

Planning Committee 20 June 2017
Report of the Head of Planning and Development

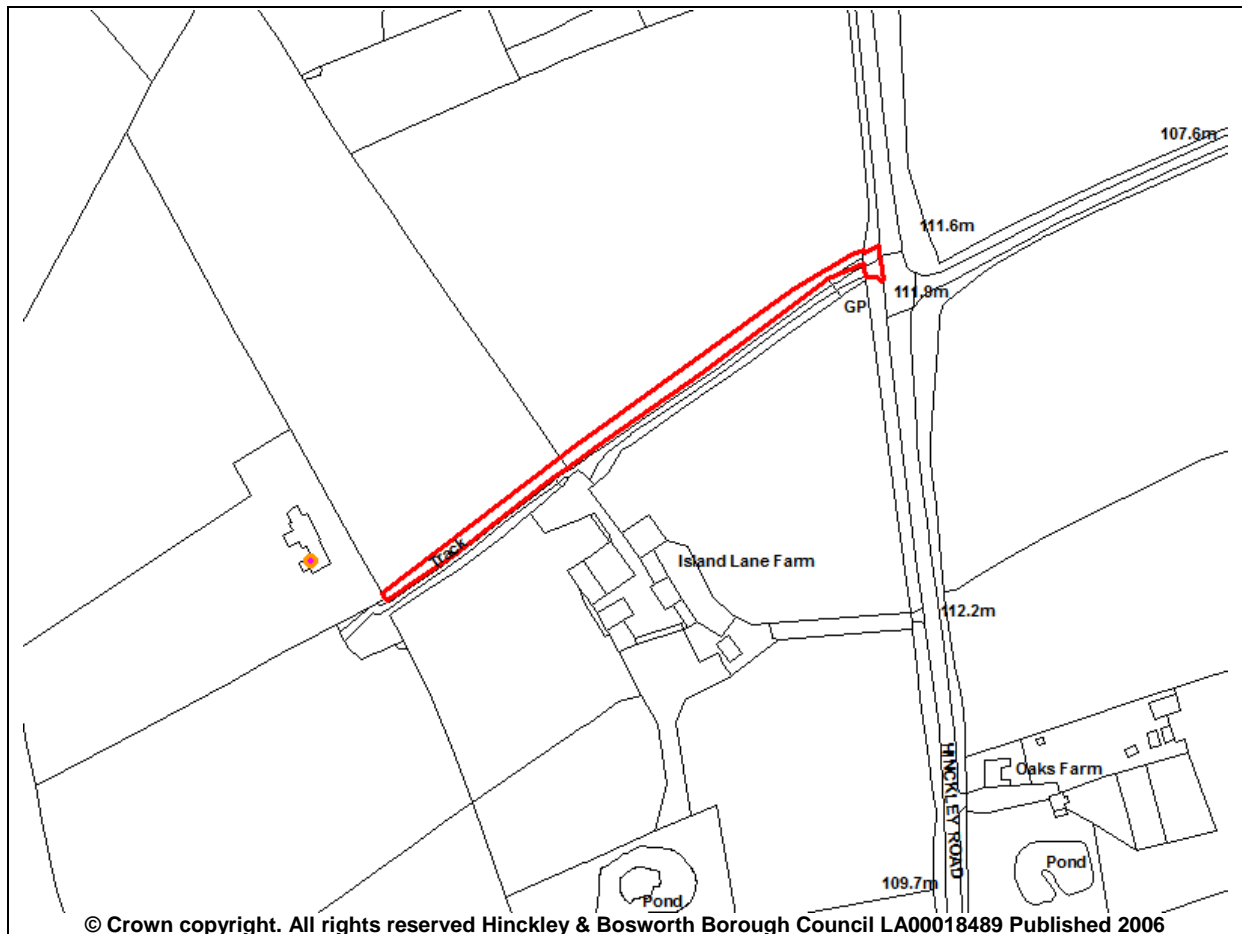


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00271/FUL
Applicant: Mr James Whitby
Ward: Newbold Verdon With Desford & Peckleton

Site: Beechwood Farm Ashby Road Stapleton

Proposal: Widened vehicular access and new driveway



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- That the Head of Planning and Development be given delegated powers to grant planning permission subject to no further letters of objection raising new and significant material planning objections being received prior to the expiry of the public consultation period ending on 28 June 2017.

2. Planning Application Description

- 2.1. The application site is located within Beechwood Farm which is located to the west of the A447. The proposal is to create a widened vehicular access and new driveway from the A447 to Beechwood Farm. During the application process, a new

red line plan has been submitted which changes the application site boundary. The new red line plan (as shown above) incorporates the entirety of the existing access which is to be widened.

- 2.2. The new driveway would be approximately 255m in length and would extend from the dwelling across what is currently agricultural land parallel to the existing private access road which serves both Beechwood Farm and Island Lane Farm. The proposed driveway would be approximately 4.25m wide for a distance of 20m back from the highway boundary and then would narrow to 2.75m with passing places. The driveway will be separated by hedgerow from the existing private access road and it is proposed that a new hedgerow is also planted along the north side of the new driveway to separate it from the remainder of the field. It is proposed to widen the existing access at the A447 to allow it to serve the existing access road and the proposed new driveway, leading to Beechwood farm.
- 2.3. This application follows the refusal of a previous planning application (16/00904/COU) which had a design that was deemed to be such that it created an entirely new access onto the A447. The formation of an entirely new access would have an adverse impact on highway safety.

3. Description of the Site and Surrounding Area

- 3.1. 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. 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 approximately 14m to the south of the existing access.
- 3.2. 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 access road 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	Granted	03.09.2013
14/01126/FUL	Demolition of existing buildings on site and erection of a dwelling	Granted	07.01.2015
16/00904/COU	Change of use to residential and increase in width of vehicular access onto A447	Refused	28.11.2016

5. Publicity

- 5.1. The application was publicised by sending letters to local residents surrounding the site. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. The application red line boundary was been altered to incorporate the existing access. Following receipt of revised plans a second round of consultation was undertaken. All consultations were undertaken again to ensure this change is publicised correctly.
- 5.3. Seven representations of objection have been received, the objections are summarised below:
- 1) Harmful impact on Highway Safety in an area that is understood to be hazardous
 - 2) In conflict with 6c's Design Guide
 - 3) In conflict with the Design Manual for Roads and Bridges
 - 4) In conflict with previous decision
 - 5) In conflict with paragraph 32 of the NPPF as the residual cumulative impact of development is severe
 - 6) Description does not accurately reflect the development as proposed
 - 7) Visual Amenity and harm to countryside
 - 8) Development will see encroachment on neighbouring land
- 5.4. Seven letters in support of the proposal have been received. These are summarised below;
- 1) Will improve traffic flow and Highway safety as it would remove the risk of vehicles waiting on the A447
 - 2) Existing access track surface is inadequate for regular vehicular movement
 - 3) New hedgerow will enhance the wider area

6. Consultation

- 6.1. No objections have been received from:
- LCC Public Rights of Way
LCC Ecology Unit
- 6.2. No response has been received from:
- Peckleton Parish Council
Ramblers Association
- 6.3. LCC Highways – support the proposal subject to conditions. A revised response is awaited due to the re-consultation. Highway observations will be reported in the late items at planning committee.

7. Policy

- 7.1. 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
- 7.2. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)

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

Assessment against strategic planning policies

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 to be sustainable development in the countryside.

Impact upon the character of the area

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. Whilst this proposal 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; effectively having 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, furthermore, 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 proposal is acceptable and accords with Policy DM4 of the SADMP.
- 8.6. The new access road and hedging was deemed to be in accordance with DM4 when assessed in the previous application (16/00904/COU).
- 8.7. 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. 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 therefore that the proposal is in accordance with Policy DM4 and DM10.

Impact upon neighbouring residential amenity

- 8.8. 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 and there would be no loss of privacy or amenity for the occupants of Island Lane Farm.

Impact upon Highway Safety

- 8.9. 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.
- 8.10. This application seeks the widening of the existing vehicular access and construction of a new, separated driveway leading to Beechwood Farm. Visibility splays would be achieved in both directions which are considered sufficient for the applicable speed limit. 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 6Cs Design Guide.
- 8.11. The Local Highways Authority comments are awaited on the basis on the revised location plan and second round of consultation. Comments have been received in the first round of consultations and stated that highway officers were satisfied there will be no intensification of use of the access as part of the proposals, 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.

- 8.12. 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 Policies DM17 of the SADMP.

Other issues

- 8.13. The following of objection has not been considered as part of this application:

- 1) Development will see encroachment on neighbouring land.

This concern has not been considered as it is a civil matter and not a material planning consideration.

9. Equality Implications

- 9.1. Where No Known Implications 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.
- Subject to no further representations being received raising additional material planning considerations which would warrant the reconsideration of the application by the Committee.

- 11.2. That the Head of Planning and Development 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: Site Plan as Proposed, Dwg No. 1599 – 003 Rev D, Preferred Access Agreement, Dwg. No. F16054/03 Rev C received by the Local Planning Authority on 18 May 2017.

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

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 and FP6_REV_A at the point where it leaves the 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 public highway.

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.

6. No development shall commence unless and until a comprehensive landscaping scheme for the hedging (indicated on drawing number F16054/03 REV C) has been submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place at all times. 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 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. A public footpath crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council. Any footpath furniture that requires relocation, alteration, or any new stiles/gates/crossings that are required shall be carried out entirely at the expense of the applicant, who shall first obtain separate consent from Leicestershire County Council.