

Planning Committee 10 October 2017
Report of the Head of Planning and Development

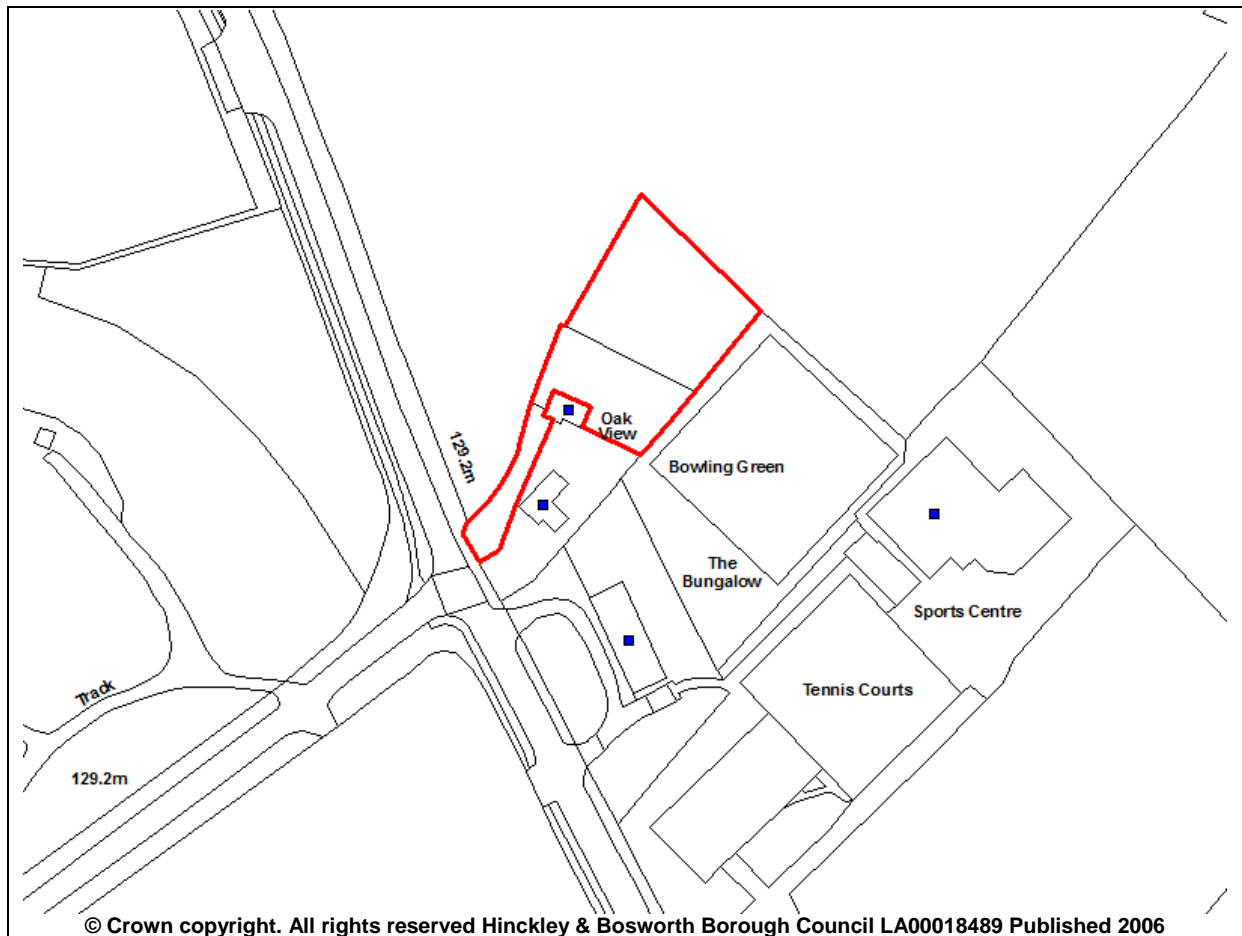


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00848/OUT
Applicant: Mr & Mrs Botterill
Ward: Newbold Verdon With Desford & Peckleton

Site: Oakview Peckleton Lane Desford

Proposal: Residential development for two detached dwellings (Outline - access only)



1. Recommendations

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

2. Planning Application Description

2.1. This application seeks outline planning permission for the erection of two dwellings on land to the rear of Oak View, Peckleton Lane, Desford. This is an outline application with details provided of access only at this stage with layout, scale, appearance and landscaping subject to future reserved matters application(s). The proposed access to the site would be via an existing access which currently serves the residential property known as Oak View.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located to the south of Desford outside of the settlement boundary within the countryside. The site is to the rear of Oak View and is currently used in association with Oak View's residential curtilage. The site is screened by hedges to all sides. Oak View is the sole residential property in proximity to the site; to the south is a sports complex and a place of worship. To the north and east of the site is open countryside. The land on the opposite side of Peckleton Lane is an allocated employment site on which there is an application pending consideration for a storage and warehouse facility under planning reference 16/00820/FUL.

4. Relevant Planning History

17/00506/OUT	Residential development (Outline - access only)	Refused	19.07.2017
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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. No letters of objection or support have been received for this application

6. Consultation

- 6.1. No objections have been received from:
- HBBC Waste Services
 - HBBC Environmental Health (Drainage)
- 6.2. No comments were received from:
- Severn Trent Water
 - Desford Parish Council
- 6.3. Cadent Gas has raised no objection to the application; however, they have raised comments that some National Grid apparatus is in close proximity to the site and the applicant needs to be made aware of their responsibilities and obligations to the equipment.
- 6.4. HBBC Environmental Health (Pollution) has raised no objection to the application but have suggested a condition to ensure that the bedrooms in the proposed development are fitted with acoustic ventilation because of potential noise from the proposed storage and warehouse facility on the opposite side of the road.
- 6.5. Leicestershire County Council (Highways) has raised no objection to the application and suggested conditions to be imposed if the development were to be approved.

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
 - Policy DM18: Vehicle Parking Standards

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
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved unless other material planning considerations indicate otherwise.

8.3. As of 1 April 2017 the Council can demonstrate a housing land supply of 5.74 years of deliverable sites within the Borough and therefore the relevant policies for the supply of housing within the development plan can be considered up-to-date in accordance with paragraph 49 of the NPPF.

8.4. As the site is located outside of the settlement boundary of Desford, within open countryside, Policy DM4 of the SADMP is relevant. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. The policy does not support the construction of new dwellings within the countryside unless it relates to the provision of accommodation for a rural worker in accordance with the criteria set out within Policy DM5 and also meets the relevant criteria within the second part of Policy DM4. This application is not for dwellings for an agricultural worker.

8.5. It is therefore considered that the proposed development would not constitute sustainable development within the countryside and is contrary to Policy DM4 of the SADMP.

Design and impact upon the character of the area

8.6. Policy DM4 requires that development which is considered sustainable in the countryside should not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and does not undermine the physical and perceived separation and open character between settlements.

8.7. Policy DM10 of the 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 with the intention of preventing development that is out of keeping with the surrounding area.

8.8. The application is in outline with all matters reserved apart from the means of access.

8.9. The application proposes the construction of two large dwellings to the rear of Oak View, Desford. The proposed dwellings would be sited to the rear of the sole isolated residential property in this area being located within the existing grounds of this property. To the rear; the site is surrounded by hedges and a line of mature

trees to the south boundary. The area in which it is proposed to site the new dwellings has an open rural character. The introduction of two dwellings would result in the loss of this openness. The proposed development would introduce an urbanised, built up form of development which would have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and would be contrary to Policies DM4 and DM10 of SADMP

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 of the SADMP requires that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.
- 8.11. An indicative layout has been submitted with this application, and, whilst this doesn't provide any details as to proposed boundary treatments or window placements, it is considered that a well designed scheme could demonstrate compliance with Policy DM10.
- 8.12. The indicative layout proposes two properties which have been reduced in size compared to the previous planning application 17/00506/OUT. The indicative layout which has now been shown demonstrates a reasonable amount of amenity space for the future occupiers. Therefore, the layout of the dwellings shown on the indicative plan is acceptable in terms of the amenities of the future occupiers of the site and is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.13. Policy DM17 and DM18 of the SADMP require development to accord with the adopted highway design and vehicle parking standards to ensure that there is adequate highway visibility for road users and adequate provision of off street parking and manoeuvring facilities. Paragraph 32 of the NPPF states that development should only be refused on highway grounds where the residential cumulative impacts of development are severe.
- 8.14. Leicestershire County Council (Highways) has assessed the scheme and has no objections to the proposal as it could not be demonstrated that it would result in a material increase in traffic visiting the site. The Highways Authority has recommended a number of conditions which should be imposed if the application is to be approved.
- 8.15. It is therefore considered that the development is in accordance with Policy DM17 and DM18 of the SADMP.

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 site is located outside of the settlement boundary of Desford in a countryside location. Policy DM4 of the SADMP is therefore applicable; the proposal to erect two dwellings fails to meet any of the criteria within Policy DM4 and the proposal is therefore considered to be contrary to Policy DM4 of the Site Allocations and Development Management Policies DPD. In addition, the proposed development would introduce an urbanised, built form of development which would have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and would be contrary to Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11. Recommendation

- 11.1. **Refuse planning permission** subject to:

- The reasons at the end of this report.

11.2. Reasons

1. The proposed scheme is sited outside the settlement boundary of Desford in a countryside location. Policy DM4 of the Site Allocations and Development Management Policies DPD sets out the type of developments which can be considered to be sustainable development within the countryside, and the erection of new dwellings is not included within the criteria; the proposal is therefore considered to be an unsustainable form of development. In addition, the proposed development would introduce an urbanised, built up form of development which would have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and would be contrary to Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11.3. Notes to Applicant

1. This application has been determined having regard to the following documents and plans submitted with the application, previous appeal decisions on the site and consultation responses received during the course of the application:- Planning Application Form, Design and Access Statement, Existing Site Plan (Drawing Number: 2831-01), Proposed Site Plan (Drawing Number: 2831-02 Rev a) and Proposed Site Plan (Drawing Number: 2831-03 Rev a) received by the Local Planning Authority on the 21 August 2017.