DELEGATED REPORT

Recommendation Made: 25 May 2011

Reference:- 11/00258/OUT **Parish:- Hinckley**

Applicant:- Mr A Green
Sherwood
Nutts Lane
Hinckley
Leicestershire

Location:- Sherwood Nutts Lane Hinckley Leicestershire LE10 3EG

Proposal:- DEMOLITION OF EXISTING GARAGES AND ERECTION OF 1NO DWELLING (OUTLINE - ACCESS AND LAYOUT ONLY)

Introduction:-

This application seeks outline planning permission for one dwelling. Permission is sought for the access and layout; all other matters are reserved for approval at a later date.

The application site comprises a parcel of land to the rear of the property known as Sherwood. The site has planning permission for the storage of motor homes and thus has a mixed residential/commercial use.

The site is situated outside the settlement boundary of Hinckley, within the open countryside.

The Design and Access statement states that the application site can not be considered as a Greenfield site as per the recent guidance within PPS3 as it already benefits from a commercial permission, and goes on that residential development on brownfield sites is encouraged by policy. The statement also makes reference to similar applications which have been permitted within the vicinity of the site.

Relevant Planning History: -

10/00904/CONDIT 07/00712/COU relating to the restriction of use To the applicant	Removal of condition 5 of planning permission	Approved	07.02.11
07/00712/COU And part storage of motor homes(max 4 vehicles)	Change of use from residential to part residential Approved 20.09.07		
89/01222/4	Siting of two dwelling houses to rear of property	Refused	21.11.89
85/01119/4	Change of use from workshop and garages to Form granny annex (never implemented)	Approved	28.01.86

Consultations:-

No objections have been received from: -
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objections subject to conditions have been received from:-
The Director of Environment and Transport (Highways)

One letter of neighbour objection has been received, this raises concerns about the impart of the proposal on their privacy and states that they don't want any further tree planting long their common boundary as it will block further light to their property.

At the time of writing the report no comments have been received from: -
Ward Members
Site Notice

Development Plan Policies:-

Adopted Core Strategy

Policy 1 – Development in Hinckley

Policy 24 – Sustainable Development

Adopted Local Plan

The site lies outside the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan.

Policy IMP1: 'Contributions Towards the Provision of Infrastructure and Facilities'

Policy RES5: 'Residential Proposals on Unallocated Sites'

Policy BE1: 'Design and Siting of Development'

Policy NE5: 'Development in the Countryside'

Policy T5: 'Highway Design and Vehicle Parking Standards'

Policy REC3: 'New Residential Development - Outdoor Play Space for Children'

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): New Residential Development

Supplementary Planning Document (SPD): Play and Open Space

Appraisal:-

The main considerations with regards to this application are the principle of development and the acceptability of the access, the proposed layout and impact upon neighbours amenity. All other matters are for consideration at a later date under the reserved matters.

Principle of Development

PPS3 has recently been revised (June 2010) to exclude private residential gardens from the definition of `previously-developed` land. Paragraph 35 of PPS3 states that the priority for development should be on previously developed land. Ministerial advice provides clarification regarding what this small but significant change to National Policy seeks to achieve. It is interpreted that this is to primarily prevent over development within residential areas that is out of character. The plot of land under consideration has a mixed commercial/residential use, and thus is not considered as garden land, but as a brownfield site, This said, the current commercial element; the storage of motor homes, due to its temporary nature does not have detrimental impact on the character of the area which would arise through the erection of a dwelling.

The application site lies outside of the settlement boundary of Hinckley as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside. Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake. The application is therefore contrary to this policy unless there are material planning considerations that indicate that it is acceptable on other grounds and that those considerations outweigh the harm caused to policy by the development. In this case there are no overriding material considerations to overcome the principle policy objection in favour of the development.

Character

The western side of Nutts Lane has a linear character, with gardens fronting the road and comprises detached properties of varying design and size. Whilst there are detached outbuildings sited within the rear gardens of some properties, the dwelling proposed would not relate well to those in the surrounding area and is not characteristic with, nor complements or enhances the surrounding area. In addition the approval of this scheme would make it harder for the Council to sustain refusal for similar schemes within the vicinity of the site.

Acceptability of the Access

The existing access to the site, which is situated to the southern side of the front boundary is to be used for the existing and proposed dwelling. This is to be improved through the provision of larger pedestrian visibility splays and the existing driveway is to be sited further away from the existing dwelling. This will run along the southern boundary of the site. It is considered that parking standards for the dwelling could be achieved within the site. The Director of Environment and Transport (Highways) has no objections to the proposal, but has recommended standard conditions.

Layout and Impact on Neighbours

The plot is of a sufficient size to accommodate the dwelling proposed and would provide the required amenity and parking space and thus is not considered as over development. The host plot would also retain adequate garden space and off road parking.

The position of the proposed dwellings complies with separation standards set out in policy guidance it is therefore unlikely that the development would have adverse impacts upon residential amenity with regards to potential overlooking, overshadowing or overbearing impact. The rear amenity space is also in accordance with guidance of the SPG. However the layout as proposed appears contrived and results in a poor layout with dwellings that do not relate well to each other or the surrounding area and a development that is not characteristic with, nor complements or enhances the surrounding area.

Other Matters

A neighbour letter of objection has expressed concern that the proposed development would result in a loss of light to their property and that they would not want further trees planting along the common boundary. In response to their concerns, this application does not consider the detained design of the proposal and thus the impacts of overshadowing and loss of light would be considered in the reserved matters application. The planting of trees is not something over which the Local Planning Authority has control and is thus not a material planning consideration.

Play and Open Space: The application site is more than 400m away from any existing open space and therefore this application does not meet the criteria for the requirement of financial contributions towards the provision or maintenance of informal children's play space as laid out in the Council’s adopted Play and Open Space Supplementary Planning Guidance.

Conclusion

Both central government guidance and adopted regional and local plan policies seek to protect the countryside for its own sake. There is no special justification to support the proposed dwelling. It is considered, therefore, that the application should be refused.

RECOMMENDATION:- REFUSE, for the following reasons:-

Reasons :-

1 In the opinion of the Local Planning Authority the proposed dwelling would result in an unwarranted and unacceptable intrusion of residential development in a countryside location, to the detriment of the

recognisable linear character and appearance of the area and visual amenity. The proposal is therefore contrary to the requirements of Policies BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan and the overarching principles of Planning Policy Statement 3: Housing and Planning Policy Statement 7: Sustainable Development in Rural Areas.

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