

Planning Committee 10 May 2022
Report of the Planning Manager (Development Management)

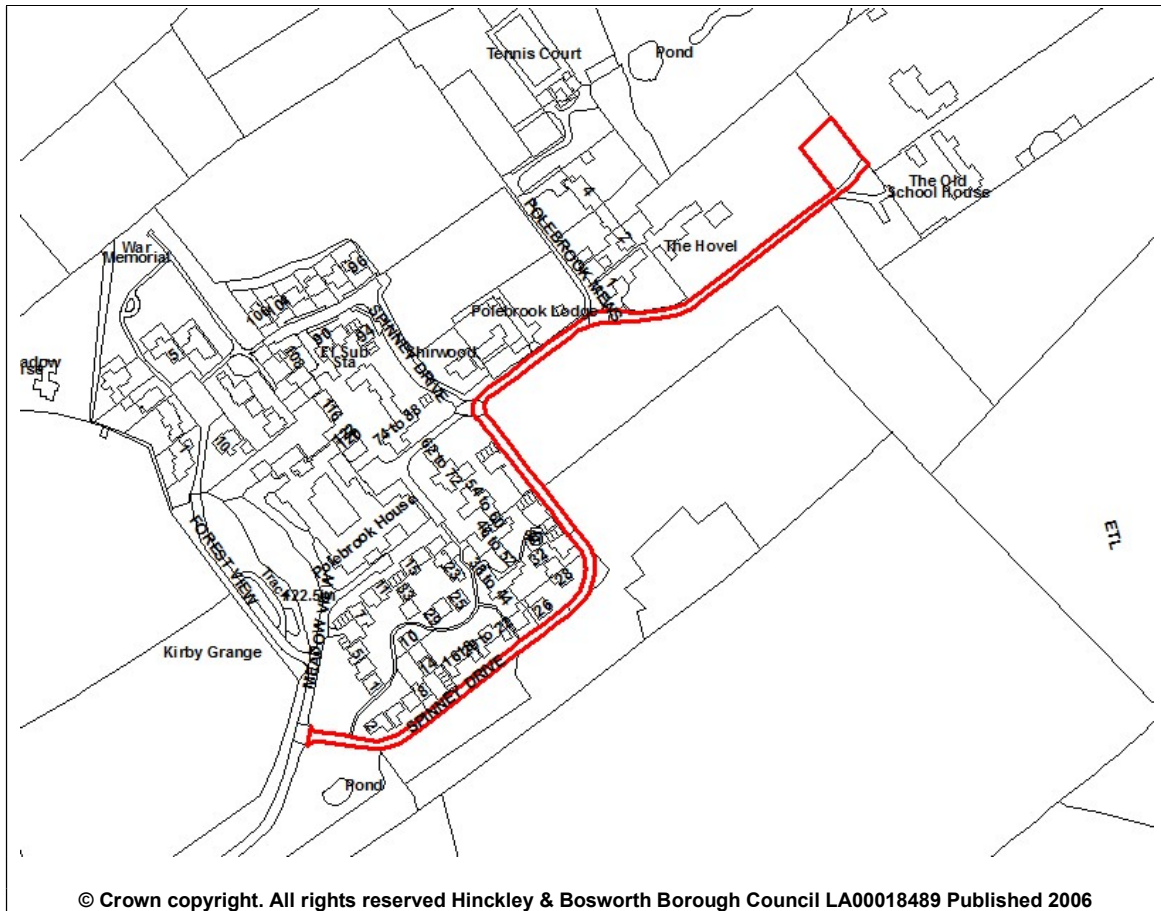
Planning Ref: 21/00887/FUL
Applicant: Mr & Mrs Gagin
Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Land North East of the Hovel, Spinney Drive, Botcheston, Leicestershire

Proposal: One dwelling with detached garage and creation of new access



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.** The application seeks full planning permission for the erection of a detached three-bedroom bungalow with integrated double garage at Land North East of The Hovel, Spinney Drive, Botcheston. The design comprises an 'L' shaped dwelling with a large section projecting to the rear. An asymmetrical roofline is proposed with an

eaves height of 2.6m. Ridge heights are proposed at 5.3m on the front elevation, 4.9m on the integrated garage and section which projects to the rear, and 4m on the porch. The proposed dwelling would have a gable on the north, east and west facing elevations (of different scales) and an integrated single storey garage to the western elevation which would add an additional 5.4 metres onto the length of the footprint of the dwelling. The total length of the proposed dwelling stretches to 20.4m along the front elevation and 15m along the section which projects to the rear. The integrated garage features a width of 5.5m whilst the section of the dwelling hosting the main living areas has a proposed width of 6.6m. The proposed front porch is 3.4m long and 2.3m wide.

- 2.2. No details have been provided in regard to the proposed materials other than to state that they will match those of surrounding buildings which have mainly red brick to their external elevations. The 'Proposed Elevations' document, received 06/07/2021 shows red brick to all elevations with white windows and doors, a standard condition will ensure any end development does not deviate from this proposal and is agreed by the council before any construction occurs.

3. Description of the site and surrounding area

- 3.1. The application site is located at the end of Spinney Drive, situated within the open countryside to the north east of the defined settlement boundary for Botcheston, and within the National Forest. The site is also located within a SSSI Impact Zone. The application site comprises a square shaped parcel of undeveloped land that is currently characterised by grass and a number of mature trees. From historical aerial imagery the site appears to have been managed lawn until the last few years.
- 3.2. A large residential dwelling known as Grange House is located immediately to the east of the application site and another property known as The Old School House is located to the south east. The Forest Hill Golf Course is located to the north. There is a mix of housing and architectural types within the vicinity; dwellings range in age and size, with curtilages of differing widths and depth, resultant of the development of the Kirkby Grange retirement village approximately 300 metres to the west of the application site. Development becomes more sporadic along Spinney Drive as it travels east towards the application site, resulting in the area having a rural and open nature.

4. Relevant planning history

- 4.1. None.

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. A notice was also placed in the Hinkley Times.
- 5.2. Five representations of objection have been received which make the following comments:
 - 1.) National Forest is an unsuitable location for new development.
 - 2.) Site is outside any defined settlement and is therefore considered to be isolated in open countryside, unwarranted encroachment, visual intrusion and remote from services and facilities. The proposed scheme would result in

unsustainable development and not in keeping with the scale and character of the local area and in conflict with the spatial strategy.

- 3.) Overdevelopment of site.
- 4.) Insufficient utilities.
- 5.) Concerns regarding drainage and flood risk.
- 6.) Arboricultural impacts.
- 7.) Lack of parking provision.
- 8.) Access via unadopted private road which is in poor state of repair. Concerns construction traffic will worsen the situation.
- 9.) Easements will restrict vehicular access.
- 10.) Increased traffic in village.
- 11.) Overlooking of neighbouring properties.
- 12.) Additional noise for neighbouring properties.

6. Consultation

- 6.1. No objections have been received subject to conditions from:-

Leicestershire County Council (Ecology)
HBBC Environmental Services (Waste)
National Grid

- 6.2. No objections have been received from:

HBBC Environmental Services (Pollution)
Leicestershire County Council (Highways)
HBBC Environmental Services (Drainage)

- 6.3. No responses were received from the following consultees:

The Friends of Charnwood Forest
National Forest Company
Desford Parish Council

7. Constraints

- 7.1. Countryside
- 7.2. Charnwood Forest
- 7.3. National Forest
- 7.4. SSSI Impact Risk Zone

8. Policy

- 8.1. Local Development Framework Core Strategy (2009)

- Spatial Objective 1: Strong and Diverse Economy
- Spatial Objective 11: Built Environment & Townscape Character
- Policy 13: Rural Hamlets

- Policy 19: Green space and Play Provision
 - Policy 21: National Forest
- 8.2. 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 DM10: Development & Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 8.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 8.4. Other Relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Hinckley and Bosworth Borough Landscape Character Assessment (2017)

9. Appraisal

9.1. 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
- Drainage
- Other Matters

Assessment against strategic planning policies

- 9.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that

the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

- 9.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 9.4. Policy 13 of the Core Strategy identifies Botcheston as a Rural Hamlet. Rural Hamlets are considered the least sustainable of settlements and have limited, if any services and generally rely on Key Rural Centres or surrounding urban areas for schooling, employment and the provision of goods and services.
- 9.5. The site is located outside of the settlement boundary for Botcheston, within open countryside as defined within the adopted SADMP. Therefore, Policy DM4 is applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- 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
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development.
- 9.6. Upon visiting the site and assessing the surrounding topography it was considered that the proposal would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. This was determined as a result of the proposal being in close proximity to existing development and that the development would not set a precedent for development on the south-eastern side of the access lane of which there are open fields.

Design and impact upon the character of the area and countryside

- 9.7. Policy DM10 (c) of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 9.8. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 9.9. The site is within the boundaries of the National Forest where Policy 21 of the adopted Core Strategy seeks to ensure that the siting of new development is appropriately related to its setting within the forest and that development respects the character and appearance of the wider countryside. However, the site area does not meet the threshold for dedicated National Forest Planting. National Forest Planning were consulted, however, no response was received.
- 9.10. Objections to the application have been received on the grounds that the site is located outside the settlement boundary/building limits of Botcheston in the countryside and does not meet any of the development criteria of the countryside protection policy.
- 9.11. The application site is rural in character being a grassed area with perimeter trees providing significant enclosure, additionally, the site is contained within an area adjacent to large existing dwellings known as Grange House and The Old School House. The plot sizes along this stretch of Spinney Drive are of a greater proportion and scale, particularly the aforementioned neighbouring properties. Further down Spinney Drive there is a large care home facility known as Kirby Grange that is almost 4 hectares in size. Whilst in close proximity to neighbouring development, the location proposed is considered to be in the open countryside and not a sustainable location for development.
- 9.12. In terms of design, the proposed dwelling would be a substantially-sized individually designed bungalow property. The mass of the dwelling would be broken up by changes in orientation and ridge heights. The front elevation would have a central entrance, which would be flanked by gable with pitched roofs. The building is 'L' shaped with a large section projecting to the rear. The dwelling would feature differing ridge heights, and the roof form would comprise of pitched gabled ends. It is noted that the new dwelling would be of a significant size and scale.
- 9.13. It is considered that the proposed scheme would provide satisfactory access, layout, separation distances to existing properties, private amenity, parking and turning space to serve the development. The development also incorporates green space and landscaping, and it is considered that it would not appear cramped or overdeveloped.
- 9.14. No details have been provided as to the proposed materials other than stating that they will match the surrounding buildings. It is considered necessary that should permission be granted a condition be imposed to agree the materials to be used in the development.
- 9.15. It is considered necessary that should permission be granted a condition to remove permitted development rights be imposed to ensure additional alterations and extensions are not undertaken without consent. This measure would be in the interests of preserving the character and appearance of the building and surrounding rural landscape.
- 9.16. It is considered that this development would not have a significant adverse effect on the open countryside due to the fact that the proposal is in close proximity to existing

development and is on the same side of the road as other adjacent properties such as The Hovel and The Old School House. The proposed dwelling is smaller in scale when compared to the immediately adjacent dwellings, however, there are similarly sized properties in abundance that form part of the Kirby Grange care home. The surrounding trees and hedging will provide notable screening to the development and will help to reduce conflict with Policy DM4. On balance, it is considered that the development does not contravene Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 9.17. Policy DM10 of the adopted Site Allocations & Development Management Policies requires that developments do not have a significant adverse effect on the privacy and amenity of nearby residents.
- 9.18. Objections to the application have been received on the grounds of negative impacts on neighbouring residential amenity in the form of overlooking and noise.
- 9.19. The neighbouring property to the east of the application site is a dwelling known as Grange House. The proposed dwelling would protrude towards the shared boundary with this neighbouring property. However, the dwelling would be single storey in nature, and therefore any overbearing or overshadowing impacts on this neighbour would be minimal. In any case, there is extensive screening provided by the mature vegetation along the shared boundary, which would reduce any impact further. It is also noted that there would be a considerable separation distance between the closest elevations of the properties. The Old School House is located to the south east. Once again, there is considerable screening from existing vegetation and a separation distance that is sufficiently large enough to negate any potential amenity concerns.
- 9.20. Overall, it is considered that the proposal would not have a significant adverse impact on the residential amenity of the occupiers of the neighbouring dwellings in terms of loss of light, overlooking or overbearing nature, in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 9.21. 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.
- 9.22. Objections have been raised on the grounds that the application site would be accessed via a private, unadopted road, and that restrictive easements may prevent access. This is not a material planning consideration. Similarly, in relation to comments received regarding the potential damage to the access roads, this is not a planning matter and cannot be given any weight.
- 9.23. The proposal would be for one dwelling and therefore it is not considered that it would create significant additional traffic or add to the existing parking issues.
- 9.24. Leicestershire County Council (Highways) has raised no objections to the proposal. A new access point would be created from Spinney Drive to serve the development. Objections have been received regarding the suitability of the access. The only new part of the access would be off the unadopted road into the site and the parking/turning facilities. The width of the proposal would provide the minimum

required 2.75 metres needed to serve one dwelling as set out in the LHDG. There are no changes proposed to the unadopted road in terms of surfacing and increased width. The proposal would include a double garage, with ample turning space and additional parking space within the grounds of the dwelling.

- 9.25. It is considered that adequate parking and turning will be provided to enable vehicles to exit the proposed access in a forward gear within the redline area of the site.
- 9.26. Therefore, the proposal is considered to accord with Policies DM17 and DM18 of the SADMP.

Drainage

- 9.27. Policy DM7 of the adopted SADMP seeks to ensure that adverse impacts from flooding will be prevented.
- 9.28. Objections have been received in regard to the development causing drainage issues.
- 9.29. The Borough Councils Drainage Officer has been consulted on the application and raised no objections. They recommend ascertaining the suitability of the ground strata for soakaway drainage. They also recommend any parking, access drives, patios, turning areas to comprise permeable paving.
- 9.30. Should the application be recommended for approval, the above measures would be recommended to minimise impact on drainage in compliance with policy DM7 of the SADMP.

Other Matters

- 9.31. Leicestershire County Council Ecology section has been consulted on the application. They outlined that the proposed dwelling has a limited footprint, and from historical aerial imagery appears to have been managed lawn until the last few years. Therefore, no ecological surveys are necessary, and no objections were raised to the proposal.
- 9.32. The collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary. The access road to the proposal is private (unadopted), therefore, consideration will need to be given to an adequate collection point at the adopted highway boundary. Should the application be recommended for approval, a condition would be imposed requiring the approval of refuse collection details.
- 9.33. Cadent have been consulted and advised that there is apparatus in the vicinity of the application site which may be affected by the development. As such, should the application be approved, the applicant must liaise with Cadent to ensure that works do not infringe Cadent and/or National Grid's legal rights.

10. Equality implications

- 10.1. 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.
- 10.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 10.3. There are no known equality implications arising directly from this development.
- 10.4. 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).

11. Conclusion

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The application site is located outside the settlement boundary of a Rural Hamlet (Botcheston). Policy 13 of the Core Strategy outlines that Rural Hamlets have limited, if any services and generally rely on Key Rural Centres or surrounding urban areas for schooling, employment and the provision of goods and services. Because of the limited services in these hamlets, development will be confined to infill housing development. The location of the proposed development is not considered to be 'infill' development within the rural hamlet, instead being development in the open countryside, albeit adjacent to existing development.
- 11.3. Weighed against the potential conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of one self-build dwelling which weighs in favour of the application providing a small contribution to the Borough's overall housing supply. The proposal would result in economic benefits through the construction of the scheme, creation of jobs and constructions spend, albeit for a temporary period. Additionally, the residents of the proposed development would provide ongoing support to local services. However, given the scale of the proposal this benefit is small. There are no known environmental benefits from the proposed development.
- 11.4. The development has not received objections from any statutory body or from the relevant council consultees. The proposed access and parking facilities are considered to be adequate and in compliance with Policies DM17 and DM18 of the SADMP.

- 11.5. It is considered that the significant screening of the site makes for a mitigating factor and aids compliance with Policy DM4 of the SADMP. Further factors include the lack of harm to residential amenity as well as the development being small in scale and is therefore considered to be in compliance with Policy DM10 of the SADMP. It is for the above reasons that the application is, on balance, recommended for approval.

12. Recommendation

- 12.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

- 12.2. That the Planning Director be given powers to determine the final detail of planning conditions

12.3. 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:
Proposed Elevations – received 6th July 2021
Site Location Plan – received 27th July 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. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A and E of Part 1 Schedule 2 of the Order shall be carried out.

Reason: To ensure continued control over the extent of further building on the site and to ensure there is no further urbanisation of character of the application site.

5. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. **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. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
3. Before construction the applicant should consult with Cadent Gas Ltd and the National Grid as during consultation apparatus belonging to said companies was found to be in the vicinity of the applicant site.