses have been received stating that the development would not impact upon the character of the area, improve the existing highway situation making it easier for users to access the relevant properties and is very minor in relation to the previously approved scheme.
- 5.3. Letters of objection from 7 separate addresses have been received raising the following concerns:-
- 1) Unsuitable and unsafe access, impacting upon highway safety
  - 2) Inaccuracies of the plans
  - 3) Development unable to be fully constructed
  - 4) Development will see encroachment onto neighbouring land

## **6. Consultation**

- 6.1. No objection subject to conditions from:-
- 1) LCC Highways
  - 2) LCC Public Rights of Way Officer
- 6.2. No objection from:-
- 1) LCC Ecology
  - 2) HBBC Drainage

## **7. Policy**

- 7.1. Core Strategy (2009)
- None relevant
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM10: Development and Design
  - Policy DM17: Highways and Transportation
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2018)
  - Planning Practice Guidance (PPG)

## **8. Appraisal**

- 8.1. Key Issues
- Assessment against strategic planning policies and Design and impact upon the character of the area
  - Impact upon neighbouring residential amenity
  - Impact upon highway safety
  - Other issues

### Assessment against strategic planning policies and Design and impact upon the character of the area

- 8.2. There is a presumption in favour of sustainable development provided in the NPPF and Policy DM1 of the SADMP. Whilst there is a presumption in favour of

sustainable development under Policy DM1, development in the countryside must be in accordance with Policy DM4 in order to be considered to be sustainable.

- 8.3. The site lies outside of the settlement boundary of Stapleton, as defined on the Policies map of the adopted SADMP and is therefore within open countryside. In this instance, Policy DM4 sets out the criteria for what is considered sustainable development in the countryside.
- 8.4. Policy DM4 of the SADMP states that development in the countryside will first and foremost be safeguarded from unsustainable development to protect its intrinsic value, beauty, open character and landscape character. Policy DM4 directs the type of development which is considered acceptable within the countryside;
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
  - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.  
and:
    - i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
    - ii) It does not undermine the physical and perceived separation and open character between settlements; and
    - iii) It does not create or exacerbate ribbon development;
    - iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
    - v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21
- 8.5. Policy DM10 requires that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6. Planning permission has already been granted on the site for the widening of the access and a new driveway and therefore the overall principle of development has already been established through this extant planning permission. The only difference in this application is the slight movement of the access point of the driveway approximately 0.5 metres northwards. All other aspects of the proposal remain the same as previously approved.
- 8.7. Whilst this proposal; as was the case with the previously approved application; does not specifically fall within any of the categories (a –e) of development deemed acceptable within Policy DM4, it is considered that the proposed new access road; which would sit parallel with the existing access road; would effectively have the appearance of a single widened access road. The road would be screened by both the existing hedgerow and additional hedgerow therefore it is considered it would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.8. The proposal does not undermine the physical and perceived separation and open character between settlements - specifically criteria i) and ii). On this basis and on

balance, it is considered the proposed access; in its amended location is acceptable and accords with Policy DM4 of the SADMP.

- 8.9. The proposed access road would be constructed of type 1 rolled stone and gravel and this would give it a similar appearance to the existing access road. It is considered that the adjustment of 0.5 metres northwards of the widened access point would not significantly impact upon the character of the countryside or surrounding area
- 8.10. It is considered therefore that the proposal is in accordance with Policy DM4 and DM10 of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the SADMP requires that new development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The proposed development is considered to be in accordance with this part of Policy DM10 as it would divert vehicular traffic for Beechwood Farm away from Island Lane Farm; the sole neighbouring property and there would be no loss of privacy or amenity for the occupants of Island Lane Farm.

#### Impact upon highway safety

- 8.12. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.13. This application seeks the widening of the existing vehicular access and construction of a new, separated driveway leading to Beechwood Farm. The access and driveway have been assessed and approved previously. The only adjustment is the slight movement of the access approximately 0.5 metres northwards.
- 8.14. Visibility splays would be achieved northwards and would be an improvement on the southern visibility splay that is provided by the existing track. The provision of two access roads adjacent to each other is also deemed to lessen the risk associated with two vehicles having to pass along the existing single track access road. The access geometry from the highway boundary up to the Beechwood Farm, which will be 4.25m for 20m back from the highway boundary and then narrowing to 2.75m is also in conformity with the Highways Design Guidance.
- 8.15. LCC Highway Officers are satisfied there would be no intensification of use of the access as a result of the development, as the existing users of the access will not change. Moreover, the Highways Authority has not found any evidence of a history of road traffic accidents relating to this access based on a review of the last 5 years of personal collision data.
- 8.16. It is considered that the proposed widening of the access and new driveway would not have an adverse impact on highway safety. The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the conditions as outlined at the end of this report. It is therefore considered that the proposed development is in accordance with Policy DM17 of the SADMP.

#### Other issues

- 8.17. The site and new driveway is crossed by a public footpath. A condition is therefore recommended which ensures that this public footpath is adequately accessible by members of the public and is suitably signposted.

- 8.18. The following objection has not been considered as part of this application:
- 1) Development will see encroachment on neighbouring land and as a result the plans are inaccurate.
- 8.19. Notwithstanding that the above concern is a civil matter and not a material planning consideration, LCC Highways have stated in their response the following:
- “For the avoidance of doubt, the LHA would advise the LPA that it has conducted a site visit and taken measurements that show that the necessary and previously approved access road width of 4.25 metres, together with sufficient width to allow two headwalls, one at either side, to allow safe construction of a drainage culvert for the ditch, can be accommodated within the site and highway land, without encroaching on the fenced area / neighbouring properties boundary. The exact details of the construction of the access and culvert will have to be submitted and approved as part of the Section 278 process with the LHA.”*
- 8.20. Any concerns regarding the construction of the widened access would be dealt with at a later stage by Leicestershire County Council.

## **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.

## **10. Conclusion**

- 10.1. The proposed development would respect the character of the wider area and would not adversely affect the amenities of the occupiers of neighbouring properties or have an adverse impact on highway safety. The application is considered to be in accordance with Policies DM1, DM4, DM10 and DM17 of the SADMP and is therefore recommended for approval subject to conditions.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.
- 11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 11.3. **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 51 of 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:

Location Plan drg. no. 18/52 03A

Proposed Access – Site drg. no. 18/52 04A

Proposed Access drg. no. 18/52 02D

received by the Local Planning Authority on 18 October 2018

Retained Access Arrangement drg. no. F16054/08 Rev A

received by the Local Planning Authority on 23 October 2018.

**Reason:** To ensure a satisfactory impact of the development to accord with Policies DM1, DM10 and DM17 of the Site Allocations and Development Management Policies Development Plan Document.

3. The Public Right of Way footpath, T67, should be provided with a gate and waymark post compliant with the LCC standard drawings FP11\_REV\_A\_Marlow Gate and FP6\_REV\_A\_Waymark Post at the point where it leaves the new driveway.

**Reason:** To provide access to the public footpath and mark the new crossing point clearly.

4. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as not to open outwards over the public highway.

**Reason:** To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the interest of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

5. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

6. No development shall commence until a comprehensive landscaping scheme for the hedging (indicated on drawing number F16054/08 Rev. A received by the Local Planning Authority on 23 October 2018) has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first use of the development. If within a period of 5 years from the date of planting, any hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another hedgerow of the same species and size originally planted shall be planted at the same place.

**Reason:** To ensure the proper development of the site and in the interest of visual amenity in accordance with Policy DM10 of the SADMP.

#### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' - <http://resources.leicestershire.gov.uk/environment-and-planning/planning/the-6cs-design-guide>.
3. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
4. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
5. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.
6. If the developer requires a Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 8 weeks before the temporary diversion / closure is required.
7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
8. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.