

Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	4.30 pm on Tuesday, 9 January 2018
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Council is aware that planning applications may be controversial and emotive for those affected by the decisions made by this Committee. However all persons present are reminded that the Council will not tolerate abusive or aggressive behaviour towards staff or other visitors attending this meeting and anyone behaving inappropriately will be required to leave the meeting and the building.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

## AGENDA

Item		Pages
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2.</b>	<b>DECLARATION OF INTERESTS</b>	
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
<b>3.</b>	<b>MINUTES</b>	
	To confirm and sign the minutes of the meeting held on 7 November 2017	<b>3 - 8</b>
<b>4.</b>	<b>PLANNING APPLICATIONS AND OTHER MATTERS</b>	
	Report of the Head of Planning and Regeneration.	<b>9 - 12</b>



## Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
<b>A1</b>	<b>17/01237/OUT: Proposed agricultural workers dwelling (outline - means of access for approval)</b>  Barn Farm Babelake Street Packington Ashby De La Zouch Leicestershire LE65 1WD	<b>REFUSE</b>	<b>13 - 30</b>
<b>A2</b>	<b>17/01575/OUT: Erection of one detached, self build dwelling with detached double garage and formation of new access (access and layout included)</b>  Land Off Redburrow Lane Normanton Road Packington Leicestershire	<b>REFUSE</b>	<b>31 - 44</b>
<b>A3</b>	<b>17/01326/REMM: Erection of 166 dwellings with associated public open space, infrastructure and National Forest planting (Reserved matters to outline planning permission reference number 17/00423/VCUM)</b>  Land Off Greenhill Road Coalville Leicestershire	<b>PERMIT</b>	<b>45 - 56</b>
<b>A4</b>	<b>17/01379/FUL: Change of use of dwelling house to a house in multi occupation (HMO) use (sui generis use) and two storey rear extension</b>  95 Sideley Kegworth Derby Leicestershire DE74 2ER	<b>PERMIT</b>	<b>57 - 64</b>
<b>A5</b>	<b>17/01511/FUL: Erection of one detached two storey dwelling</b>  Land At Pitt Lane Coleorton Coalville Leicestershire LE67 8FS	<b>REFUSE</b>	<b>65 - 76</b>
<b>A6</b>	<b>17/01622/FUL: Erection of detached dwelling</b>  Church View 59 The Moor Coleorton Coalville Leicestershire LE67 8GB	<b>REFUSE</b>	<b>77 - 84</b>
<b>A7</b>	<b>17/01606/FUL: Erection of detached dwelling with alterations to existing access</b>  30 Ashby Road Newbold Coalville Leicestershire LE67 8PB	<b>REFUSE</b>	<b>85 - 90</b>
<b>A8</b>	<b>17/01661/FUL: Erection of a detached 3 bed dwelling (resubmission)</b>  Land Adjacent To 51 The Green Long Whatton Leicestershire LE12 5DA	<b>PERMIT</b>	<b>91 - 98</b>
<b>A9</b>	<b>17/01469/FUL: Conversion and extension of joiner's workshop to form one residential dwelling</b>  Wayside Cottage Loughborough Road Coleorton Coalville Leicestershire LE67 8HH	<b>PERMIT</b>	<b>99 - 106</b>

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 7 NOVEMBER 2017

Present: Councillor J Bridges (in the Chair)

Councillors R Adams, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Houlton, R Johnson, G Jones, J Legrys, P Purver, V Richichi, N Smith (Substitute for Councillor D J Stevenson), M Specht and M B Wyatt

In Attendance: Councillors R D Bayliss and T J Pendleton

Officers: Mr C Elston, Mr J Knightley, Mrs M Meredith, Mr J Newton and Miss S Odedra

#### **46. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Boam and D J Stevenson.

#### **47. DECLARATION OF INTERESTS**

In accordance with the Code of Conduct, Members declared the following interests:

Councillors J G Coxon, J Houlton and G Jones declared a non-pecuniary interest in items A1 and A2, application numbers 17/01159/FUL and 17/01133/FUL, as members of Ashby Town Council.

Councillor R Johnson declared a non-pecuniary interest in item A3, application number 17/01441/NMA, as Chairman of Hugglescote and Donington le Heath Parish Council.

#### **48. MINUTES**

Consideration was given to the minutes of the meeting held on 3 October 2017.

The minutes were moved by Councillor J Coxon and seconded by Councillor M Specht.

Councillor J Legrys requested an amendment to the minutes and requested that the word 'amendment' in the penultimate paragraph on the third page of the minutes be replaced with the word 'motion'. He stated that he had not moved an amendment to the motion at that time but had moved a separate motion and therefore the wording was technically incorrect and therefore he objected to the wording. He added that the paragraph also referred to speaking to the Monitoring Officer however his understanding was that advice had been sought from the Deputy Monitoring Officer.

The Chairman clarified that the Deputy Monitoring Officer had sought advice from the Monitoring Officer and therefore he believed this point to be correct.

The Chairman requested that Councillor J Legrys put his amendment in writing to enable officers to look into this matter further. He stated that the minutes would be amended if Councillor J Legrys' comments were correct.

Councillor J Legrys raised a point of order and formally proposed that the word 'amendment' be changed to 'motion' in the minutes. The motion was seconded by Councillor M B Wyatt.

Councillor D Harrison stated that he could not recall whether this point was accurate as there had been a lot of debate and therefore he could not vote on this.

Councillors J Hoult, G Jones and N Smith stated that they were absent from the last meeting.

The Chairman stated that Councillor J Legrys' comments had been duly noted, however the points raised needed to be verified with the voice recording as the officer these comments related to was not present. The minutes would be amended in accordance with Councillor J Legrys' comments if they were verified with the voice recording.

Councillor J Legrys stated that he did not agree with this approach and sought advice from the Legal Advisor as an amendment to the minutes had been formally proposed and seconded.

The Monitoring Officer advised members that the paragraph that Councillor J Legrys sought to amend was the advice given by the Deputy Monitoring Officer to the meeting rather than Councillor J Legrys' statement, which had been captured earlier in the minutes.

Councillor J Legrys reiterated that at the meeting he had put forward a separate motion to defer the application which had been refused, however the word 'amendment' was used throughout the debate despite his protests. He added that he did not dispute that this was what the advice given by the Deputy Monitoring Officer however he objected to the use of the word 'amendment'.

The Monitoring Officer reminded members that consideration was being given to the accuracy of the minutes and there appeared to be agreement that the advice from the Deputy Monitoring Officer and the statement made by Councillor J Legrys had been recorded correctly.

Councillor J Legrys stated that he felt the word 'amendment' was not the intention of his proposition at the meeting and therefore there needed to be an explanation in the minutes. He suggested this matter be put to the vote.

Councillor M Specht stated that he fully concurred with the comments made by Councillor J Legrys.

The Chairman then put the motion to the vote and it was

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 3 October 2017 be approved and signed by the Chairman as a correct record.

#### **49. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Planning and Regeneration, as amended by the update sheet circulated at the meeting.

#### **50. 17/01159/FUL: ERECTION OF EXTENSION (B2 AND B8 USE) TO EXISTING BUILDING (B1, B2 AND B8 USE)**

The Principal Planning Officer presented the report to members.

Councillor R D Bayliss, ward member, addressed the meeting. He stated that the business park was one of the finest developments of its sort that he had seen. He explained that the development had been driven by the developers themselves, the planning brief and the urban design policies, resulting in a first rate modern industrial development which provided a wonderful working environment. In his view the proposals

within the application were contrary to the council's own policies, specifically the development brief, and permitting the development would by inference allow further applications of a similar nature and would destroy the Council's urban design policies. He urged members to refuse the application.

Mr M Evans, objector, addressed the meeting. He stated that the proposals were the polar opposite of the design brief which sought to secure a high quality development whilst minimising its visual impact. He said that the approach to Unit C was purposely kept clear to achieve a high end business park feel, to allow units to sit in isolation and to retain the openness of the site. He added that this would be lost should the application be permitted. He called upon members to reject the proposals.

Mr P Eaton, applicant, addressed the meeting. He explained that an extension to the unit was required to support growth in his business. He added that as the owner of the building he did not wish to spoil the business park. He did not plan to build on the whole of the service yard, which he had not used as a courtesy to his neighbours, and the roof would be set 1m lower than the existing structures. He explained that the same architect was being used to ensure that the design and materials for the proposed development were identical to the current building on site.

Councillor J Hoult moved that the application be refused, as it would set a precedent. This was seconded by Cllr M Specht. Cllr J Hoult went on, and stated that he could not support the proposals as it would spoil the estate and other developers would want to extend in a similar manner

The Head of Planning and Regeneration reminded members that it was an established planning principle that each case was determined on its own merits, and whilst setting a precedent may be a concern, this could not be taken into account in determining the application.

In response to a question from Councillor N Smith, the Principal Planning Officer advised that there would be no change to existing employment levels.

Councillor D Everitt stated that in his view the design of commercial developments was just as important as residential developments. He felt that the status quo ought to be maintained.

Following advice from the Head of Planning and Regeneration on the reasons for refusal, it was moved by Councillor J Hoult that the application be refused on the grounds that the proposals would represent over intensification of the plot and would detract from the open feel of the wider estate. The motion was seconded by Councillor M Specht.

Councillor J Legrys suggested that an additional reason for refusal, that visibility splays would be inadequate, be added. The Head of Planning & Regeneration pointed out that the highway authority had not objected to the application, and advised against using it as a refusal reason.

Councillor G Jones stated that as a local Town Councillor he was very proud of what had been achieved in Ashby de la Zouch in recent years and that he did not like to prevent the expansion of businesses. However he felt he had to support the comments made in respect of spoiling the working environment and over intensification of the whole site. He concluded that he could not support the officer's recommendation.

In response to a question from Councillor V Richichi, the Principal Planning Officer referred to the update sheet, and advised that the design brief was intended to guide the initial development of the site and was not an ongoing document which governed the

future design of estate. He stated that little weight, if any, should be afforded to this document.

Councillor D Harrison felt that the proposals blended in well and that the Committee should be flexible by supporting people who invested in the area. He stated that he supported the officer's recommendation as all business would like to eventually expand and thus, the Committee should retain an open mind to such applications.

R Canny emphasised the importance of design. She appreciated the needs of the business for more space however commented that once the extension was built, the design of the whole area was permanently changed. She suggested relocation of the business be considered as an alternative.

Councillor M Specht commented that the design brief may be out of date, however the development had been built in accordance with the design brief. He commended the design of the existing development and felt that he could not support the proposals as they interfered with the street scene. He stated that had the proposed development been to the rear of the existing development or to its side, he would have been able to support the application.

Councillor N Smith commented on the cost of relocating a business and felt that refusing the application would send the wrong message to people considering setting up a business in North West Leicestershire. He could not see anything wrong with the proposed development given that the same architect and materials were being used as those for the existing building.

Councillor J Legrys expressed support for the motion to refuse the application as he felt very strongly that policies should be accorded with. He made reference to the outstanding design and layout of the site. He commented that he disliked the idea that the proposed development would block out the street scene to people arriving at the site.

The motion to refuse the application was then put to the vote and it was

RESOLVED THAT:

The application be refused on the grounds that the proposals represented over intensification of the site and the loss of the open feel of the estate.

**51. 17/01133/FUL : SUB-DIVISION OF RESIDENTIAL PLOT, AND ERECTION OF ONE DETACHED DWELLING.**

The Planning and Development Team Manager presented the report to members.

Mr J Kenny, objector, addressed the meeting. He stated that the proposals were out of character with the surrounding dwellings, the proposed dwelling was narrower than neighbouring dwellings and views would be altered by the scale and massing of the proposal due to its proximity to the junction. He added that the front garden of number 9 would be used for car parking, the proposals would significantly affect the privacy of the neighbouring dwelling and were contrary to policy H7 of the adopted local plan.

Mr T Mastin, agent, addressed the meeting. He stated that the application comprised much revised proposals taking into account the concerns raised by the planning authority and would provide useful additional housing for Ashby de la Zouch, benefitting Grange Close. He highlighted the reduction in the eastern elevation, improving the outlook, the smaller footprint which was now relative to the site and the retention of the large garden. He stated that much of site would remain in use as a residential garden space. He added that the original features of Grange Close would be matched. He stated that the design

accorded with Leicestershire County Council's 6CS design guidance however, he acknowledged the remaining concerns in respect of highways safety. He advised that he had met Councillor G Jones on site, who had agreed that the removal of the existing mature hedge would improve highway safety by increasing visibility.

Councillor M Specht commended the inspector's report on the previous application for 2 flats on the site. He moved that the application be refused on the grounds that the proposals were contrary to Policies E1, E3 and E4 of the submitted local plan as the proposals were detrimental to the amenities of nearby dwellings, did not respect the character of its surroundings and would spoil the open nature of the of the estate. He added that the inspector had made particular reference to corner plots and retaining the open character of the estate.

The motion was seconded by Councillor G Jones. He made reference to the increase in density of a busy corner plot and the amount of elderly people on the estate.

Councillor N Smith referred to the concerns raised in the update sheet relating to the underpinning of neighbouring dwellings. The Planning and Development Team Manager confirmed that construction related issues were subject to other legislation such as building regulations and, as such, the concerns raised were not material planning considerations.

Councillor J G Coxon stated that he did not support development on the corner plot and the proposals were not in keeping with the estate. He felt that the builders would have put a house on the corner originally, had that been what was intended.

Councillor D Everitt felt that the site was not large enough to accommodate the proposals, and houses were too small.

Councillor J Hoult felt that the proposals represented overdevelopment of the site. He confirmed that a new house had been granted planning permission between numbers 11 and 15. He considered that the area was dense development.

Councillor J Legrys felt that it would be difficult to insert a dwelling on the site whilst retaining neighbour amenities and the existing street scene. He believed the existing building line should be maintained and that proposals represented over intensification of the site. He stated that he could not support the proposals, as it was a bog standard application for a garden build.

The motion to refuse the application was put to the vote and it was

RESOLVED THAT:

The application be refused on the grounds that the proposals were contrary to Policies E1, E3 and E4 of the submitted Local Plan.

Councillor M B Wyatt left the meeting at 5.33pm.

**52. 17/01441/NMA: NON MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL REF 15/00357/REMM (OUTLINE PLANNING PERMISSION REF 14/00354/OUTM) TO ALLOW FOR THE REMOVAL OF CHIMNEYS TO PLOTS 90-92 AND 93-95 AND THE INSTALLATION OF CHIMNEYS TO PLOTS 37, 71, 72, 98, 101 AND 104**

The Principal Planning Officer presented the report to members.

Councillor R Johnson questioned the applicant's statement that it would not now be possible to add chimneys to those dwellings previously granted permission due to the timber construction. He felt that the applicant should prove this as the design of the development had already been agreed. He questioned whether the council wasted its time agreeing the design of a development only for it to be changed by the developer for reasons which lacked supporting evidence. . In his opinion, the amendment would spoil the streetscape. He banged his fists on the desk, and said that he felt that it was wrong for developers to agree the design and subsequently change it.

In response to questions from Councillor M Specht, the Principal Planning Officer advised that the chimneys were all brick built rather than fibre glass construction, and were purely aesthetic. Councillor M Specht said that chimneys would be a fire risk further down the line. It was subsequently confirmed that the chimneys were cosmetic, and not functional.

Councillor J Legrys stated that the officer's report did not provide all of the facts, and complained that Members were provided with reports between 7 and 10 days in advance. He did not consider that gave him enough time to familiarise himself with proposals, or to ask questions about them. He commented that the developer must have known about the structural stability of the buildings at the time the design was agreed. He added that many developers were using lightweight fibreglass chimneys and he saw no reason to make this change.

Councillor V Richichi said he feared that the officer's recommendation should be supported as he considered this to be a minor amendment. He expressed his dislike of the proposals, however, as he preferred dwellings to have chimneys. He said he had been told to go with recommendations to permit Bardon Grange.

It was moved by Councillor J G Coxon, seconded by Councillor D Harrison and

RESOLVED THAT:

The non-material amendment be agreed in accordance with the recommendation of the Head of Planning and Regeneration.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.47 pm



**APPENDIX B**

**Report of the Head of Planning and Regeneration  
To  
Planning Committee**

**9 January 2018**

**PLANNING & DEVELOPMENT REPORT**



## **PLANNING COMMITTEE FRONT SHEET**

### **1. Background Papers**

For the purposes of Section 100(d) of the Local Government ( Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

### **2. Late Information: Updates**

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

### **3. Expiry of Representation Periods**

In cases where recommendations are headed "Subject to no contrary representations being received by ..... [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Regeneration are material planning considerations and relate to matters not previously raised.

### **4. Reasons for Grant**

Where the Head of Planning and Regeneration report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Regeneration.

### **5. Granting permission contrary to Officer Recommendation**

Where the Head of Planning and Regeneration report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Regeneration.

## **6 Refusal contrary to officer recommendation**

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Regeneration.

## **7 Amendments to Motion**

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Regeneration/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

## **8 Delegation of wording of Conditions**

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Regeneration.

## **9. Decisions on Items of the Head of Planning and Regeneration**

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

**Proposed agricultural workers dwelling (outline - means of access for approval)**

**Report Item No  
A1**

**Barn Farm Babelake Street Packington Ashby De La Zouch  
Leicestershire LE65 1WD**

**Application Reference  
17/01237/OUT**

**Applicant:  
Wathes**

**Date Registered:  
25 August 2017**

**Case Officer:  
Adam Mellor**

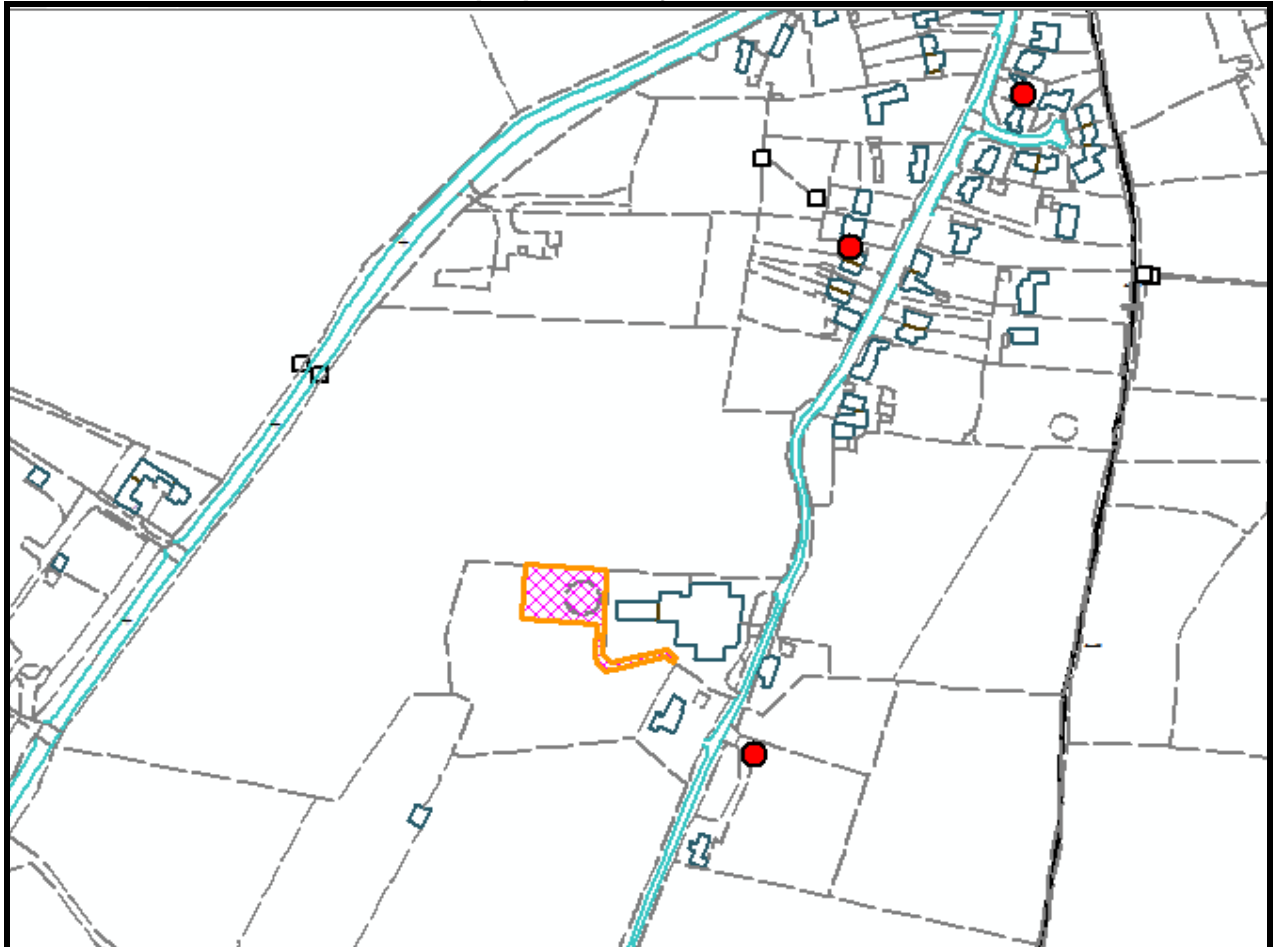
**Consultation Expiry:  
17 November 2017**

**Recommendation:  
REFUSE**

**8 Week Date:  
20 October 2017**

**Extension of Time:  
None Agreed**

**Site Location - Plan for indicative purposes only**



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is brought to the Planning Committee as the planning agent is related to a former councillor who has served within the last five years.

### Proposal

Outline planning permission is sought for the erection of an agricultural workers dwelling at Barn Farm, Babelake Street, Packington with the means of access for approval at this stage. The 0.12 hectare sized site is situated on the western side of Babelake Street and is outside the defined Limits to Development.

### Consultations

Ten representations have been received from third parties which support the development proposals. Packington Parish Council have raised no objections. All other statutory consultees, with the exception of the Environment Agency, Natural England and Severn Trent Water whose comments are awaited, have raised no objections subject to the imposition of conditions on any consent granted.

### Planning Policy

The application site is outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan (2017). The application has also been assessed against the relevant policies in the adopted Local Plan (2017), the NPPF and other relevant guidance.

### Conclusion

It is considered that there is no agricultural justification for a permanent workers dwelling on the site and therefore compliance with criteria (a) of Policy S3 of the adopted Local Plan would not be achieved. On this basis the proposal can only be considered as a dwelling to which there are no special circumstances attached.

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set, and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment, contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, and Policies S2 and S3 of the adopted Local Plan. Furthermore Policy S2 of the adopted Local Plan identifies that in Packington the limited amount of growth which would take place will be within the Limits to Development. It is also the case that the economic viability of the farming enterprise which is undertaken would be significantly compromised by the construction of a dwelling which could not be sustained by the business at this time. The proposal would therefore not be economically sustainable.

It is therefore recommended that the application be refused.

**RECOMMENDATION - REFUSE.**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

This application was due to be reported to the Planning Committee in December but was withdrawn from the agenda due to the receipt of additional information from the planning agent on the day of the Planning Committee which needed further consideration. This additional information included that the applicant is not required to vacate their family home to allow their son to take-over the agricultural enterprise, where there is a requirement for a dwelling it should be within sight and sound of the holding, a pragmatic approach should be taken to assessing these types of application given that Planning Policy Statement 7 (PPS 7) has been revoked, there is a functional need for a full-time worker and that there is no alternative accommodation available within Packington which would meet the needs of the applicant's son.

Outline planning permission is sought for the erection of an agricultural workers dwelling with means of access for approval at Barn Farm, Babelake Street, Packington. The 0.12 hectare sized site is situated on the western side of Babelake Street and is outside the defined Limits to Development. The surrounding area is predominately rural in nature, being defined by open countryside and paddocks, with the main settlement of Packington being to the north east.

A previous outline application for the erection of one self-build dwelling was refused by the Planning Committee on the 7th June 2017 under application reference 17/00284/OUT. The reasons for refusal were based on the site being outside the defined Limits to Development as well as design implications associated with the provision of a cramped and constrained form of development that was discordant and incongruous with the pattern of development on Babelake Street given the spaciousness afforded to dwellings.

This revised application now seeks outline planning permission for the erection of an agricultural workers dwelling which, on the basis of the indicative layout plan, would be set to the north-west of Barn Farm Bungalow and to the immediate west of the existing agricultural buildings on the site. Also whilst scale is not for approval at this stage the indicative elevation detail suggests that the dwelling would be two-storey in height.

In respect of vehicular access this would be gained via an existing agricultural access off Babelake Street with two off-street parking places being provided externally. Manoeuvring facilities would also be accommodated within the site.

In order to support the agricultural justification for the dwelling a farm business appraisal and financial test statement have been submitted. A design and access statement and River Mease SAC statement have also been submitted in support of the application. During the course of the application additional information has been submitted by the applicant in respect of the agricultural business which is to be undertaken.

The only other recent application was associated with an agricultural prior notification for the erection of an agricultural storage building (ref: 14/00270/AGP) where no objections were raised on the 23rd April 2014.



## 2. Publicity

9 neighbours have been notified.

Site Notice displayed 17 September 2017.

Press Notice published Leicester Mercury 20 September 2017.

## 3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

**NWLDC - Independent Agricultural Planning Advisor - Mr A Coombe** advises that there is no functional need or financial justification for an agricultural workers dwelling on the site.

**Environment Agency** no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

**Leicestershire County Council - Archaeology** has no objections.

**Leicestershire County Council - Ecology** has no objections subject to conditions.

**Leicestershire County Council - Highways Authority** has no objections subject to their standing advice being considered.

**Natural England** no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

**NWLDC - Environmental Protection** has no objections.

**Packington Parish Council** has no objections.

**Severn Trent Water** no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

### Third Party Representations

Ten representations have been received from third parties which support the proposal with the comments raised summarised as follows: -

- Barn Farm is a family run business that has been a viable and sustainable business for over a hundred years.
- The farm provides services and produce for many other local businesses and as a rural business it should be supported and encouraged to grow.
- The farm has maintained growth over the years by investing in plant and livestock and in order to sustain the growth it is imperative that the applicant's son is present on the site at all times.
- The siting of the dwelling will fit well with the existing farm buildings whilst still allowing the subsequent growth of the farming business.
- The applicants are looking to rent land from other farms in the area due to the substantial growth in their business.
- This proposal will not result in the loss of productive agricultural land in the same way that conversion of agricultural buildings on other sites on Babelake Street has done.

- The applicants cannot be expected to move from their family home on retirement.
- It is important that the applicant lives close to their stock so to look after them properly.

#### 4. Relevant Planning Policy

##### National Policies

###### *National Planning Policy Framework*

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development);  
 Paragraph 14 (Presumption in favour of sustainable development);  
 Paragraph 17 (Core planning principles);  
 Paragraph 28 (Supporting a prosperous rural economy);  
 Paragraphs 32, 34 and 39 (Promoting sustainable transport);  
 Paragraphs 49, 50 and 55 (Delivering a wide choice of high quality homes);  
 Paragraphs 57, 60, 61 and 64 (Requiring good design);  
 Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraphs 118, 120 and 121 (Conserving and enhancing the natural environment);  
 Paragraph 141 (Conserving and enhancing the historic environment); and  
 Paragraphs 203 and 206 (Planning conditions and obligations).

##### Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;  
 Policy S2 - Settlement Hierarchy;  
 Policy S3 - Countryside;  
 Policy D1 - Design of New Development;  
 Policy D2 - Amenity;  
 Policy IF4 - Transport Infrastructure and New Development;  
 Policy IF7 - Parking Provision and New Development;  
 Policy En1 - Nature Conservation;  
 Policy En2 - River Mease Special Area of Conservation;  
 Policy En3 - The National Forest;  
 Policy En6 - Land and Air Quality;  
 Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;  
 Policy Cc2 - Water - Flood Risk; and  
 Policy Cc3 - Water - Sustainable Drainage Systems.

##### Other Policies

###### National Planning Practice Guidance.

**Good Design for North West Leicestershire Supplementary Planning Document - April 2017.**

**6Cs Design Guide (Leicestershire County Council).**

**The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').**

**Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).**

**Self-Build and Custom Housebuilding Act 2015.  
Housing and Planning Act 2016.  
River Mease Water Quality Management Plan - August 2011.  
The River Mease Developer Contributions Scheme (DCS).**

## **5. Assessment**

### **Principle of Development and Sustainability**

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2017) which was adopted by Full Council on the 21st November 2017.

The application site lies outside the defined Limits to Development within the adopted Local Plan, with new dwellings not being a form of development permitted in the countryside by Policy S3. It is, however, recognised that Policy S3 does support agricultural development including agricultural workers dwellings (criteria (a)). Policy S2 of the adopted Local Plan also advises that Packington is a Sustainable Village where the limited amount of growth which will take place will be within the defined Limits to Development. In a recent appeal decision at Normanton Road, Packington (Application Reference: 15/010501/OUT and Appeal Reference: APP/G2435/W/17/3168722) the Inspector did not consider there was a current or pressing need for the Council to review the Limits to Development as outlined in the adopted Local Plan.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirements contained in the adopted Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

In terms of social sustainability Packington provides a range of day to day facilities, e.g. a primary school, shop, church, village hall, a public house, play area/recreation ground and some small-scale employment sites. Ashby De La Zouch is also located around 1.7km from the site, where a wider range of services can be found. Whilst there is no footway along this part of Babelake Street, it has a relatively low traffic flow with verges and footways being available further along the road. Furthermore, there are several public footpaths leading off the road linking to the village and National Forest plantations, and the road is used by cyclists, walkers and horse riders from the nearby Champneys Spa and stables. On this basis there are opportunities to walk to the village from the site along a route which is already in use by pedestrians and other non-car users. Therefore, it is considered that occupiers of the dwelling would not necessarily be dependent on the private car in order to access basic services with the proposed dwelling assisting in sustaining the available services in the village which is a key intention of Paragraphs 28 and 55 of the NPPF.

From an environmental sustainability perspective it is noted that the application site is agricultural land which would be classed as greenfield land. The site is also outside the defined Limits to Development on the Proposals Map to the adopted Local Plan and would therefore be assessed against the criteria of Policy S3 of the adopted Local Plan. Such a policy is considered to be supported by the principles of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

As outlined above the proposed development would result in the loss of agricultural land. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The ALC maps indicate that the site falls within Classes 2 (Very Good) and 3 (Good to Moderate) and whilst the NPPF does not suggest that the release of a smaller BMV site is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Therefore, given the relatively limited extent of the potential loss of the site (0.12 hectares), it is considered that this is not sufficient to sustain a reason for refusal against Paragraph 112 of the NPPF in this case.

In the assessment of the previous application at Barn Farm (reference 17/00284/OUT) it was highlighted that the proposal dwelling was not an "*agriculturally tied dwelling*" and as such no consideration was given to this matter in the assessment of that application. However, this application now proposes the provision of an agricultural workers dwelling and in the context of Policy S3 of the adopted Local Plan it is acknowledged that criteria (a) would support the provision of such a dwelling outside the defined Limits subject to the compliance with criteria (i) to (vi) outlined in this Policy. Paragraph 55 of the NPPF also highlights that 'isolated' dwellings should be avoided in the countryside unless there are special circumstances such as "*the essential need for a rural worker to live permanently at or near their place of work in the countryside.*"

To support the application a farm business appraisal and financial test statement have been submitted which indicate that the farming operation undertaken relates to livestock (both cattle and sheep) and that three partners are currently involved in the agricultural business (the applicant's and their son) who own 100 acres of land (80 acres owned by the farming partnership and the other 20 acres let under a 1986 Agricultural Holdings Act Tenancy). All partners are employed part time in the business but due to the imminent retirement of the applicant's their son will take up working full time in the business subject to accommodation being available.

Stocking levels on the farm as of the 3rd November 2017 are stated by the planning agent to be as follows: -

- 240 breeding ewes;
- 8 rams/teasers;
- 150 ewe lambs;
- 150 store lambs to be sold in early spring (aged 6 - 7 months); and
- 40 bucket reared calves.

It is also the case that the farming enterprise has acquired an additional 27 acres of land and that by 2018/2019 the flock of sheep will be increased to 340 breeding sheep which will graze on the additional land. The planning agent has also recently stated that the agricultural unit has been accepted onto DEFRA's TB isolation unit scheme and therefore all subsequent cattle reared at the holding will achieve TB free status. The first cattle to benefit from this status will be arriving on the holding in January/February 2018.

It has also been highlighted that the existing dwelling on the site (Barn Farm Bungalow) could not be utilised by the applicant's son as following their retirement the applicant's would remain in this property and therefore the planning agent has highlighted that regard should be had to two high court decisions (Keen vs Secretary of State [1996] 71 P. & C.R. 543 and JR Cussons vs The Secretary of State [2008] EWHC 443 (Admin)) which have held that it is the right of an existing occupant to remain in their family home and that it is unreasonable to require them to vacate it or share it with another family, the Keen case concluding that: *"it was unreasonable and/or perverse for the Inspector to conclude that the admitted and identified need for accommodation for a full time stockman should be met by the appellant and his wife moving out of the matrimonial home to give it over to that worker or sharing the home with that worker and any family that he or she might have."*

As part of the consideration of the application the Council has engaged an Independent Agricultural Planning Advisor (IAPA) to review the submitted information, including that which has been provided by the agent during the course of the application, and has made an assessment based on guidance contained within the NPPF as well as Annex A of Planning Policy Statement 7 (PPS7) which, whilst superseded by the guidance contained within the NPPF, still acts as a relevant and useful guide in assessing the need for an agricultural workers dwelling (previously assessed in Paragraph 3 of the above Annex). The reports prepared by the IAPA have concluded the following: -

*"Paragraph 3 (i) of the Annex indicates there needs to be a clearly established existing functional need" - IAPA calculates that the standard labour requirement for the livestock would be less than one full-time person, and 1.1 full-time persons allowing for the proposed T.B. isolation unit in the future."*

*"Paragraph 3 (ii) of the Annex states "The need relates to a full-time worker, or one who is primarily employed in agriculture, and does not relate to part-time requirement." - IAPA states as the unit is part-time and will remain part time, the proposed standard labour requirement being less than a full-time worker, this criteria is not satisfied."*

*"Paragraph 3 (iii) of the Annex states "The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so" - IAPA states the proposed agricultural dwelling must be financed by the farming enterprise after the deduction of all costs including labour and a notional rent on the owned land. For a permanent dwelling on a holding the farming enterprise is required to have been established for at least three years, and have been profitable in at least one of the last three years, and that profit must be capable of paying a mortgage on the cost of the proposed dwelling after the deduction of all other costs such as labour, and rent etc, irrespective of what funds the applicant has available from any other source. The profit in the year ended 31st March 2017 in this case is only capable of paying almost the minimum wage for the person Mr Large maintains is full-time. It could not sustain the cost of the proposed dwelling, or a notional rent on the owned land. The enterprise is therefore financially unviable."*

*"Paragraph 3 (iv) of the Annex states "The functional need could not be fulfilled by another existing dwelling on the unit, or any other accommodation in the area which is suitable and available for occupation by the workers concerned" - IAPA states the existing dwelling known as Barn Farm Bungalow is occupied by the applicant's who are due to retire from the farm business and intend to continue to reside in the existing dwelling. I accept that if they do retire from the farm business than Barn Farm Bungalow although it is suitable would not be available in accordance with the Keen case. I therefore consider that the limited essential need/functional*

*need for a part-time worker could not be fulfilled by Barn Farm Bungalow as although suitable it would not be available. There are 11 dwellings available to buy and one to rent within the village of Packington at the moment one of which is only £50,000 more expensive than building a dwelling on the holding. The cost of a dwelling within the area which is not subject to an agricultural occupancy condition does not have to be sustained by the farming enterprise as is the case for an agriculturally tied dwelling on the farm."*

*"Paragraph 3 (v) of the Annex states "Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied" - IAPA considers this is a planning criteria, and it will not affect the agricultural needs of the unit."*

In conclusion the IAPA advised that *"there is no agricultural support for the proposed new dwelling as the holding is currently part-time, and is unable to sustain the cost of the proposed dwelling in the long-term. In addition, there are dwellings in the village of Packington on the market for sale or to rent which are both suitable and available, and capable of fulfilling the existing essential/functional needs of this enterprise."* It has also been stated by the IAPA that *"the projected income for future years on the proposed system of farming is not relevant to an application for a permanent dwelling, as these applications are assessed on past performance, not on budgets and projections which are only accepted in applications for temporary dwellings for temporary periods under paragraph 12(iii) of Annex A to PPS7,"* and that *"I do not accept that a part-time holding which is unable to sustain the cost of the proposed new dwelling can justify a permanent dwelling at this time. I consider the current application is clearly premature, and any agricultural need should be established on the holding for a period of three years, to show the holding to be financially viable, and capable of sustaining the cost of the proposed new dwelling before any application for a permanent dwelling is approved."*

The planning agent has stated that in respect of the particular points raised by the IAPA, namely (i), (ii) and (iv), there are no dwellings within Packington for sale or let which would be commensurate with the needs of the applicant (a four bed dwelling of around 180 square metres) and that the dwelling would be a self-build project which would reduce the cost in comparison to buying an existing dwelling, it is also stated that the dwelling should be within sight and sound of the farmstead. The planning agent also remains of the view that there is a functional need for a full-time worker due to the calculations of the IAPA suggesting that the requirement would be 0.99 of a full-time person (although this is not stated by the IAPA) and 1.11 with the TB isolation unit being established.

Turning to the matter associated with the dwelling being within 'sight and sound' of the holding the IAPA in their most recent correspondence (4th December 2017) has stated that there is no guidance which requires a dwelling to be within 'sight and sound' of the holding with many recent appeal decisions concluding this to be the case. Whilst it is the view of the planning agent that horses are not livestock, and therefore those appeal decisions which have concluded that a dwelling would not be required to be within 'sight and sound' of the holding are not strictly relevant, the IAPA disagrees with this view as often it is demonstrated that there is an essential/functional need for a full-time worker to live on a holding where horses are present. The evidence in this respect is therefore inconclusive but a material consideration in this application is that the applicants would continue to reside on the site and although not necessarily fully engaged in the business in the near future would remain in 'sight and sound' of the holding and therefore in a position to inform the occupant of the proposed dwelling (their son) of any issues which may arise. Modern technology would also allow for the monitoring of livestock within the buildings so that circumstances where livestock may go into labour during periods where the farm worker may not be present on the site could be monitored accordingly. On this basis there is no essential need for the proposed dwelling to be within 'sight and sound'

of the holding.

In respect of potential alternative accommodation for the applicant's son it is considered that on the basis of a Rightmove search on the 19th December 2017 there were 15 4+ bedroom properties for sale in Packington with the cheapest being a 5 bed detached dwelling on Bridge Street, Packington at a cost of £330,000. Information submitted by the planning agent has outlined that no dwelling available in the settlement would meet the needs of the applicant, however, the size of the property on Bridge Street, being around 150 square metres of floor space, would not be significantly smaller than the 180 square metre floor area of the proposed property. In any event it is the conclusion of the IAPA that there is no industry standard for a dwelling for a farm worker with an assessment being based on that which the farming enterprise can sustain. Although accepting that the cost of an existing dwelling would be more significant than that of a new build, including one which may be self built, it is the circumstances that any new dwelling would need to be funded by the farming enterprise whereas any existing property could be funded by equity from the applicant and in this respect the information from the planning agent would suggest equity available to the applicant, and his son, would be in excess of £430,000 which would therefore allow for the purchase of an existing property within Packington.

In assessing the information, including the additional details, which have been submitted it is now concluded that there is a functional need for a full-time agricultural worker in connection with the holding given that the IAPA has indicated that the requirement would be 0.98 of a full-time agricultural worker (excluding the TB isolation unit). No further information has been received from the IAPA to dispute this conclusion. Whilst a functional need is demonstrated it is concluded that there is no requirement for the full-time worker to be within 'sight and sound' of the holding nor is essential that a new dwelling is built to house this worker given the availability of properties within Packington.

In any event the functional need is only one side of the assessment with a financial test also being of importance and in this respect the former PPS 7 stated: *"New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for the purpose, and to provide evidence of the size of a dwelling which the unit can sustain."* Whilst the business has seen a steady increase in profits since 2015 (the start of the financial figures which have been provided) the level of profit would only cover the minimum wage paid to a worker and consequently would not be at a level which would sustain the cost of a dwelling of the scale identified (even as a 'self-build' project) without substantially undermining the viability of the agricultural enterprise. In this respect, and as considered above, the application for a permanent agricultural workers dwelling on the site appears premature. Given such a circumstance it would usually be the case that an applicant would seek a temporary permission for a unit on the site which could be lived in until such time as it was demonstrated that the profits of the enterprise could sustain the cost of a permanent dwelling but no such case has been submitted in this instance. It is, however, noted that the applicant's son has advised that temporary accommodation would not be feasible given that he has three young children one of which has a serious health condition. Whilst sympathetic to this situation, personal circumstances rarely outweigh material planning considerations particularly in the context that the scale of the dwelling proposed to be constructed would currently seriously undermine the viability of the agricultural enterprise. It is also considered that the applicant, and their son, have sufficient equity to purchase a property within the settlement of Packington which would meet their needs and which would not need to be funded by the farming enterprise.

Whilst there is no reference in the adopted Local Plan to self-build dwellings, there is policy support for such dwellings in the NPPF, and also in the Self-Build and Custom Housebuilding

Act 2015, and the Housing and Planning Act 2016. There are currently 62 people on the Council's self-build register with it being noted that the applicants have not registered an interest in such a project. One self-build dwelling has been granted in the Packington area to date. Given the above it is recognised that a self-build dwelling would provide social and economic benefits, although given that only one such dwelling is proposed, these benefits would be limited. Furthermore in the overall economic balance it is considered that the undermining of the farming enterprise in order to fund the construction of the agricultural workers dwelling which could not be sustained by the farming enterprise at this time would not weigh in favour of the development being sustainable and would significantly outweigh the aspect of the dwelling being a self-build project.

On the basis of the above, there is currently no justification for a permanent agricultural workers dwelling on the site and therefore the proposal would not accord with criteria (a) of Policy S3 of the submitted Local Plan or Paragraph 55 of the NPPF.

It would also be important to assess the implications the development would have on the rural landscape and in this respect Paragraph 17 of the NPPF highlights that planning decisions should seek to "*recognise the intrinsic character and beauty of the countryside.*" The environmental role of sustainability should also contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, help to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy. Such sentiments are echoed in Policy S3 of the adopted Local Plan.

The proposed site would be detached from the Limits to Development and comprises an agricultural field which is visually linked with further agricultural land beyond its northern, southern and western boundaries with such boundaries being predominately defined by low level hedges and post and wire fencing (mature trees are also present to the northern boundary). This open and undeveloped environment is considered to be its defining characteristic and therefore contributes positively to the character and appearance of the local landscape. Whilst set in close proximity to the existing agricultural buildings a residential development, combined with its associated infrastructure, would diminish this present open character by urbanising the site and would represent an incongruous encroachment into the rural environment particularly given that the western side of Babelake Street remains largely undeveloped and the development in itself would extend the extent of the current built environment further in a western direction away from the highway. The development would also be prominent when viewed from public footpath O66, set to the north of the site, particularly given the gaps in the boundary vegetation which exist and this would further compound its visual implications to the undeveloped and open nature of the surrounding rural environment.

Whilst the harm identified above could have been outweighed by the need for an agricultural workers dwelling on the site in the absence of any justification for this, as concluded above, the proposal can only be considered as a dwelling with no associated benefits for the purposes of this assessment.

The agent has stated that the applicant has a strong local connection with Packington and therefore the dwelling would meet a 'Local Need', there are no policies within the NPPF or adopted Local Plan which would attach any weight to a potential 'Local Need' for dwellings. As a consequence no consideration is given to this matter in the assessment particularly given the conflict with National and Local Plan policies as set out above.



To conclude, as the site is outside the defined Limits to Development the development would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. Furthermore, as set out above, significant harm would arise from the impact on the rural character and visual amenities of the countryside which would conflict with Policy S3 of the adopted Local Plan as well as a fundamental principle of the NPPF by virtue of its failure to protect or enhance the natural environment. It is also the case that, at this time, the economic viability of the farming enterprise would be significantly compromised by the construction of a dwelling which could not be sustained by the enterprise. The resulting environmental and economic harm from these impacts would significantly and demonstrably outweigh the social and economic benefits associated with the provision of a self-build dwelling. Therefore it is considered, overall, that the proposal does not constitute sustainable development.

### **Impact on the Character and Appearance of the Streetscape and Density**

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1, as well as the Council's Adopted Good Design for NWLDC SPD, but also Paragraphs 57, 60 and 61 of the NPPF.

At present the application site is an open agricultural field with land levels which rise from east to west and south to north. The western side of Babelake Street beyond Barn Farm remains largely undeveloped with the equestrian uses which exist, and only other existing dwelling (no. 43), being contained to the eastern side of the highway. Barn Farm Bungalow and no. 43 Babelake Street both present their principal elevations to the highway but are set at differing proximities to Babelake Street.

Layout was submitted for approval under application reference 17/00284/OUT but as part of the consideration of this application this matter is reserved, as such only the principle of development (as discussed above) and vehicular access (as discussed below) are for consideration.

As outlined above both Barn Farm Bungalow and no. 43 Babelake Street are orientated to address the highway, as would the dwelling to be constructed under application references 16/00612/OUT and 17/00174/REM on the opposite side of Babelake Street, but their proximity to the highway varies. In terms of the application site it would be detached from the highway, given its setting to the west of the existing agricultural buildings, and whilst this is the case it is considered that the differing proximity of dwellings to Babelake Street in the area would ensure that this position would not have a sufficiently detrimental impact on the character and appearance of the streetscape as to warrant a refusal of the application.

In respect of the indicative layout this identifies that the dwelling would be orientated so as to present its principal (front) elevation to the south rather than towards the highway which is the general characteristic of dwellings in the area. Whilst set in close proximity to the agricultural buildings there would appear to be no reason as to why the dwelling could not be orientated in a manner which would be consistent with the established character of the streetscape but as the layout is not for approval at this stage it is considered that such an issue would be addressed in the assessment of any reserved matters application should outline consent be granted.

Application reference 17/00284/OUT was refused on design grounds on the basis that the size of the application site resulted in a density of development which was discordant and incongruous to the character and appearance of the streetscape due to a dwelling appearing cramped and constrained in relation to the spaciousness afforded to other properties on Babelake Street. The density of development proposed under application reference

17/00284/OUT was 20 dwellings per hectare, based on the site area of 0.05 hectares, and it is now proposed that the site area would be 0.12 hectares which would result in a density of development of 8.3 dwellings per hectare. It was outlined in the Committee report associated with 17/00284/OUT that Barn Farm Bungalow has a density of 10 dwellings per hectare, no. 43 Babelake Street has a density of 14.3 dwellings and the new dwelling on the eastern side of Babelake Street (permitted under application references 16/00612/OUT and 17/00174/REM) has a density of 5.2 dwellings per hectare. On the basis of the density now proposed it is considered that any dwelling progressed at the reserved matters stage, should outline permission be granted, would integrate into the environment in which it is set due to the spaciousness afforded to the plot.

With regards to the appearance of the dwelling this would be agreed at the reserved matters stage, should outline permission be granted, and at this point an appropriate design could be achieved which would accord with the Council's current design agenda by providing a scheme which responds to the positive characteristics of dwellings within the area.

Notwithstanding the principle objection to this proposal outlined above, it is considered that a suitable layout, scale and appearance of development could be progressed under a reserved matters application which would be compliant with the aims of Policy D1 of the adopted Local Plan as well as Paragraphs 57, 60 and 61 of the NPPF.

### **Accessibility**

The County Highways Authority have raised no objections subject to their standing advice being considered.

The proposed vehicular access is situated on a relatively straight stretch of Babelake Street within a 30mph zone. It was previously outlined, in the consideration of application reference 17/00284/OUT, that the applicant's son is mainly responsible for the running of the farm and at present he has to travel between 2 to 3 times a day from his current residence in Donisthorpe in order to carry out this work. It is intended that the agricultural workers dwelling would house the applicant's son with the applicants remaining in their current property (Barn Farm) and assisting their son with the running of the farm. On this basis it is considered that any additional movements on Babelake Street from the new dwelling would be off-set by the removal of vehicle movements by the applicant's son between the site and Donisthorpe and consequently there would be no significant increase in vehicular movements on Babelake Street which would be considered to be of severe detriment to highway safety.

It is, however, acknowledged that the suitability of the proposal under application reference 16/00612/OUT (on the eastern side of Babelake Street) was on the basis that a condition was imposed to ensure that the dwelling was not severed from the use of the site for the keeping of horses in order to prevent an increase in vehicular movements. Given that the proposal relates to the provision of an agricultural workers dwelling it is considered that a similar condition could be imposed, should outline consent be granted, to tie the proposal to the existing farming operation on the site.

In respect of the access arrangements it is proposed that an existing access to the farmyard and agricultural buildings would be used to serve the dwelling. In order to make the access suitable for the movement of vehicles in connection with the dwelling and farming operation it is considered that there would need to be some alterations to its gradient and its width so as to ensure that vehicles could enter and exit the site in a slow and controlled manner as well as to ensure that vehicles could pass each other clear of the highway. It is considered that

improvements in this respect could be conditioned with the increase in the width not resulting in the provision of an over-engineered access given that it would be unlikely to impact on the existing roadside vegetation. The vehicular access, as it exists, also has a sufficient level of visibility so as to ensure a vehicle could exit the site in a safe manner with the space available within the site ensuring that a vehicle could manoeuvre and exit the site in a forward direction.

On the basis that there would not be a severe impact on highway safety it is considered that the proposal accords with Policy IF4 of the adopted Local Plan and Paragraph 32 of the NPPF.

It is intended that the proposed dwelling would have four bedrooms and consequently it would be expected that a minimum of three off-street parking spaces should be provided. Whilst the indicative site layout plan only shows two off-street parking spaces it is considered that this layout is not for approval at this stage and therefore a relevant condition could be imposed indicating that a minimum of three off-street parking spaces would be required. This matter could then be given further consideration at the reserved matters stage, should outline permission be granted, when the layout was presented. Compliance with Policy IF7 of the adopted Local Plan and Paragraph 39 of the NPPF would therefore be achieved at that stage.

### **Neighbours and Future Occupants Amenities**

An indicative layout plan has been supplied in support of the application which shows that the site is set to the north-west of Barn Farm (which is within the ownership of the applicants).

The indicative layout supplied outlines that the dwelling would be orientated so as to face in a southern direction and that it would be set over 55 metres from the north-western (rear) elevation of Barn Farm. Such a separation distance would ensure that no adverse overbearing or overshadowing impacts would arise to the amenities of Barn Farm. Even if the dwelling was to be orientated in a manner to reflect the design characteristics of the streetscape, i.e. principal (front) elevations faces Babelake Street, it remains the case that it would be not result in any adverse impacts to Barn Farm. The position of windows would be determined under any reserved matters application, should the outline application be supported, when the appearance and scale was known and at that stage it could be ensured that no adverse overlooking impacts would arise to Barn Farm.

In establishing an acceptable relationship with Barn Farm at the reserved matters stage it could also be ensured that the amenities of any future occupants are adequately protected with the separation distance identified above ensuring that no significant impacts are likely to arise in this respect.

The Council's Environmental Protection Team have raised no objections to the application and given the intended use of the dwelling for an agricultural worker, which would be conditioned accordingly on any permission granted, it is considered that any occupant would be familiar with the noise and smells associated with an agricultural operation and as such this relationship would not cause them any significant concern.

Overall, therefore, the development would accord with the principles of Policy D2 of the adopted Local Plan as well as Paragraph 123 of the NPPF.

### **Ecology**

The application site is an agricultural field marked by ridge and furrow. This feature could be used by a European Protected Species (EPS) or national protected species. As EPS may be

affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

The County Council Ecologist has raised no objections as whilst they recognise that the agricultural land may be species rich the application site only relates to a small part of the overall field which lies in close proximity to the existing agricultural buildings and, as such, it is likely to be disturbed on a regular basis which impacts on its ecological value. On this basis the County Council Ecologist advises that a grassland or ecological survey would not be required in support of the application.

It has, however, been advised by the County Council Ecologist that a condition should be imposed to ensure that the hedge to the northern boundary of the site is retained given that it is a native-species hedgerow. The landscaping on the site would be a matter to be assessed at the reserved matters stage and consequently it would be ensured that the hedgerow is maintained as part of the consideration of such an application.

Overall the proposal would accord with Policy En1 of the adopted Local Plan as well as Paragraph 118 of the NPPF and Circular 06/05.

### **Landscaping**

Landscaping on the site is mainly confined to its boundaries and as such it could be ensured at the reserved matters stage that any layout of the development did not impact on the integrity of this existing landscaping. It would also be possible to secure additional planting as part of the landscaping proposals presented at the reserved matters stage should outline permission be granted.

On this basis the proposal would accord with Policies En1 and En3 of the adopted Local Plan.

### **Impact on the River Mease Special Area of Conservation SAC/SSSI**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations and Paragraph 204 of the NPPF.

As the site is over 30 metres from the nearest public sewer and the applicant does not have permission to connect to a nearby private sewer, a package treatment plant is proposed to be utilised in connection with the dwelling which would discharge treated water into soakaways and would be required to be emptied once a year. The existing dwelling is served by a septic tank.

Natural England previously advised, in the consideration of application reference 17/00284/OUT, that the Council should satisfy itself that there would be no harmful discharges of foul or surface water from the site into the River Mease or its tributaries (which includes the

Gilwiskaw Brook). No representation has been received from the Environment Agency but it is noted that they did not object to the application associated with the dwelling constructed on the opposite side of Babelake Street (under application reference 16/00612/OUT) which proposed the use of a septic tank or cess-pool. The management of a package treatment plant would be dealt with by the Environment Agency as the 'competent authority' under the Environmental Permit system. Furthermore none of the Severn Trent Water (STW) treatment works in the SAC catchment area accept foul waste from licensed waste collectors, which STW have previously advised on and this arrangement is to continue in perpetuity. Given the distance from the site to the Gilwiskaw Brook (in excess of 232 metres) it is considered that the effluent discharged from the package treatment plant and any surface water drainage solution would not adversely impact on the SAC/SSSI. A condition could be imposed requiring discharge of surface water to a sustainable drainage system.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

### **Archaeology**

The County Council Archaeologist has raised no objections to the application and does not consider any archaeological investigations will be required. On the basis that archaeology would not act as a constraint on the development the proposal would accord with Policy He1 of the adopted Local Plan as well as Paragraph 141 of the NPPF.

### **Other Matters**

The National Planning Practice Guidance (NPPG) sets out a hierarchy of preferred non-mains drainage solutions; firstly mains sewer, then a package treatment plant and lastly septic tanks, with no reference made to cesspools. The NPPG also advises that non-mains proposals should clearly set out the responsibility and means of operation and management of non-mains drainage systems, and the effects on amenity and traffic should be considered, due to the need for sludge to be removed by tankers, matters which also applicable to cesspools. Withdrawn Circular 03/99 also set out guidance for assessments of non-mains drainage proposals, which provides a useful tool. As identified above the proposed dwelling cannot connect to the mains sewer and consequently the second most preferable non-mains drainage solution (a package treatment plant) has been selected. It is considered that the use of such a system on this site would not set a precedent for non-mains drainage on other sites, given the circumstances, and consequently this solution would be acceptable.

### **Conclusion**

It is considered that there is no agricultural justification for a permanent workers dwelling on the site and therefore compliance with criteria (a) of Policy S3 of the adopted Local Plan would not be achieved. On this basis the proposal can only be considered as a dwelling to which there are no special circumstances attached.

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set, and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment, contrary to the

environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, and Policies S2 and S3 of the adopted Local Plan. Furthermore Policy S2 of the adopted Local Plan identifies that in Packington the limited amount of growth which would take place will be within the Limits to Development. It is also the case that the economic viability of the farming enterprise which is undertaken would be significantly compromised by the construction of a dwelling which could not be sustained by the business at this time. The proposal would therefore not be economically sustainable.

It is therefore recommended that the application be refused.

**RECOMMENDATION - REFUSE, for the following reason;**

- 1 Policy S2 of the adopted North West Leicestershire Local Plan (2017) outlines that whilst Packington is a Sustainable Village the limited amount of growth that is to take place will be within the Limits to Development. Policy S3 of the adopted North West Leicestershire Local Plan (2017) provides a presumption against residential development outside the Limits to Development, unless for special circumstances, with Paragraph 17 of the National Planning Policy Framework (NPPF) indicating that planning should recognise the intrinsic character and beauty of the countryside. Paragraph 7 of the NPPF also defines sustainable development which includes that the planning system needs to perform an environmental role by protecting and enhancing our natural environment and using natural resources prudently, amongst other things as well as an economic role by contributing to building a strong, responsive and competitive economy by, amongst other things, supporting growth and innovation at the right time. The proposed development being on a greenfield site would adversely affect and diminish the present open character of the environment resulting in significant harm to the character and rural appearance in which it would be set and would represent an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would therefore not constitute sustainable development, contrary to the environmental strand enshrined within the NPPF. In addition the development would be contrary to Policies S2 and S3 of the adopted Local Plan (2017) and Paragraph 17 of the NPPF. The proposed agricultural workers dwelling could also not be sustained by the farming enterprise, at this time, and as a result the allowance of the dwelling would seriously undermine the viability of the enterprise contrary to the economic strand of sustainability enshrined within the NPPF. In the absence of any agricultural justification for a dwelling on the site, at this time, the resulting harm from these impacts would significantly and demonstrably outweigh the social and other limited economic benefits, including the provision of a self-built dwelling, and therefore it is considered, overall, that the proposal does not constitute sustainable development.

Erection of one detached, self build dwelling with detached double garage and formation of new access (access and layout included)

Report Item No  
A2

Land Off Redburrow Lane Normanton Road Packington  
Leicestershire

Application Reference  
17/01575/OUT

Applicant:  
Mr And Mrs Keith Goodwin

Date Registered:  
10 October 2017

Case Officer:  
Jenny Davies

Consultation Expiry:  
15 November 2017

Recommendation:  
REFUSE

8 Week Date:  
5 December 2017  
Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

### Call In

The application is brought before Planning Committee as a previous application for a similar form of development on the site was considered by Planning Committee in March 2017.

### Proposal

Outline planning permission (with access and layout included for determination) is sought for the erection of one detached self-build dwelling with detached double garage and formation of new access on land at Redburrow Lane, Packington. The site forms part of a paddock located at the junction of Redburrow Lane and Normanton Road. A new access would be formed onto Redburrow Lane.

### Consultations

One letter of objection and one letter of support have been received. Packington Parish Council objects to the proposal. There are no objections raised by other statutory consultees.

### Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan (2017). The application has also been assessed against the relevant policies in the NPPF and the adopted Local Plan and other relevant guidance.

### Conclusion

In conclusion, a reason for refusal on the basis of the proposal not being socially sustainable could not be justified, and the proposal would not result in any unacceptable impacts on the built or historic environment. There would also be limited social and economic benefits. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of adopted Policy S2, and the proposal is not a form of development permitted in the countryside by adopted Policy S3. Furthermore as set out below, significant harm would arise from impact on the rural character and visual amenities of the countryside which would conflict with adopted Policy S3 and the NPPF. The resulting harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, including the provision of a self-build dwelling, and would not be outweighed by the material consideration of the need for a dwelling on the site in connection with the existing stud use. Therefore it is considered, overall, that the proposal does not constitute sustainable development. It is therefore recommended that planning permission be refused.

## RECOMMENDATION - THAT PLANNING PERMISSION BE REFUSED

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**



## MAIN REPORT

### 1. Proposals and Background

Outline planning permission (with access and layout included for determination) is sought for the erection of one detached self-build dwelling with detached double garage and formation of new access on land at Redburrow Lane, Packington. The site is 0.3 hectares in size and forms part of a paddock located at the junction of Redburrow Lane (to the east) and Normanton Road (to the north). The site is adjoined by paddocks (in the applicants' ownership) to the south, open countryside to the north and east and by the Peveril Homes development for 30 dwellings to the west, which is currently under construction.

A planning application for a similar form of development (with the dwelling located on the north eastern corner of the site, a triple garage rather than a double garage and a stable block for use in connection with the existing stud use) (16/16/00888/OUT) was resolved to be refused at Planning Committee in March 2017 on the following grounds, although it was subsequently withdrawn before the decision notice was issued:

*"Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform an environmental role, including protecting and enhancing our natural environment and using natural resources prudently. Paragraph 17 of the NPPF states that planning decisions should recognise the intrinsic value of the countryside. Policy S3 of the adopted North West Leicestershire Local Plan and Policy S3 of the submitted North West Leicestershire Local Plan provide a presumption against non-essential residential development outside the Limits to Development. Policy S3 of the submitted Local Plan states that land identified as countryside will be protected for the sake of its intrinsic character and beauty. Policy S2 of the submitted Local Plan advises that in villages such as Packington a limited amount of growth will take place within the Limits to Development. The proposal would result in significant harm to the character and rural appearance of the locality and the proposal would appear as an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would not therefore constitute sustainable development, contrary to the environmental strand of sustainability enshrined within the NPPF. In addition, the development would be contrary to Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan".*

The dwelling would be located close to the western and northern boundaries, with the detached garage to the south of the dwelling, close to the western boundary. A new access from Redburrow Lane would be formed (in the same position as on the previous application), which would necessitate the removal of hedgerow, with a driveway laid through the site to provide parking and turning space and access to the garage. A field access to the adjacent paddock to the south would branch off the main access drive. Scale, appearance and landscaping have been reserved for future determination, although an indicative elevation drawing has been submitted. The precise dimensions of the proposal are available to view on the planning file.

The applicants currently operate a stud farm from the site and adjacent paddocks to the south and north off Normanton Road. Information has been provided to justify the proposed dwelling in relation to the stud use which is considered in detail in the assessment section of the report below. In summary the applicants advise that their quiet enjoyment of the stud activities carried out on the site and adjacent fields has been detrimentally affected by the planning decision to allow residential development for 30 dwellings on the adjoining field, due to noise from

construction and noise from use of the dwellings and gardens once they are occupied, causing disturbance to the ponies kept at the site. The applicants also advise that the stud's breeding programme appears to have been affected. Furthermore there is a need for security due to recent break-ins at the site and nearby land and impacts from loose dogs on livestock kept near to the site. The applicants' existing dwelling is too far from the site and the applicants already utilise all their own land to operate the stud. As such the applicant's advise that there is a functional need for a dwelling on the site to supervise the ponies, and that if a dwelling cannot be provided on the site then the stud would cease to operate, resulting in the loss of two jobs and loss of business for local farmers and businesses.

Additional information has also been submitted by the applicants as follows:

- the dwelling has been reduced in size and repositioned closer to the adjacent dwelling in response to concerns raised by Members;
- the dwelling would be self-build and the applicants are on the Council's self-build register;
- the dwelling would incorporate sustainable technology, e.g. ground/air source heat pumps, rainwater harvesting and waste water and filtration centre.

The site lies outside the Limits to Development as identified in the adopted North West Leicestershire Local Plan and lies within the catchment area for the River Mease Special Area of Conservation. A tributary to the River Mease lies approximately 124 metres to the west/north west. Packington House, which is a Grade 2 listed building, lies 262 metres to the north east.

## 2. Publicity

15 Neighbours have been notified.

Site Notice displayed 22 October 2017.

Press Notice published Leicester Mercury 25 October 2017

## 3. Summary of Consultations and Representations Received

### Statutory Consultees

**Packington Parish Council** objects to the application on the following grounds:

*The proposed dwelling is outside the Limits to Development as defined in the North West Leicestershire Local Plan.*

**Leicestershire County Council Ecologist** has no objections subject to conditions.

**The Lead Local Flood Authority** has no comments to make.

**NWLDC Environmental Protection team** has no environmental observations.

No comments have been received from Severn Trent Water by the date of this report. Any comments received will be reported on the Update Sheet.

### Third Party Representations

One letter of representation has been received which objects to the proposal on the following grounds:

- outside Limits to Development and contrary to the development plan;

- contrary to paragraph 55 of the NPPF as no exceptional circumstances associated with the proposal;
- a self-build register indicating a need for self-build plots does not outweigh planning policy;
- adverse impacts on amenity of future residents due to a self-build dwelling being in close proximity to existing dwellings;
- application should be refused as contrary to countryside policy in the Local Plan.

One letter of representation has been received which supports the proposal on the following grounds:

- fair to allow completion of this tranche of land for development as it has been excluded in recent months;
- reduced footprint in keeping with planning requirements;
- dwelling would allow owner to command central position of their valuable ponies;
- impact from fireworks on animals;
- creates no further hazards to road users.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

#### **4. Relevant Planning Policy**

##### **National Planning Policy Framework (NPPF) - March 2012**

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraph 10 (Achieving sustainable development)
- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 17 (Core planning principles)
- Paragraphs 18 and 19 (Economic growth)
- Paragraph 28 (Supporting a prosperous rural economy)
- Paragraphs 32 and 35 (Promoting sustainable transport)
- Paragraphs 47, 49, 50 and 55 (Delivering a wide choice of high quality homes)
- Paragraphs 56, 57, 58, 60, 61 and 64 (Requiring good design)
- Paragraph 69 (Promoting healthy communities)
- Paragraphs 96, 99 and 100 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraphs 109, 112, 118, 119 and 123 (Conserving and enhancing the natural environment)
- Paragraphs 129, 131, 132, 133 and 134 (Conserving and enhancing the historic environment)
- Paragraphs 203, 204 and 206 (Planning conditions and obligations)

##### **Adopted North West Leicestershire Local Plan (2017):**

The North West Leicestershire Local Plan forms the development plan and the following policies of the adopted Local Plan are relevant to this application:

- Policy S1 - Future Housing and Economic Development Needs
- Policy S2 - Settlement Hierarchy
- Policy S3 - Countryside
- Policy D1 - Design of New Development
- Policy D2 - Amenity
- Policy IF1 - Development and Infrastructure
- Policy IF4 - Transport Infrastructure and New Development

Policy IF7 - Parking Provision and New Development  
Policy EN1 - Nature Conservation  
Policy EN2 - River Mease Special Area of Conservation  
Policy EN3 - The National Forest  
Policy HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment  
Policy CC2 - Water - Flood Risk  
Policy CC3 - Water - Sustainable Drainage Systems

**Other Guidance**

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990  
Self-Build and Custom Housebuilding Act 2015  
Housing and Planning Act 2016  
National Planning Practice Guidance 2014  
The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations')  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)  
River Mease Water Quality Management Plan - August 2011  
The River Mease Developer Contributions Scheme (DCS)  
The Community Infrastructure Levy Regulations 2010  
6Cs Design Guide - Leicestershire County Council  
Good Design for North West Leicestershire SPD - April 2017

**5. Assessment**

**Principle of the Development**

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, comprises the adopted North West Leicestershire Local Plan (2017).

The application site lies outside the defined Limits to Development within the adopted Local Plan, with the proposal not being a form of development permitted in the countryside by Policy S3 of the adopted Local Plan. Policy S2 of the Local Plan also advises that in villages such as Packington a limited amount of growth will take place within the Limits to Development. Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirement contained in the adopted Local Plan.

Consideration must also be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

In terms of social sustainability Packington provides a range of day to day facilities, e.g. a primary school, shop, church, village hall, a public house, play area/recreation ground and some small-scale employment sites, and there is a limited hourly public transport service. These services/facilities are within 800-1000m (preferred maximum walking distance) of the site. Ashby-de-la-Zouch is also located approximately 1.5km from the site, where a wider range of

services can be found. To walk to these facilities from the site would involve a route along Redburrow Lane and Normanton Road, including using the junction of both roads. Neither road has a footway or street lighting along the site boundaries although verges are available along both roads. A footway is required to be provided along part of the frontage to the adjacent Peveril Homes site, although this would not extend to the site boundary. Both roads are subject to a 60mph speed limit adjacent to the site, although the 30mph speed limit on Normanton Road is required to be moved closer to the site under the permission for the adjacent Peveril Homes site. An alternative route to the village is also available via a public footpath (located around 330 metres from the site) running from Redburrow Lane to Heather Lane. Whilst Redburrow Lane is single track it has a relatively low traffic flow and a verge is available. Furthermore, there are several public footpaths leading off the road, and the road is used by cyclists/walkers and horse riders from nearby stables.

As such there are some opportunities to walk to the village from the site along a route which is already in use by pedestrians and other non-car users. Therefore in this case, on balance it is considered that occupiers of the dwelling would not necessarily be dependent on the private car. Taking all of these matters into account it is considered that a reason for refusal on the basis of the site not being socially sustainable in terms of access to services/facilities could not be justified in this case (and the previous application was not refused on this basis).

In terms of environmental sustainability the proposal would result in the loss of agricultural land. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The ALC maps indicate that the site falls within Class 3 but do not specify whether the land would fall within a 3a (BMV) or 3b (not BMV) classification.

Whilst the NPPF does not suggest that the release of smaller BMV site is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Therefore given the relatively limited extent of the potential loss of the site (0.3 hectares), it is considered that this is not sufficient to sustain a reason for refusal in this case.

The dwelling is proposed to be used in connection with an existing horse stud that is operated by the applicants from the site and nearby fields. The stud use primarily involves the grazing of horses, and therefore is considered to be an agricultural use for which planning permission is not required.

The applicants advise that the site and adjacent paddocks have been used for stud and breeding purposes for nearly 20 years and during that time there has been no significant disturbance to the ponies. However the applicants state that a dwelling is now required on the site due to noise resulting from construction of the 30 dwellings on the adjacent site causing disruption and disturbance to the ponies kept at the site, which will continue once these dwellings are occupied, from noise generated by use of the dwellings and their gardens. As a consequence there is the potential for the animals to severely injure themselves. Furthermore the applicants advise that the stud's breeding programme appears to have been impacted on by the construction of these dwellings, e.g. mares turned out with the stallion onto the site for the 2017 season are not in foal. The applicants are also concerned that the boundary hedgerow with the new dwellings that has been deliberately kept high as a protective screen forming a shelter for ponies will now be at risk of unauthorised cutting down, thereby exposing the site to greater levels of noise and disturbance. The applicants also advise that there is a need for a presence on the site due to recent break-ins on the site and nearby land, and the likelihood that loose dogs have resulted in death and injuries of livestock on adjacent land (and that foals could

be affected by loose dogs).

The applicants also advise that they are unable to have visual contact with the ponies on the site from their existing dwelling (which they advise is approximately 15 minutes walk away) and so are unable to observe or react quickly to potential problems. Furthermore the applicants advise that the site and adjacent land form over 50% of the land utilised by the stud business, and works as an entity with the applicants' land and stables on Spring Lane, and that they own no other land to which they could re-locate their breeding and stud work.

As such the applicants advise that a dwelling is now required on the site to supervise the ponies over a 24 hour period, the dwelling forms an integral part of the applicants' stud business and there is a functional need for the dwelling on the site.

The applicants also advise that the loss of the fields for stud activities would mean the stud would cease to function, resulting in the loss of two part time jobs, the cessation of purchases of large quantities of fodder from local farmers and other purchases from local businesses and there no longer being a need to employ contractors to carry out work on the site.

If a dwelling is proposed to support a farm or rural business, whilst PPS7 has been cancelled, its Annex is still considered to provide a reasonable basis for an assessment in respect of the issues to be considered for such new dwellings. As greater level of information has been submitted as part of the current application in respect of the reasons why a dwelling is required on the site (than was submitted under the previous application), some weight is attached to the dwelling being essential in connection with the existing stud use for the reasons given by the applicant.

Whilst there is no reference in the adopted Local Plan to self-build dwellings, there is policy support for such dwellings in the NPPF, and also in the Self-Build and Custom Housebuilding Act 2015 and the Housing and Planning Act 2016. There are currently 62 people on the Council's self build register, including the applicants. One self-build dwelling has been granted in the Packington area since September 2016. Given the above it is recognised that a self-build dwelling would provide social and economic benefits, although given that only one such dwelling is proposed, these benefits would be limited in this case. There would also be limited economic benefits which would include local construction jobs, helping to maintain local services in the area and connection to the existing horse stud.

It is considered that the proposal would not result in an 'isolated' dwelling, and as set out in more detail below, would not create any unacceptable impacts on the built or historic environment. There would also be limited social and economic benefits. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of adopted Policy S2, and the proposal is not a form of development permitted in the countryside by adopted Policy S3. Furthermore as set out below, significant harm would arise from impact on the rural character and visual amenities of the countryside which would conflict with adopted Policy S3 and the NPPF. The resulting harm would significantly and demonstrably outweigh the social and economic benefits, including the provision of a self-build dwelling, and would not be outweighed by the material consideration of the need for a dwelling on the site in connection with the existing stud use. Therefore it is considered, overall, that the proposal does not constitute sustainable development.

### **Character and Visual Impact**

The site is outside the Limits to Development under the adopted Local Plan. On this basis the proposal would be assessed against the context of Policy S3 of the adopted Local Plan and

paragraph 17 of the NPPF which requires the planning system to recognise the intrinsic character and beauty of the countryside.

The previous application for one dwelling on the site (16/00888/OUT) was resolved to be refused at Planning Committee in March 2017 on the grounds stated in the proposals section of this report, although it was subsequently withdrawn before the decision notice was issued:

The area is characterised by open fields with trees and hedgerows forming the boundaries, including the site, although it is acknowledged that residential development is under construction on the adjacent site to the west. The proposal would result in the loss of greenfield land within the countryside. It is acknowledged that the site is adjoined by the Limits to Development in the adopted Local Plan, which run along the site's western boundary.

However the site is closely associated with the rural landscape to the north, east and south. As a consequence it contributes positively to the undeveloped nature of the area, which would be its defining characteristic, in particular along Redburrow Lane and on the approach to the village along Normanton Road. A mature hedgerow forms the boundary to the site alongside both roads, which provides screening. Whilst the indicative plans show a two storey dwelling it is noted that a single storey dwelling could be proposed at reserved matters. However it is considered that regardless of the scale of the dwelling, some parts would be visible above the boundary hedgerows, and along with the garage would be visible through the hedgerows in the winter months. Currently the site is well screened from Redburrow Lane. However a new access would be formed, and hedgerow removed to provide the access and visibility splays. Whilst it is acknowledged that a new hedgerow could be planted behind the splays, this would take some time to mature, and a view would be provided through the new access of the development on the site. Whilst the dwelling has been repositioned closer to the adjacent new housing, it would be separate from that site, and would extend development into the open countryside. A new dwelling, and its associated infrastructure, such as the garage and extent of hardsurfacing, would result in the urbanisation of the site which would diminish its present character and contribution to the character and visual amenities of the area, and would be an incongruous encroachment into the rural environment.

An application for eight dwellings on land to the immediate north of the site (which is of a similar character to the application site, with hedgerows forming the boundaries and providing a soft edge to adjacent built up development), at the junction of Normanton Road and Spring Lane (15/01051/OUT), was refused in part on the grounds of being outside the Limits to Development and visual impact on the countryside, and was subsequently dismissed on appeal in July 2017 in part on the grounds of harm to the character and appearance of the countryside.

Therefore it is considered that the proposal would result in significant harm to the character and rural appearance of the locality and the proposal would appear as an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would be contrary to the environmental strand of sustainability set out within the NPPF. As such the development would be contrary to Paragraph 17 of the NPPF and Policy S3 of the adopted Local Plan.

### **Siting and Design**

The proposal would result in a density of three dwellings per hectare. However the NPPF states that authorities should set their own approach to housing density to reflect local circumstances. This density is considered appropriate in this location.

There is variety in the scale and design of the dwellings on the adjacent site and in this part of

the village and the footprint of the dwelling would give an opportunity to reflect local character and distinctiveness. The site could accommodate all of the necessary requirements (private garden, parking/turning space) without being too cramped or resulting in over-development.

Whilst the orientation of the dwelling and garage appear to face into the site, as details of appearance are not included, the dwelling's and garage's detailed design, including opportunities to provide active elevations facing towards the roads, would be considered at the reserved matters stage. As such it is considered that the proposal would not be significantly contrary to the provisions of Policy D1 of the adopted Local Plan and the Council's Good Design SPD.

### **Historic Environment**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess. Reference should also be made to paragraphs 131 and 132 of the NPPF.

Packington House on Spring Lane lies around 262 metres to the north east of the site, which is a Grade 2 listed building. Therefore the impact of the development on the setting of the listed building should be given special regard as required by the 1990 Act. Packington House is a substantial three storey property that is still isolated from the village and largely retains its rural setting. Therefore significant weight is given to preserving the setting of the Grade 2 listed building.

The setting of Packington House is somewhat compromised to the immediate north by the presence of a modern two-storey dwelling but its rural setting survives predominantly to the south and south east, but also to some extent to the west and south west due to the buffer of fields between the listed building and existing development on the edge of the village. There are views towards Packington House from Normanton Road on the approach to the site. However in these views the site would be set apart from Packington House with existing and new development on Spring Lane and on the southern side of Normanton Road forming part of this view, and from within the site vegetation screens views of the listed building. The Conservation Officer raises no objections. Given its distance from Packington House and the intervening screening from vegetation it is considered that the proposal would not adversely impact on the setting of the listed building and therefore complies with the NPPF and Policy HE1 of the adopted Local Plan.

### **Residential Amenities**

The nearest new dwellings on the adjacent Peveril Homes site to the west would be Plots 7 and 8. The dwelling would be at least 12.5 metres from Plot 7, which has no side windows, and its rear garden, and at least 20 metres from Plot 8. The garage would be at least seven metres from Plot 7 and six metres from its garden, and at least 14 metres from Plot 8, with Plot 8's garden being located to the north and west of Plot 8. The hedgerow along the western boundary is understood to be within the applicants' ownership. Any impacts from a garage above single storey could be considered at reserved matters stage as this would be dependent on its detailed design. As such the dwelling and garage are unlikely to adversely impact on the occupiers of Plots 7 and 8 from overlooking, overshadowing or oppressive outlook. Use of the access drive/turning space and construction of the dwelling may result in some noise and disturbance. However it is not unusual for dwellings to be constructed on sites adjacent to existing dwellings, and it would not be reasonable to impose a condition restricting hours of



construction given the scale of the proposal. No objections have been raised in respect of this matter by the Council's Environmental Protection team, and in any case the Council has separate powers under the Environmental Protection Act. Given the submitted information regarding the operation of the stud and the distance from Plots 7 and 8, it is considered unlikely that any impacts would be significant from use of the access drive/parking and turning space. As such the proposal would comply with the provisions of Policy D2 of the adopted Local Plan.

### **Trees and Ecology**

There are trees and hedgerows on and near the site and large areas of grassland nearby, all of which are features that could be used by European Protected Species (EPS) or national protected species. Therefore the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions and to the requirements of the Wildlife and Countryside Act 1981 (as amended).

A survey found no evidence of badger setts or of badgers using the site. The majority of trees and hedgerows would be retained and the loss of hedgerow to form the new access would not significantly impact on the hedgerow wildlife corridor as conditions could be imposed requiring new hedgerow planting behind the proposed visibility splays. Whilst some grassland would be lost, there is other similar habitat adjacent to the site. As such it is considered that protected species would not be adversely affected

A survey of the northern and eastern boundary hedgerows found that whilst both hedgerows are species rich, neither can be identified as 'important' under the Hedgerow Regulations. The County Ecologist requests the imposition of planning conditions requiring the hedgerows to be protected during construction and subsequently retained. Whilst the County Ecologist also requests imposition of a condition relating to new hedgerows, given that landscaping matters are reserved for future consideration, such a condition cannot be imposed at this stage. The dwelling would be located at least five metres from the northern boundary which contains several oak trees, and the largest of these trees is located closest to the dwelling's side elevation. On this basis it is considered that trees and protected species would not be adversely affected by the proposal and the proposal complies with the Habitats Regulations 2010 and Policy EN1 of the submitted Local Plan.

### **Highway Safety**

The access would be in the same position as on the previous application, and would exit onto a 60mph zone on Redburrow Lane. The stretch of Normanton Road fronting the site is also within a 60mph zone. In respect of the previous application, concerns were raised regarding the very poor access from Redburrow Lane onto Normanton Road, particularly as slow horse boxes will be entering a narrow highway with a 60mph speed limit. The Highway Authority previously advised that in respect of a proposal of this nature it can only consider the impact of the new access, rather than the additional traffic using this junction. Furthermore the Highway Authority is aware of the stud use of the land and previously recommended a condition preventing the dwelling/stables from being open to the public or being used for any other business/commercial use, including livery stables.

The Highway Authority previously advised that the northern splay would meet the 6Cs Design Guide requirement for splays of 33 metres in areas where speeds are between 21-25mph (as in this case), although the splay to the south falls slightly short (1.92 metres) of this requirement. However the Highway Authority stated that the vehicle speeds are evidenced to be low, and use of the access is expected to be similar to that associated with a single dwelling. As such, and in accordance with the Manual for Streets (MfS) guidance, the Highway Authority advised that it

would be reasonable for visibility splays to be measured from a two metre set back behind the highway where it is likely visibility achieved could be in excess of 33 metres. The visibility proposed would not therefore be considered unacceptable by the Highway Authority and not to a level where it would be considered that the residual cumulative impact of development was demonstrably severe in accordance with paragraph 32 of the NPPF. Given the above it is considered that a reason for refusal in respect of severe impact on highway safety and non-compliance with Policies IF4 and IF7 of the adopted Local Plan and paragraph 32 of the NPPF could not be justified in this case.

### **River Mease Special Area of Conservation**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC) and a tributary lies approximately 124 metres to the west. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore, an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 advise that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. Both DCS1 and DCS2 are considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations and paragraph 204 of the NPPF. There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

The application proposes a cesspool (sealed tank that does not discharge into the ground and needs to be emptied of waste) with a capacity of 70,000 litres to deal with foul drainage discharge (as per the previous application).

In respect of the previous application Natural England advised that the Council should ensure that there would be no harmful discharges of foul or surface water from the site into the River Mease or its tributaries, and the Environment Agency had no objections and made no comments in respect of impact on the SAC. None of the Severn Trent Water (STW) treatment works in the SAC catchment area accept foul waste from licensed waste collectors, which STW has confirmed, and advises that this arrangement will continue in perpetuity. As the foul waste from the site would not be emptied within the SAC catchment area or discharge into the watercourse, there is not a requirement for a contribution under DCS2. A condition could be imposed requiring discharge of surface water to a sustainable drainage system. Therefore in this case, given the lack of objection from the Environment Agency and Natural England, the distance from the SAC tributary and intervening development, that the cesspool is a sealed tank, that waste would not be disposed of in the SAC catchment and that a condition could be imposed requiring submission of a management/maintenance scheme for the cesspool, it is considered that use of a cesspool, along with surface water discharge from the site, would not adversely impact on the SAC/SSSI.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

**Other Matters**

As noted above, the Environment Agency previously had no objections, although it commented that it does not accept the promotion or proliferation of cesspools as a viable long term sewerage option other than in exceptional circumstances. The National Planning Practice Guidance (NPPG) sets out a hierarchy of preferred non-mains drainage solutions; firstly mains sewer, then a package treatment plant and lastly septic tanks, with no reference made to cesspools.

The NPPG also advises that non-mains proposals should clearly set out the responsibility and means of operation and management of non-mains drainage systems, and the effects on amenity and traffic should be considered, due to the need for sludge to be removed by tankers, matters which also applicable to cesspools. Withdrawn Circular 03/99 also set out guidance for assessments of non-mains drainage proposals, which provides a useful tool.

It is considered that it would be difficult to connect to the mains sewer given the distance away (120 metres). As the tank would be constructed alongside the dwelling it would not result in significant additional construction work. Furthermore journeys made to and from the property by tanker are unlikely to be no more significant in terms of fuel consumption and CO2 emissions than journeys made by refuse collection lorries, in particular in remote locations, and by lorries/tankers providing gas/oil to dwellings in parts of the District which do not have mains gas. Given the distance from Plots 7 and 8 on the adjacent site, and that the Council's Environmental Protection team has not raised any objections, it is considered that the cesspool would not result in significant impact on the amenity of nearby residents. It is also considered that suitable access could be provided to the site for a tanker. It is also considered that use of a cesspool on this site would not set a precedent for non-mains drainage on other sites as all such proposals would be assessed on their own merits.

It is acknowledged that cesspools are generally not considered to be a suitable non-mains drainage alternative. However in this case given the lack of objection from the Environment Agency and the matters set out above it is considered that a reason for refusal in respect of use of a cesspool could not be justified in this case.

**Conclusion**

In conclusion, a reason for refusal on the basis of the proposal not being socially sustainable could not be justified, and the proposal would not result in any unacceptable impacts on the built or historic environment. There would also be limited social and economic benefits. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of adopted Policy S2, and the proposal is not a form of development permitted in the countryside by adopted Policy S3. Furthermore as set out below, significant harm would arise from impact on the rural character and visual amenities of the countryside which would conflict with adopted Policy S3 and the NPPF. The resulting harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, including the provision of a self-build dwelling, and would not be outweighed by the material consideration of the need for a dwelling on the site in connection with the existing stud use. Therefore it is considered, overall, that the proposal does not constitute sustainable development. It is therefore recommended that planning permission be refused.

**RECOMMENDATION, REFUSE for the following reason:**

- 1 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform an environmental role, including protecting and enhancing our natural environment and using natural resources prudently. Paragraph 17 of the NPPF states that planning decisions should recognise the intrinsic value of the countryside. Policy S2 of the adopted North West Leicestershire Local Plan (2017) advises that in villages such as Packington a limited amount of growth will take place within the Limits to Development. Policy S3 of the adopted Local Plan (2017) sets out the types of development that will be supported outside the Limits to Development and also requires the appearance and the character of the landscape to be safeguarded and enhanced. As the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the adopted Local Plan (2017). The proposal is not a form of development permitted in the countryside under Policy S3 of the adopted Local Plan (2017). The proposal would also result in significant harm to the character and rural appearance of the locality and would appear as an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment, and would be contrary to Paragraphs 7 and 17 of the NPPF and Policy S3 of the adopted Local Plan (2017). The resulting harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, including the provision of a self-build dwelling, and would not be outweighed by the material consideration of the need for a dwelling on the site in connection with the existing stud use. Therefore it is considered, overall, that the proposal does not constitute sustainable development.

Erection of 166 dwellings with associated public open space, infrastructure and National Forest planting (Reserved matters to outline planning permission reference number 17/00423/VCUM)

Report Item No  
A3

Land Off Greenhill Road Coalville Leicestershire

Application Reference  
17/01326/REMM

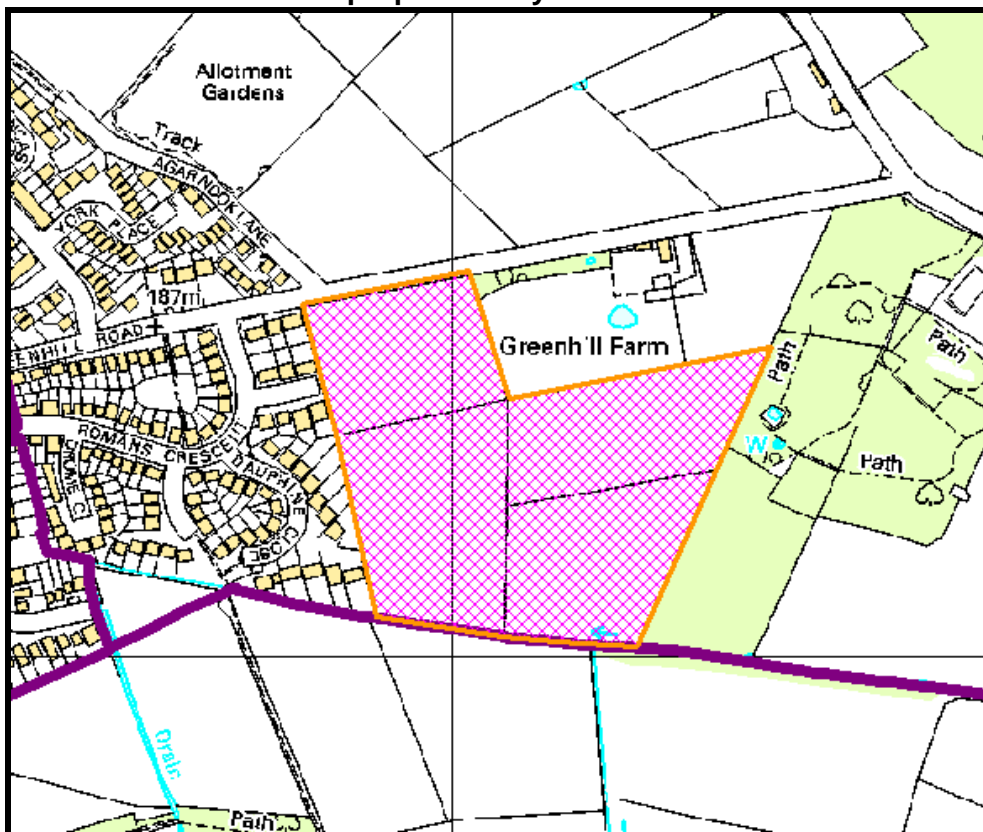
Applicant:  
Mrs Amy Gilliver

Date Registered:  
21 September 2017  
Consultation Expiry:  
22 November 2017  
8 Week Date:  
21 December 2017  
Extension of Time:  
None Agreed

Case Officer:  
James Knightley

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

The application is called in to Planning Committee by Councillor Wyatt on the basis that the scheme would have a greater impact on the local community than that as approved under the outline planning permission.

### **Proposal**

This is a reserved matters application for the erection of 166 dwellings submitted pursuant to an outline planning permission for up to 180 dwellings and associated development originally permitted on appeal.

### **Consultations**

Members will see from the main report below that objections have been received from a number of third parties in respect of the proposals; no objections have been received from statutory consultees.

### **Planning Policy**

The application site is within Limits to Development as defined within the adopted North West Leicestershire Local Plan.

### **Conclusion**

The report below concludes that, insofar as the matters to be determined under this reserved matters application are concerned, the scheme is acceptable in terms of, amongst others, design and residential amenity, and meets the requirements of relevant District Council policies, including the adopted Good design for North West Leicestershire SPD.

## **RECOMMENDATION:-**

### **PERMIT, SUBJECT TO CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

In January 2016, outline planning permission was granted on appeal for up to 180 dwellings, including a retail unit, access and associated infrastructure (appeal ref. APP/G2435/W/15/3005052; Local Planning Authority ref. 14/00614/OUTM). In August 2017, a Section 73 application to "vary" a condition attached to the original outline planning permission relating to the approved illustrative development framework plan was granted (ref. 17/00423/VCUM).

This is a reserved matters application submitted in respect of that Section 73 outline planning permission, proposing the erection of 166 dwellings and associated works on the site. The outline planning permissions included details of the site's proposed vehicular access from Greenhill Road; the current reserved matters application relates to all of the previously reserved matters, including those access matters not covered at the outline stage (i.e. including pedestrian access and the vehicular routes *through* the site), together with appearance, landscaping, layout and scale.

### 2. Publicity

32 neighbours have been notified.  
 Site Notice displayed 27 September 2017.  
 Press Notice published Leicester Mercury 4 October 2017.

### 3. Summary of Consultations and Representations Received

**Leicestershire and Rutland Wildlife Trust** objects on the basis that a 10m buffer strip to the site boundary has not been included

**Leicestershire County Council Ecologist** has no objections

**Leicestershire County Council Highway Authority** final comments awaited

**Leicestershire Police** has no objections

**National Forest Company** requests additional information in respect of the proposed on-plot landscaping, requests that consideration be given to placing Tree Preservation Orders on retained trees and suggests that the proposed children's play area be of "natural" play approach / design.

#### Third Party Representations

22 representations have been received, objecting on the following grounds:

- Insufficient detail
- Loss of view
- Overlooking / loss of privacy / impact of levels differences
- Flooding / drainage issues
- Surface water attenuation area not sufficient

- Surface water attenuation area unsafe (risk of drowning etc.) and should be fenced off
- Adverse impact on setting of Abbot's Oak
- Traffic noise
- Unsafe vehicular access
- Traffic congestion
- Insufficient car parking
- Loss of wildlife / biodiversity
- Proposed pedestrian link to Jacquemart Close inappropriate and unnecessary
- Disturbance / anti-social behaviour / criminal activity associated with proposed use of proposed drainage attenuation area as public open space
- More robust boundary treatment / more substantial buffer planting between existing properties and the development is required
- Public open space needs to be maintained
- Proposed buffer planting will reduce surveillance
- Proposed houses could be sub-let / used for multiple occupancy
- Future extensions could overlook neighbours
- Future tree planting by occupiers should be limited to prevent loss of views
- Loss of a greenfield site
- Insufficient infrastructure (including education and medical facilities)
- Loss of dog walking facilities
- Removal of proposed shop unit from scheme would be inappropriate as nearest alternative is not within walking distance
- Intrusion from vehicle headlights
- Increased risk of crime
- Increased dog walkers / mess
- Litter
- Plans unclear
- Contrary to NPPF, Local Plan and SPD policies

#### **4. Relevant Planning Policy**

##### **National Policies**

###### *National Planning Policy Framework*

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraph 50 (Delivering a wide choice of high quality homes)

Paragraph 57 (Requiring good design)

Paragraph 61 (Requiring good design)

Paragraph 203 (Planning conditions and obligations)

##### **Adopted North West Leicestershire Local Plan (2007)**

The application site lies within Limits to Development as defined in the adopted Local Plan. The following adopted Local Plan policies are considered relevant to the determination of this reserved matters application:

Policy D1 - Design of new development

Policy D2 - Amenity



Policy H6 - House types and mix  
 Policy IF7 - Parking provision and new development

**Other Policies**

North West Leicestershire District Council Play Area Design Guidance SPG

Good design for North West Leicestershire SPD

6Cs Design Guide (Leicestershire County Council)

**5. Assessment**

**Principle of Development**

The principle of development on this site for residential purposes was established by the grant of the original outline planning permission in January 2016 and, as a submission for reserved matters approval, therefore, the present application essentially seeks agreement of details in respect of the access (save in respect of the proposed vehicular access from Greenhill Road), appearance, landscaping, layout and scale. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development and associated issues (e.g. the suitability of the site generally for residential development, and the impacts of the development on the wider highway network) are not relevant to this application.

**Urban Form, Design and Site Layout**

The need for good design in new residential development is outlined in the national and local policies as set out above. The application has been the subject of extensive discussions and amendment both prior to submission of the application and during its determination, with concerns having been raised in respect of a range of issues, including site layout and elevational appearance.

The scheme as amended is essentially landscape-led in terms of its design rationale; the revised layouts show tree-lined roads to the principal routes through the site, with greatest intensity of tree planting along the primary routes so as to assist in terms of legibility (i.e. by indicating what the main routes through the site are). It is considered that use of a landscape-led design approach would be an appropriate means of introducing character into the scheme (and particularly so in this National Forest location). Provision of strong frontage boundary treatment (including hedgerows to be maintained by the site's management company and rebuilt stone walls) would also, it is considered, serve to reinforce the development's character.

The outline planning permission was subject to a condition requiring the approval of a Design Code (essentially establishing a set of design "rules" with which subsequent reserved matters applications must comply); a Design Code was subsequently submitted and approved under that condition which, it was considered, met the design requirements of the District Council in terms of compliance with Building for Life 12 and the District Council's Good design for North West Leicestershire SPD. The District Council's Urban Designer notes that, as the proposed scheme complies with the Design Code (which itself was written to be consistent with Building for Life 12), subject to the attachment of conditions relating to details, materials, boundary treatments (including any retaining structures) and open space design, the design of the scheme would perform positively against Building for Life 12 and would be acceptable.

In terms of housing mix issues, Policy H6 of the adopted Local Plan requires a mix of housing types, size and tenure to meet the identified needs of the community. Whilst tenure is in effect addressed by the existing Section 106 obligations to secure 20% affordable housing, Policy H6 refers to the need to have regard to the most recent Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

<i>Tenure</i>	<i>No. of Bedrooms (% of each tenure type)</i>				
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	
Market		0-10	30-40	45-55	10-20
Affordable		30-35	35-40	25-30	5-10

The submitted scheme proposes the following (%):

<i>Tenure</i>	<i>No. of Bedrooms</i>			
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
Market	-	3	42	54
Affordable	42	39	18	-

On this basis, it is considered that, whilst the proposed affordable housing would appear to tally fairly well with the HEDNA's suggested mix, the market housing would be weighted more towards larger units than as suggested in the HEDNA (although it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy). Policy H6 also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows) which are not provided in this instance. Overall in terms of housing mix, therefore, the scheme as proposed would not appear to perform particularly well against the criteria in Policy H6. However, it is noted that recent Inspectors' decisions elsewhere in respect of housing mix have indicated that reserved matters applications cannot normally be used to secure a specific mix of house types (i.e. as housing mix is not, in itself, a reserved matter). It is also considered that, in this case, given that the approved outline scheme allows for up to 180 dwellings to be erected (and given that developers tend to work in terms of total floorspace rather than numbers of dwellings), any reconfiguration of the mix to include for a greater number of smaller dwellings would be likely to result in an increase in the overall number of units proposed.

Insofar as the proposed affordable housing mix is concerned, this is a matter over which greater control is available at this stage as the provisions of the Section 106 obligation require a scheme to be agreed (and including any relevant details submitted as part of any reserved matters application); whilst details such as when the affordable units would be delivered and the arrangements for the transfer to a Registered Provider would still need to be agreed separately under the provisions of the Section 106 obligation, the reserved matters includes the details of the location of the units and their design etc. The District Council's Affordable Housing Enabler had requested amendments to the proposed affordable housing mix, raising concern in particular over the provision of too many one bed units. However, the applicant is not willing to amend the scheme in this regard and, whilst the mix proposed does not fully reflect the identified needs in this part of the District, the Affordable Housing Enabler accepts (as noted above) that the proposed affordable mix is reasonably well matched to the more generalised HEDNA needs, and raises no objections.

### Highway Safety and Access Issues

As set out above, the proposed means of vehicular access to the site was secured under the outline planning permission. The internal layout proposed includes a principal tree-lined estate road serving a number of smaller lanes and culs-de-sac. A number of concerns were raised by the County Highway Authority in respect of the originally submitted scheme, principally in respect of compliance with the County Council's standards for adoption.

The applicant has amended the scheme in order to seek to overcome the County Highway Authority's concerns and, at the time of preparing this report, the County Council's updated response was awaited (although it is understood from the County Council that its principal issues of concern remain in respect of issues associated with adoption standards rather than highway safety per se); any further comments will be reported on the Update Sheet. Regardless, however, the applicant has now confirmed that it would be its intention to maintain the estate roads under a management company if the County Council did not wish to adopt the roads as currently proposed; if this was the case, then there would appear to be no reason why the County Council's standards for adoption would need to be met. Whilst the County Highway Authority will normally advise on (amongst others) whether its standards for adoption will be met, this is on the assumption that the developer will wish to offer the larger roads within a scheme to the County Council to adopt. The applicant draws attention to the 6Cs Design Guide which sets out the criteria for roads intended to be maintained privately (and including the requirement for making adequate provision for future maintenance and indemnifying the County Council against future requests under Section 37 of the Highways Act 1980 to adopt the private roads). Whether or not the developer would be prepared to indemnify Leicestershire County Council against future requests to adopt would not appear to be directly relevant to the planning merits (and would, rather, be a matter between the developer and the County Council), but the applicant nevertheless confirms that it would be willing to do this. Insofar as the *planning* merits are concerned, there would appear to be no reason (e.g. in highway safety terms) why this arrangement would be unacceptable, subject to an appropriate maintenance regime (i.e. via a management company) and unfettered public access along the routes through the site being secured.

Insofar as car parking is concerned, the proposed dwellings would meet the parking requirements set out in the District Council's Good design for North West Leicestershire SPD, including having a minimum of two off-street surface car parking spaces for two and three bed dwellings, and a minimum of three spaces in total in the case of four bed dwellings (i.e. including garage spaces meeting the minimum dimensions necessary to "qualify" as a parking space as set out in Leicestershire County Council's 6Cs Design Guide). One bed dwellings would be provided with a single space; this also has the potential to comply with the Good design for North West Leicestershire SPD's requirements in respect of single occupancy dwellings (the level of occupancy of which can be enforced in the case of dwellings to be managed by a Registered Provider).

The outline planning permission is subject to a condition (Condition 24) which requires that the first reserved matters application be accompanied by details to demonstrate that the proposed development would be suitable for bus services to be routed through it, and details of bus tracking showing a potential route into and back out of the site have been provided. Whether or not a bus service operator would wish to run a service through the estate is a different matter, but the submitted details would appear to indicate that it would be technically possible; again, however, the County Highway Authority's comments on this issue are awaited.

Therefore, subject to the various requirements set out above being secured, the proposed

development is considered acceptable in terms of highway safety and access issues.

### **Residential Amenity**

Insofar as this reserved matters application is concerned, it is considered that the principal residential amenity issues would be in respect of the impacts on the future living conditions of residents of both the proposed development and existing nearby properties. In this regard, it is considered that the relationship between the various dwellings (including in terms of scale, siting and positioning of windows etc) is of particular relevance.

In terms of the impacts on neighbouring occupiers, it is noted that there are existing properties adjacent to the western boundaries of the site, with proposed dwellings in the north western part of the site being closest to existing dwellings. Having regard to the existing topography of the site / area, and the need to provide vehicular access through the site, there would be likely to be a levels difference between proposed and existing dwellings (in terms of finished floor levels (FFLs)), with the proposed dwellings at a higher level than the existing ones to the west. However, when taking the extent of proposed separation between existing and proposed dwellings into account (approximately 9m at the closest point (a side-to-side relationship)), it is accepted that, even when having regard to the likely differences in FFLs between existing and proposed dwellings, an unduly adverse impact on neighbours' amenities by way of over-dominance, oppressiveness or loss of light would be unlikely to result. Whilst there are side doors / windows to existing properties to the west facing onto the site, by virtue of the respective levels, the absence of side windows on proposed dwellings nearest to the site boundary and the proposed buffer planting, undue mutual overlooking between existing and proposed dwellings would be considered unlikely.

Whilst adjacent properties towards the south eastern part of the site would not be in close proximity to proposed houses, they would be in the vicinity of public open space; concern has been raised regarding the potential impacts of the siting of this area (including in respect of noise / impacts on residential amenity and potential anti-social behaviour). In terms of the existing situation on site, adjacent properties' gardens are sited generally at a lower level than the application site, with the common boundary marked by a stone wall, and the applicant has sought to engage with neighbours with a view to identifying a suitable boundary treatment following the development, given the need to protect existing residents' amenities whilst providing a suitable form of treatment (visually) from the proposed open space. To this end, and following the receipt of feedback from neighbours, the applicant proposes to retain the existing stone wall as the principal boundary treatment, but also provide a landscaped buffer of between approximately 3 to 5 metres in width on the application site side. Dependent on the precise details of the planting proposed (including species and maturity at planting), it is considered that this would represent a reasonable approach, and would provide for sufficient protection of amenities whilst avoiding the potential adverse visual impact of, say, a 1.8 to 2 metre high close boarded fence sited on the application site side of the existing stone wall. The potential for noise or other disturbance generated by users of the open space cannot be discounted, but there is no reason to suggest that this open space would lead to unusually excessive disturbance. Further assessment of other impacts of the proposed open space is set out in more detail under Trees, Landscaping, Children's Play and Public Open Space below.

### **Trees, Landscaping, Children's Play and Public Open Space**

The original outline application was accompanied by a full arboricultural survey, and all tree implications in respect of the proposed vehicular access from Greenhill Road were considered at that stage (i.e. as that element of access was included for consideration at the outline stage).

Insofar as the remainder of the site is concerned, all trees identified as worthy of retention along the site boundaries are proposed to be retained as part of the development. In terms of the trees within the body of the site, these are fewer in number but, save for two category B trees, any other trees of merit would be retained. Subject to appropriate tree protection being provided to retained trees, therefore, the proposals are considered acceptable in terms of impacts on existing trees.

A significant proportion of the site is proposed to be provided as public open space, including National Forest planting to the Greenhill Road frontage, and to the southern, south eastern and western boundaries of the site, together with two further areas which would accommodate the children's play area and are intended to form part of the site's surface water drainage / SuDS facilities (and as referred to under Residential Amenity above). The detailed scheme for the children's play area itself, together with details of the future management and maintenance of areas of public open space would need to be agreed with the Local Planning Authority separately under the provisions of the Section 106 obligations in due course. Separate obligations in terms of off-site National Forest planting contributions also apply, with a financial contribution required to be made. In terms of the on-site National Forest planting, the National Forest Company is content that the proposals meet the requirement for 0.57ha (as set out within the Section 106 obligation). Concern has been raised by the Leicestershire and Rutland Wildlife Trust over the reduction in the width of the buffer planting to (in some places) less than 10m (albeit generally in accordance with the revised illustrative development framework plan approved under the Section 73 outline planning permission). Whilst the width of these National Forest planting strips is less than 10m in some locations, they are located adjacent to other existing vegetated areas thus meaning that the overall width of planting between new development and other non-planted areas would exceed 10m in any event. As such, it is not considered that this is an issue of particular significance, and a refusal on this matter would not be sustainable on appeal. For her part, the County Ecologist refers to concerns she raised at the time of the original outline application regarding the lack of a buffer adjacent to the properties in the north eastern part of the site, but this section is unchanged from the original scheme approved in principle on appeal, and no objections are raised by the County Ecologist to this application. Whilst a number of objections have been received on ecological grounds, it is noted that the original conditions imposed in order to protect ecological matters remain intact (including provision of further details in respect of mitigation, undertaking of further updated surveys, provision of a biodiversity management plan, and implementation of a construction management plan to prevent damage to the nearby Holly Rock Fields SSSI), and are unaffected by this reserved matters application.

It is noted that the areas of public open space include areas also intended to operate as SuDS measures (and including an attenuation area within the south western part of the site). Drainage design is in effect a matter covered under the outline planning permission (and the details of the site's SuDS are subject of a condition requiring a scheme to be approved prior to commencement of development). Whilst concerns have been raised over the suitability or otherwise of this area to accommodate the amount of surface water necessary, this is not a matter for this reserved matters application, and it will be necessary for the applicant to demonstrate at the appropriate time (i.e. when submitting details under the conditions attached to the outline planning permission) that a suitable scheme of drainage is proposed. Insofar as this reserved matters application is concerned, therefore, the key issue is whether or not the provision of open space (albeit also forming part of the SuDS scheme) in this area of the site is appropriate, and whether it represents a suitable contribution to the scheme's open space and landscaping. In terms of its usability as open space, the central part of the majority of the attenuation area is shown as a relatively shallow gradient grassed area and would normally be a dry, flat space available for public use (but with a steeper basin shown to the south in an area

likely to be "generally damp" and designed to flood occasionally).

In terms of the children's play area (located within the central open space), it is noted that this would be located within a more steeply sloping section of the site. As such, the National Forest Company recommends that the play area scheme be based on a "natural play" approach, taking advantage of the contours to provide grassed banks for climbing / rolling down, tunnels and other changes in level to allow play within the landscape, using timber equipment set amongst imaginative areas of tree planting. Whilst (as set out above), the detailed scheme would need to be agreed separately under the Section 106 obligation, it is considered that the National Forest Company's recommendations would be appropriate in this instance.

Insofar as concerns over anti-social or criminal activity (see Residential Amenity above) is concerned, whilst it is acknowledged that any public space has the potential to be misused, it is not considered that there is any feature in particular regarding this development that would indicate that the proposed areas of open space on the site would be more likely to be misused than any other such area. The two principal open spaces would (in accordance with advice in the District Council's Play Area Design Guidance SPG and Good design for North West Leicestershire SPD) be overlooked by a significant number of dwellings within the scheme, thus reducing the likelihood of misuse. Leicestershire Police has been consulted in respect of the application and raises no objections, with its comments on the proposals primarily being limited to Secured by Design advice.

### **Conclusions**

As set out above, the principle of the development has already been established by way of the outline planning permission, and assessment of this application is therefore limited to the reserved matters.

In terms of those reserved matters issues, it is considered that, subject to the imposition of appropriate conditions to secure the design quality of the scheme and to ensure the protection of neighbours' amenities, the scheme is acceptable, and it is therefore recommended that reserved matters approval be granted.

### **RECOMMENDATION- PERMIT, subject to the following condition(s):**

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (including future maintenance and management)
- 4 Details of hard surfacing
- 5 Materials
- 6 Boundary treatment
- 7 Tree Protection
- 8 Levels

- 9 Pedestrian connection to Jacquemart Close
- 10 Car parking
- 11 External lighting
- 12 Windows, doors, rainwater goods, utility boxes, eaves and verges
- 13 Bin / recycling storage and collection points
- 14 Street name plates
- 15 Retaining walls / structures
- 16 Substations / pumping stations etc.
- 17 Treatment of drainage easement
- 18 Highways (including management, public access and maintenance regime specification if required)
- 19 Affordable housing specification clarification
- 20 Confirmation of house types

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Change of use of dwelling house to a house in multi occupation (HMO) use (sui generis use) and two storey rear extension

Report Item No  
A4

95 Sideley Kegworth Derby Leicestershire DE74 2ER

Application Reference  
17/01379/FUL

Applicant:  
Mr Rafal Kupis

Date Registered:  
18 September 2017  
Consultation Expiry:

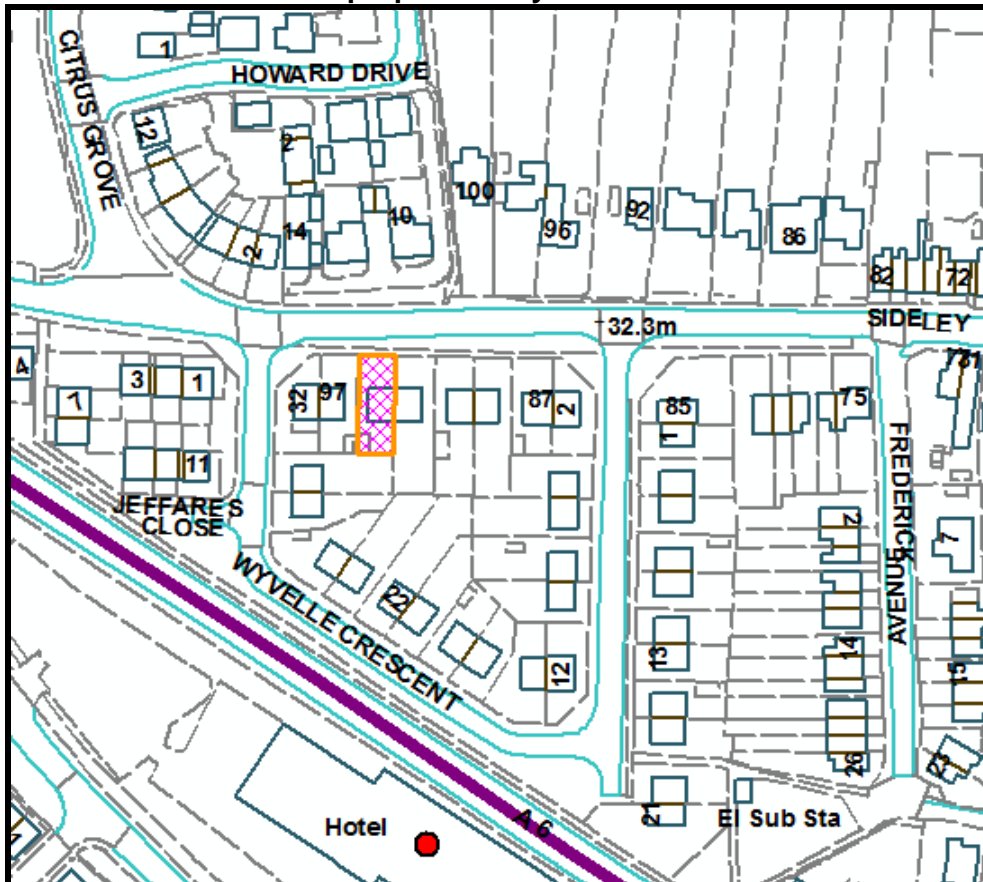
Case Officer:  
Anna Edwards

20 October 2017

Recommendation:  
PERMIT

8 Week Date:  
13 November 2017  
Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is brought to the Planning Committee as the Ward Member (Councillor Alison Smith) has requested it to be considered by Planning Committee with the reasons stated as loss of light to the adjacent semi-detached property, loss of amenity to existing nearby dwellings, intensive use of the plot and parking and highway safety issues.

### Proposal

The application is for the change of use of a dwellinghouse to house in multiple occupation (HMO) use (sui generis use) and two storey rear extension. Following officer concerns regarding the parking provision at the site, an amended parking layout has been received which shows the removal of the front boundary wall and an extension to existing dropped kerb to allow for direct access to 3 No. car parking spaces and also a secure cycle storage shelter with space for 10 No. cycles. Alterations have also been made to the location of windows on the amended plans to address concerns about overlooking.

### Consultations

5 letter of objection have been received. Kegworth Parish Council objects to the proposal. There are no objections raised by other statutory consultees.

### Planning Policy

The site lies within the Limits to Development as identified in the adopted North West Leicestershire Local Plan. The application has been assessed against the relevant policies in the NPPF and the adopted Local Plan and other relevant guidance.

### Conclusion

The site lies within Limits to Development where the principle of this type of development is acceptable. The proposed development would not have an adverse impact on the amenities of neighbours in terms of loss of privacy, noise and disturbance or have a significant overshadowing/overbearing effect and would be acceptable in terms of Policy D2 of the adopted Local Plan and the NPPF. The development by reason of its design and scale would also be in keeping with the locality and the subject property and would be acceptable in terms of Policy D1 of the adopted Local Plan, the Good Design SPD, and the NPPF. Three off street car parking spaces with direct access are provided together with secure cycle parking provision in accordance with Policies IF4 and IF7 of the adopted Local Plan, 6Cs Design Guide and the NPPF.

It is therefore recommended that the application be permitted.

### **RECOMMENDATION - PERMIT, subject to conditions;**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed**

## MAIN REPORT

### 1. Proposals and Background

No. 95 Sideley, Kegworth is a two-storey semi-detached dwellinghouse situated on the southern side of Sideley. The site is located in a residential area and is within the Limits to Development as identified in the adopted Local Plan. Planning permission is sought for the change of use of the dwelling house to a house in multiple occupation (HMO) use (sui generis use) and for a two storey rear extension.

The application has been assessed by an independent highways consultancy during the course of the application given the original parking layout and the nature of the proposal (HMO). Amended plans were sought following this assessment and the submitted plans now show a proposed extension to the existing dropped kerb to allow for direct access to three off street car parking spaces to the property frontage. The access would be formed onto Sideley which is a classified C Road (C8207). Secure cycle parking provision for up to ten cycles would also be provided at the site. Amended plans also show the repositioning of a first floor western side window following officer concerns on overlooking grounds. The window has been moved to prevent direct overlooking of No. 97 Sideley and has been obscurely glazed up to 1.7 metres above floor level.

There is no recent relevant planning history for the property.

### 2. Publicity

5 Neighbours have been notified.  
Site Notice displayed 22 September 2017.

### 3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

**Kegworth Parish Council** - Objection; impact upon amenity, over intensive use of the plot, parking.

**LCC Highways** - The number of car parking spaces meets the requirement of the 6 C's design Guide (3 spaces is the minimum) - No objection raised. Highways have been re-consulted on receipt of an amended parking plan, no further comments have been received at the time of writing this report. Any additional comments will be added to the updates sheet.

**NWLDC Environmental Protection** - The dwelling must meet the standards of the LACORS fire safety guidance. No other environmental observations.

**Severn Trent Water** - Did not respond during the course of the application

#### Third Party Representations:

Five letters of objection have been received which are summarised as follows:

- Amenity of residents; noise and disturbance, loss of privacy, loss of light.
- Design - out of keeping, too large.

- Over development of site - extension to rear.
- Highway safety issues.
- Parking issues.
- HMO's in Kegworth; detrimental impact upon residents - sense of neighbourliness and community.

#### **4. Relevant Planning Policy**

##### **National Planning Policy Framework**

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraph 7, 17 (Achieving sustainable development)
- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 32, 34 (Promoting sustainable transport)
- Paragraph 47, 49 (Delivering a wide choice of high quality homes)
- Paragraph 57, 59, 61 (Requiring good design)

##### **Adopted North West Leicestershire Local Plan (2017)**

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded weight in the determination of this application:

- Policy S2 - Settlement Hierarchy
- Policy D1 - Design of New Development
- Policy D2 - Amenity
- Policy EC5 - East Midlands Airport: Safeguarding
- Policy IF4 - Transport Infrastructure and New Development
- Policy IF7 - Parking Provision and New Development

##### **Other Guidance**

- Good Design for North West Leicestershire SPD
- 6Cs Design Guide (Leicestershire County Council)
- National Planning Practice Guidance

#### **5. Assessment**

##### **Principle of Development**

This application site falls within the defined Limits to Development wherein these type of proposals would be considered acceptable in principle. Therefore the principle issues for consideration are the impacts of the proposed change of use and extension on the amenities of any neighbouring properties, design and highway safety.

##### **Design and impact upon character**

The proposed two storey extension would be located to the rear/southern side of the dwellinghouse and would have a pitched roof. The proposed extension would have a design that would be a subservient addition to the main dwellinghouse. It would be set in from the boundary with No. 93 Sideley by 1.0 metre and the ridge would be dropped to lower than that of the main house. The proposed extension would be finished with matching brickwork to walls, matching roof tiles and matching UPVC windows and doors. These materials would ensure that the extension appears well related to the property and the surrounding area.

It was raised in neighbour letters of objection that the design of the extension is too large and that the proposal would be an over development of the site. The extension will project out from the rear elevation by 3.0 metres and will be lower in height and a lesser width than the existing dwellinghouse. As such, it is considered that the proposed extension has been designed proportionally and subserviently to the main property and is considered to be acceptable in terms of design, scale and appearance. The proposed rear extension will be visible from the street scene when taking in views from the north-west. However, given that the extension would be of appropriate proportions and materials, any impact would not be significant. The proposed cycle storage will be positioned to the side of the dwellinghouse and is considered to be of an appropriate, size, scale and design for its use. It is considered that the proposal would not have a significant impact on the character and appearance of the application site, the streetscape or the surrounding area.

Overall, the proposal is considered to have an acceptable design that would be in keeping with the character and appearance of the existing property and surrounding area. Therefore the proposal is considered to be in accordance with Policy D1 of the adopted Local Plan, the Councils Good Design SPD, and the advice contained within the NPPF.

### **Impact upon Residential Amenities**

Consideration has been given to the impact of the development on surrounding residential properties. Neighbour letters of objection raised the issues of impact upon residential amenity, noise and disturbance, loss of privacy and loss of light. The most immediately affected dwellings would be the two adjacent dwellings, No.93 Sideley a two storey semi-detached dwellinghouse attached to the east of the application site and No.97 Sideley a two storey semi-detached dwelling to the west.

The proposed two storey rear extension will have a limited rear projection and will be set away from the boundary with No. 93 Sideley and the pitched roof will pitch away from the neighbouring properties. Given this, it is considered that the proposal will not give rise to any significant overshadowing or overbearing impacts and it is noted that the extension complies with the 45 degree rule as set out in the Councils Good Design SPD. Views taken from the rear windows of the extension have already been established from the existing rear windows and would not give rise to any new or additional views.

As part of the internal reconfiguration, it is proposed to insert an additional western side window at first floor level. Amended plans were sought in response to officer concerns regarding potential overlooking to the adjacent dwelling, No. 97 Sideley. The subject window was duly repositioned to prevent direct views, obscurely glazed to 1.7 metres above floor level and right hand opening to ensure that it would not give rise to any significant overlooking impact to No.97 Sideley and to ensure that privacy is maintained. It is therefore considered that there would not be any significant overlooking, overbearing or overshadowing impacts to the amenities of No.97 or No.93 Sideley as a result of the proposal.

There is a potential for the intensification of use of the property to have an impact upon the amenities of the adjoining neighbours as the number of occupants at the property would increase as would potential vehicle movements, with a potential for increased noise and disturbance. Highways matters are assessed in the section below. The Council's Environmental Protection team have been consulted on the application and have no observations regarding the proposal. Given that Environmental Protection have no objections, and that the property could be used as a HMO with up to 6 unrelated individuals residing at the property without the requirement of planning permission, any resultant increase to noise and disturbance would not

be to such detriment to warrant refusal of the application on amenity grounds.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy D2 of the adopted Local Plan and the NPPF.

### **Highway considerations**

Due to parking and highway safety concerns raised by the Parish Council and local residents in relation to HMOs in Kegworth generally, the Council commissioned an independent highway advice on parking and access issues. In relation to this application, the Parish Council and neighbouring residents raised objections relating to parking and traffic at the site.

As a result of this independent highways advice, amended plans were received during the course of the application to ensure that all the spaces could be accessed independently (given that HMOs normally consist of unrelated individuals). This was achieved by proposing an extension to the existing dropped kerb arrangement at the site and removal of the existing front boundary wall to allow for direct access to 3 no. off street parking spaces at the site. The amended plans also show provision for secure cycle storage for up to 10 no. cycles which was recommended by the independent highway advice.

The guidance contained in the 6Cs Design Guide indicates that any dwelling with 4 or more bedrooms should provide three parking spaces. The proposal complies with the requirements set out by the advice contained within the document. It is considered that not all the occupants would be reliant on a car and that the site is within reasonable walking distances of a bus stop and local amenities. Whilst limited on street parking may be created it is not considered that severe harm would result from the proposal. County Highways have not objected to the proposal on highway safety grounds and there has been no personal injury collision data for the road with in the last 5 years. As stated above, the application has been considered by an independent highways consultancy and the amended plans have resolved the issued which they originally identified.

Based on the above it is considered that the proposal is acceptable in relation to highway safety matters and is in accordance with adopted Local Plan Policies IF4 and IF7, 6Cs Design Guide and the NPPF.

### **Other matters**

A neighbour letter of objection raised the issue that the amount of HMO's in Kegworth is detrimental, leading to impact upon residents, with a loss of neighbourliness and community. This issue cannot be substantiated and cannot be used as a material planning consideration in the determination of the application.

### **Conclusion**

The site lies within Limits to Development where the principle of this type of development is acceptable. The proposed development would not have an adverse impact on the amenities of neighbours in terms of loss of privacy, noise and disturbance or have a significant overshadowing/overbearing effect and would be acceptable in terms of Policy D2 of the adopted Local Plan and the NPPF. The development by reason of its design and scale would also be in keeping with the locality and the subject property and would be acceptable in terms of Policy D1 of the adopted Local Plan, the Good Design SPD, and the NPPF. Three off street car parking spaces with direct access are provided together with secure cycle parking provision in accordance with Policies IF4 and IF7 of the adopted Local Plan, 6Cs Design Guide and the NPPF.

**RECOMMENDATION - PERMIT subject to the following condition(s):**

- 1 Time limit
- 2 Approved plans
- 3 Matching as specified
- 4 Refuse bin details
- 5 Parking and cycle provision prior to occupation
- 6 Obscure glazing

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Erection of one detached two storey dwelling

Report Item No  
A5

Land At Pitt Lane Coleorton Coalville Leicestershire LE67 8FS

Application Reference  
17/01511/FUL

Applicant:  
Mr George Baxter

Date Registered:  
9 October 2017

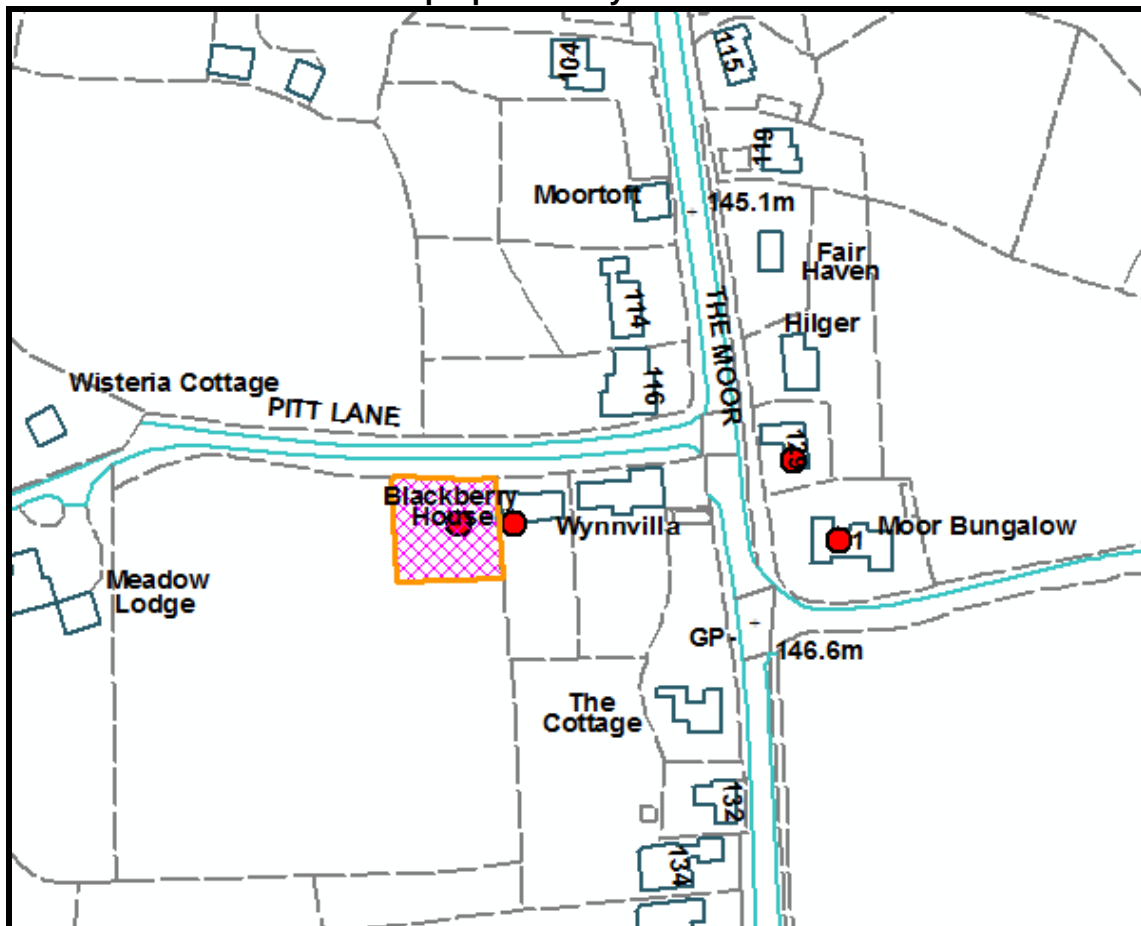
Case Officer:  
Hannah Exley

Consultation Expiry:  
13 December 2017

Recommendation:  
REFUSE

8 Week Date:  
4 December 2017  
Extension of Time:  
12 January 2018

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

The application is brought to the Planning Committee as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to refuse the application have been received.

### **Proposal**

Planning permission is sought for the erection of a detached two-bedroom dwelling (with habitable accommodation in the roofspace) on land to the south of Pitt Lane, Coleorton. Vehicular access into the site would be achieved by a new access located at the eastern end of the site frontage with parking for two vehicles in the site.

### **Consultations**

A total of 28 letters of representation have been received including 2 anonymous letters, 14 of which are supportive of the proposals and 12 raise objections. Coleorton Parish Council raises objection to the proposal and all other statutory consultees have raised no objections.

### **Planning Policy**

The application site is located outside the Limits to Development as defined in the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

### **Conclusion**

The proposal would fulfil the applicant's own 'local need' for a dwelling in Coleorton but would not meet a 'local need for affordable housing'. The proposal would not qualify as an exceptions site for affordable housing under the provisions of Policy H5 of the adopted Local Plan. In the absence of any local or national policy which supports local needs housing, the proposal would fall to be determined under the provisions of Policies S2 and S3 of the adopted Local Plan, and the proposed residential dwelling would not be a form of development permitted by Policies S2 or S3 of the adopted Local Plan (2017). The application would result in the unwarranted development of a greenfield site located outside Limits to Development, not constituting sustainable development, contrary to the policies and intentions of Policies S2, S3 and H5 of the adopted Local Plan (2017) and the advice in the NPPF. It is therefore recommended that the application be refused.

### **RECOMMENDATION:- REFUSE**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of a detached two-bedroom dwelling (with habitable accommodation in the roofspace) on land to the south of Pitt Lane, Coleorton. Vehicular access into the site would be achieved by a new access located at the eastern end of the site frontage and amended plans provided during the course of the application show parking for one vehicle on the driveway and one in the garage.

Amended plans have been provided during the course of the application reducing the number of bedrooms to two and increasing the dimensions of the garage to make it a useable car parking space.

The land is currently scrub grassland and lies immediately to the west of existing residential dwellings (Blackberry House and Wynnvilla) fronting Pitt Lane. Opposite the site on the northern side of Pitt Lane are the large rear gardens of properties fronting The Moor and open fields. The nearest public footpath lies to the north west of the site on the opposite side of Pitt Lane.

The site is located outside the defined Limits to Development, as identified on the Policy Map to the adopted North West Leicestershire Local Plan (2017).

A design and access statement accompanied the application submission. It is identified within the statement that the dwelling proposes to meet a local need:

"The occupants on completion will be the applicant's Mr George Baxter (73) and Mrs Maureen Baxter (72). Mr Baxter is disabled and uses a wheelchair, they currently reside in Coleorton in a property that has had to be converted to Mr Baxter's needs, however, there is no sleeping accommodation on the ground floor and as such is no longer suitable. The proposed dwelling has been designed specifically for Mr and Mrs Baxter's needs with a downstairs bedroom, wet room and enlarged doorways and hallways for easy access use for wheelchairs, as well as an enlarged single garage allowing Mr Baxter to have easy access to a vehicle in bad weather. Additionally, there are upstairs bedrooms allowing for the applicant's grandchildren whom they look after regularly, as Mrs Baxter is still able bodied."

"The proposal is for a new dwelling that both meets a local need highlighted in the 2015 Housing Needs Survey of Coleorton and has a specific end occupant in Mr and Mrs Baxter's. The local need element of the property will be secured by way of a restricted occupation condition that would restrict the market value of the property at 60 percent, which fulfils [Policy S3 of the adopted Local Plan]".

#### **Relevant Planning History:**

A Mr Baxter has previously sought planning permission for a two storey dwelling on the site and this was refused on the grounds that the proposal would result in the unnecessary development of the countryside and harm the rural character and appearance of the locality, be out of character with existing properties in the immediate vicinity of the site to the detriment of the rural character and appearance of the locality and that The Moor is inadequate to cater for the level of traffic associated with the proposed development (01/01465/FUL). The decision was appealed and was dismissed by the Planning Inspectorate.

## 2. Publicity

4 neighbours have been notified.

Site Notice displayed 17 October 2017.

Press Notice published Leicester Mercury 18 October 2017.

## 3. Summary of Consultations and Representations Received

The following summary of representations is provided.

**Coleorton Parish Council** raise objection to the application on the grounds that it is outside the Limits to Development and highway concerns. The Parish Council advise that as the owners of Pitt Lane, they will be seeking an easement fee should the application be approved.

**Severn Trent Water Ltd** - no comments received.

**NWLDC Environmental Protection** has no environmental observations subject to contaminated land conditions.

**NWLDC Housing** advises that the proposal would not qualify as an exceptions site for affordable housing.

**Leicestershire County Council - Ecology** advises that the submitted ecology documents are satisfactory and no further actions or surveys are required.

**Leicestershire County Council - Estates Department** advise that the County Council owns the verges of Pitt Lane and would expect to charge a fee for granting any easement to the applicant if access is required to the proposed dwelling.

### Third Party Representations

A total of 28 letters of representation have been received including 2 anonymous letters.

12 letters have been received raising objection on the following grounds:

- the proposal is outside Limits to Development in an unsustainable location and is contrary to policy;
- the details of distances to services are unreliable and the site is at a distance from services;
- no need for housing when a 5 year supply can be achieved;
- bungalows and retirement homes have been difficult to sell in the area as residents are choosing to move to retirement homes in Coalville and Ashby;
- adverse impact on neighbouring amenities by overlooking;
- adverse impact on the character of the area to the detriment of the countryside;
- the property is not suitable for wheelchair usage due to the small en-suite and upstairs bedroom;
- it is a greenfield site that contributes to the area;
- a number of special needs housing outside limits in unsustainable locations have been approved and this trend should be resisted;
- loss of views;
- an application for a dwelling on the same piece of land for the applicant was refused at dismissed at appeal;
- concern that the proposal would set a precedent for the development of the remainder of the field;
- additional traffic along Pitt Lane;
- a single track lane with poor surfacing, which is used by visitors to Coleorton Woods, is not suitable for the development;
- there is not space within the highway for visitor parking;
- there may be a gas pipeline with legal easement which may have an impact on this development;
- Pitt Lane is not public highway

- the site is agricultural land not overgrown and neglected scrubland;
- the application would not provide an advantage to the local community;
- open spaces and fields should be protected;
- an illegal gateway has been formed on Pitt Lane and this should be enforced;
- there is currently no authorised access to the field as this was closed off when building a new development on the Moor.

14 letters (13 identical and 1 bespoke) have been received stating support for the application on the following grounds:

- a housing need survey identified that there was need for 13 mixed size and tenure properties for local people;
- the applicant is a resident of the village and the proposal would enable him to remain in the village within a dwelling that meets his needs;
- the proposal is being misconstrued locally as a market dwelling when it is an intermediate market dwelling with restrictions on value and occupation;
- affordable housing is acceptable outside limits;
- the proposal relates well to existing development;
- the cumulative highway impacts of the proposal and existing development would not be severe.

#### **4. Relevant Planning Policy**

##### **National Policies**

###### *National Planning Policy Framework*

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraph 7, 17 (Achieving sustainable development)
- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 32, 34 (Promoting sustainable transport)
- Paragraph 47, 49 (Delivering a wide choice of high quality homes)
- Paragraph 57, 59, 61 (Requiring good design)
- Paragraph 109, 118 (Conserving and enhancing the natural environment)

##### **Adopted North West Leicestershire Local Plan (2017)**

The following Local Plan policies are relevant to this application:

- Policy S1 - Future Housing and Economic Development Needs
- Policy S2 - Settlement Hierarchy
- Policy S3 - Countryside
- Policy D1 - Design of New Development
- Policy D2 - Amenity
- Policy En1 - Nature Conservation
- Policy En3 - National Forest
- Policy IF4 - Transport Infrastructure and New Development
- Policy IF7 - Parking Provision and New Development

## Other Guidance

National Planning Practice Guidance - March 2014.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

6Cs Design Guide (Leicestershire County Council)

Good Design for North West Leicestershire SPD.

## 5. Assessment

### Principle of the Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2017).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan (2017) save for limited exceptions as specified in the policy (i.e re-use or adaptation of an existing building or the redevelopment of previously developed land). The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the adopted Local Plan.

In terms of the Council's adopted Local Plan, Policy S2 of the adopted Local Plan contains a settlement hierarchy and this part of Coleorton is specified as a Small Village with very limited services and facilities and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land or affordable housing in accordance with Policy H5 of the adopted Local Plan. The concept of new development being directed to locations that minimise reliance on the private motorcar is also contained within the NPPF. Given the above, it is considered the future occupiers of the dwelling would be heavily reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially and environmentally sustainable.

In respect of this particular application it is noted that the dwelling is proposed to be provided to meet a 'local need' with the need in this circumstance being outlined in the Proposals and Background section of this report. The agent proposes that the local need element of the property will be secured by way of a legal agreement that would restrict occupation and would restrict the market value of the property at 60 percent, which the agent considers makes the proposal affordable housing which is permissible under criterion 2(g) of Policy S3 and Policy H5 of the adopted Local Plan.

Policy H5 deals with rural exceptions sites for affordable housing to meet an identified need which are located outside the Limits to Development. Affordable housing is defined at Annex 2 of the NPPF as "social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision".

Consideration must therefore be given as to whether the proposal would constitute affordable housing, having regard to the above definition and the provisions of Policy H5.

If a household is in a position to meet their own housing needs in the housing market, then they cannot be regarded as an eligible household. Whilst the eligibility criteria is determined by local incomes and local house prices, the definition states that the affordable housing should "remain" at an affordable price which implies that the property should be "affordable" on initial occupation.

The applicant has provided financial information which demonstrates that they are able to fund the building of the proposed dwelling themselves and the applicant would be the end user. The Council's Strategic Housing team has been consulted on the application and advises that the fact that an applicant is in a position to build a property on their own land, would indicate that this would be a market home and would therefore indicate that they are in a position to meet their own housing needs in the housing market. Irrespective of what happens in the future sales of the property (ie at a reduced market rate), it is considered that the proposal could not be regarded as "affordable" initially. Only at some unknown point in the future, when the applicant's or their successors, decide to sell the property would the property be available as intermediate affordable housing.

Policy H5 of the adopted Local Plan sets out the circumstances where Rural Exception Sites for Affordable Housing will be permitted. Amongst others, criteria (1a) requires that the housing is demonstrated to meet an identified local need for affordable housing and criteria 2 requires that conditions/obligations will be required to ensure that all initial and subsequent occupiers of the affordable dwellings will be local people in housing need and benefit from the status of the dwellings as affordable housing in perpetuity.

The "local need" set out in the policy does not relate to local need in isolation, it refers to a local need for affordable housing; with the affordable housing element being the key trigger. Whilst the Strategic Housing Team recognises that this application seeks to meet a local housing need, it does not identify a need for affordable housing nor does it seek to meet the need for affordable housing as identified by the rural housing needs survey (ie 1 bed bungalows, 2 bed bungalows or flats to be provided as rented accommodation through the Council or a Registered Social Housing Provider). Whilst the proposed 2 bed bungalow would meet the property type needed by the applicant, the tenure does not meet that identified in the housing needs survey. As such, if these affordable needs have not been met, then the exception site policy cannot be applied to the proposals.

In addition, the proposal would not comply with criterion 2 of Policy H5, which requires that planning permissions for exceptions sites will be subject to conditions, or a planning obligation to ensure that all 'initial' and subsequent occupiers of the affordable dwellings will be local people in local need and benefit from the status of the dwelling as affordable housing. As detailed above, the initial occupation of the dwelling would be as a market home and only upon future sale of the property would the property be available as an intermediate affordable dwelling.

In summary, the proposal would constitute housing to meet a 'local need' but would not meet a 'local need for affordable housing', and therefore, the proposal would not qualify as an exceptions site for affordable housing. In the absence of any local or national policy which supports local needs housing, the proposal would fall to be determined under the provisions of Policy S3 of the adopted Local Plan, and the proposed residential dwelling would not be a form

of development permitted by Policies S2 or S3 of the adopted Local Plan (2017).

In an attempt to address the above points, the applicant is now advising that the applicant's brother who owns the site would build the property and sell it to the applicant as an intermediate dwelling in order to ensure that the initial occupation was as an affordable dwelling. However, regardless of whether the applicant's brother builds the property, the tenure of the proposed dwelling would not meet that identified in the housing needs survey and the exception site policy cannot be applied. Whilst the applicant may make the argument that the local need for affordable housing has changed since the housing needs survey, it is considered that it would be premature to approve a dwelling in the countryside in advance of a review of the housing needs survey. Furthermore, it is noted that the applicant has not applied to be on the Council's Housing Register and even if they had, they would qualify for sheltered housing only which is accommodation described as group schemes with communal areas for residents to use and therefore, the applicant would not qualify for the intermediate housing which is proposed as part of this application.

With the supporting statement, reference is made to Paragraph 001, associated with Rural Housing, within the Planning Practice Guidance which identifies the following:-

- *"It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements;"*
- *"A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities;"*

Whilst acknowledging the sentiments of the Rural Housing guidance it is considered that although the future occupant of the dwelling could support some local businesses, services and facilities, as well as public transport, the likely contribution of the development to the vitality of the local community as a whole would be very limited given the fact that only one dwelling is proposed. It is also noted that Policies S2 and S3 do provide some opportunities for appropriate residential development in rural areas and that this is informed by a settlement hierarchy which has been developed having regard to the role, functions and sustainability of different settlements. The proposal would not accord with the provisions of Policies S2 and S3 of the adopted Local Plan.

Paragraph 17 of the NPPF outlines that decisions should 'recognise the intrinsic character and beauty of the countryside,' and as such the physical intrusion of the development into the countryside of this type of development would be unwarranted. It could potentially set a precedent for the further expansion of the settlement into the surrounding fields which would be to the further detriment of the rural environment.

Taking this into account it is not considered that the proposal is in accordance with the development plan and cannot be considered to represent sustainable development. Therefore, the application is not considered to be acceptable in principle.

### **Design**

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 but also Paragraphs 57, 60 and 61 of the NPPF.

It is concluded above that the development would result in unwarranted development in the countryside to the detriment of the rural environment and, therefore, does not represent



sustainable development. However, it is also important to assess whether the design, scale and appearance of the dwellings as well as the layout of the scheme would integrate with the character of the development it would be associated with and whether it would maintain the appearance of the streetscape.

Properties in the vicinity are a mix of two-storey and single storey detached properties which largely present their principal elevations to the roads on which they are sited. There is no particular building line for the street owing the limited number of dwellings on Pitt Lane but the houses in the vicinity have a staggered building line.

The proposed dwelling would be of dormer bungalow style and would be set back from the highway a similar distance to the nearest neighbouring property to the east; Blackberry House. The scale and form of the building would not appear inconsistent with the other properties on Pitt Lane or around the junction with The Moor.

Notwithstanding the in principle objection to this proposal outlined above, it is considered that the design, scale and layout of the dwellings would be compliant with the aims of Policy D1 of the adopted Local Plan as well as Paragraphs 57, 60 and 61 of the NPPF.

### **Residential Amenities**

The property that would be most immediately affected by the proposals would be Blackberry House, which is a two-storey dwelling located to the east of the application site. Other dwellings are sited at sufficient distance away in order to prevent any loss of residential amenities. With regard to the impacts upon Blackberry House, the proposal would have a similar alignment to this neighbouring property which has three windows in the side elevation, one being a first floor obscure glazed window serving a bathroom and the second and third being side windows to a dining room and lounge at ground floor level. The proposed dwelling would be sited between 2.5 and 3.5m from the side elevation of this neighbouring dwelling and contains no windows facing this neighbouring property. When having regard to the siting and scale of the proposal and the positioning and nature of windows in the proposed and existing dwellings, it is not considered that there would be any significant overbearing or overshadowing impacts upon or any direct overlooking of Blackberry House. It is considered that the proposal would accord with the provisions of Policy D2 of the adopted Local Plan.

### **Highway Safety**

Pitt Lane provides the access to the site but this is not adopted highway, rather a private drive with the carriageway owned by the Parish Council and the verges owned by the County Council.

The applicant advises that the land benefits from a license with Leicester County Council to access the site and that the Parish Council would request a payment for access to a dwelling from Pitt Lane. Notwithstanding whether the applicant currently has a right of access to the site, this would need to be obtained from both the Parish Council and the County Council in order to implement the scheme.

Nevertheless, the application has to be considered having regard to the provisions of the 6Cs Design Guide and Highways Standing Advice. The proposed vehicular access would accord with the requirements set out in the 6C's Design Guide, with visibility splays being available within land owned by the County Highways Authority. Amended plans have been provided during the course of the application showing two parking spaces (of appropriate dimensions) being available on the driveway and within the garage, which accords with the 6 C's Design Guide. Notwithstanding the concerns about the suitability of Pitt Lane for additional development, the proposal would be provided in accordance with current highway guidance and

it is not considered that one additional dwelling would significantly increase traffic along Pitt Lane. In the circumstances that the proposed development would not impact severely on pedestrian or highway safety it is considered that it would accord with Paragraph 32 of the NPPF, Policies IF4 and IF7 of the adopted Local Plan.

### **Ecology**

The proposals relate to the development of a site with ecological potential and during the course of the application, the County Ecologist has advised that a habitat survey and a badger survey would be required prior to the determination of the application. The required surveys have been provided and conclude that there is no evidence of badgers on the site and that the hedgerows on the site were not species rich. Having reviewed the submitted information, the County Ecologist has advised that the surveys are satisfactory and that no further actions or surveys are required. It is not considered that protected species would be adversely affected by the proposal, which is considered to meet the requirements of the Habitats Regulations 2010 in respect of protected species, and would also comply with Policy En1 of the adopted Local Plan and paragraphs 109 and 118 of the NPPF.

### **Other**

In response to neighbour comments which have not been addressed in the above text, loss of view is not a planning matter that can be taken into account in the determination of the application. As for comments about a gas pipeline with legal easement which may affect the development, there is a gas pipeline to the west of the application site but this would not inhibit the development on the site. However, it is considered that it would be prudent to add an informative advising the applicant of the nearby gas pipe.

The agent has recently advised that the applicant does not own the land and that the incorrect certificate of ownership was provided with the application. The correct certificate B has now been completed and the applicant has served notice on the owner of the land (the applicant's brother). The required notice period expires at midnight on the day of the Planning Committee meeting and details of any representation received as a result of this process will be provided to Members via the update sheet. If any representation is received following committee but within the notification period that is material to the consideration of the application, then the application will be reported back to the following meeting of the Planning Committee.

### **Conclusion**

The proposal would fulfil the applicant's own 'local need' for a dwelling in Coloerton but would not meet a 'local need for affordable housing'. The proposal would not qualify as an exceptions site for affordable housing under the provisions of Policy H5 of the adopted Local Plan. In the absence of any local or national policy which supports local needs housing, the proposal would fall to be determined under the provisions of Policies S2 and S3 of the adopted Local Plan, and the proposed residential dwelling would not be a form of development permitted by Policies S2 or S3 of the adopted Local Plan (2017). The application would result in the unwarranted development of a greenfield site located outside Limits to Development, not constituting sustainable development, contrary to the policies and intentions of Policies S2, S3 and H5 of the adopted Local Plan (2017) and the advice in the NPPF. It is therefore recommended that the application be refused.

**RECOMMENDATION - REFUSE, for the following reason(s):**

- 1 Policy S2 of the adopted Local Plan (2017) contains a settlement hierarchy and this part of Coloerton is specified as a Small Village with very limited services and facilities and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land or affordable housing in accordance with Policy H5 of the adopted Local Plan. The proposed new dwelling on a greenfield site would not meet the requirements for an exceptions site for affordable housing under Policy H5 of the adopted Local Plan and therefore, consideration of the applications falls under Policy S3 of the adopted Local Plan (2017) which does not support residential development on greenfield sites outside Limits to Development. The proposal would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 in the adopted Local Plan (2017) and future occupiers of the dwelling would be heavily reliant upon the private motorcar to access basic day to day needs. Approval of the application would result in the unnecessary development of land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of Policies S2, S3 and H5 of the adopted Local Plan (2017) and the advice in the NPPF.

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Erection of detached dwelling.

Report Item No  
A6

Church View 59 The Moor Coleorton Coalville Leicestershire  
LE67 8GB

Application Reference  
17/01622/FUL

Applicant:  
Mrs C Collier

Date Registered:  
10 November 2017

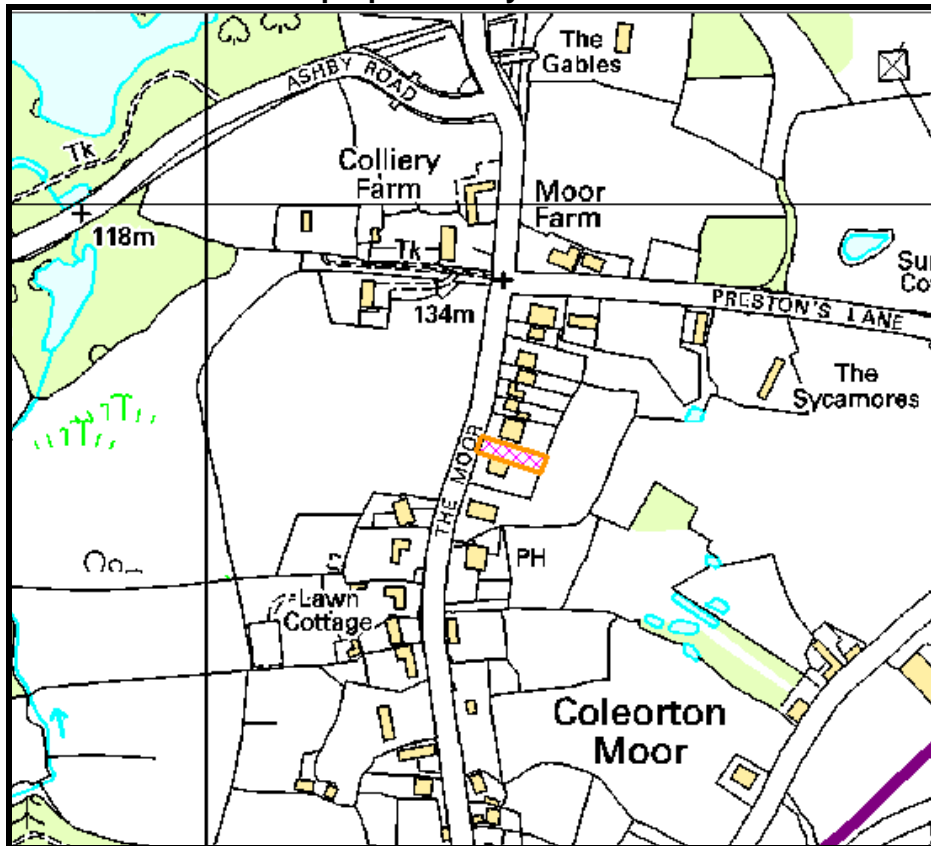
Case Officer:  
Rob Duckworth

Consultation Expiry:  
22 December 2017

Recommendation:  
REFUSE

8 Week Date:  
5 January 2018  
Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is brought to the Planning Committee as the Ward Member (Councillor Boam) has requested it to be considered by Planning Committee if the recommendation is to approve the application owing to the similarities to this application and an application at 30 Ashby Road, Newbold Coleorton (17/01606/FUL) which has also been called to Committee and is reported on this agenda.

### Proposal

The application is for the erection of a dwelling adjacent to 59 The Moor, Coleorton. Access will remain as existing but be shared by the proposed and host dwelling.

### Consultations

A total of two individual representations have been received with one supporting and one objecting to the proposals. Coleorton Parish Council has not made any representations on the proposals. There are no objections from other statutory consultees subject to conditions.

### Planning Policy

The site lies outside the Limits to Development as identified in the North West Leicestershire Local Plan 2017. The application has been assessed against the relevant policies in the NPPF, the Local Plan and other relevant guidance.

### Conclusion

The site is located within the countryside and residential development is not listed as an acceptable use under Policy S3 of the adopted Local Plan 2017. Therefore, the proposal would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 of the adopted Local Plan 2017. Coleorton (the area outside of the defined Limits to Development) is not considered to be a sustainable settlement and occupiers of the dwelling would be reliant upon the private motorcar to access basic day to day needs.

There are no material planning considerations that would outweigh this harm. Accordingly, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable.

Furthermore, a coal mining risk assessment is required and the one submitted is not appropriate. The Coal Authority has objected to the proposal based on the lack of this report which could lead to unacceptable risks from pollution and land instability. The application is unacceptable as the future occupants of the property could be at risk from the legacy of coal mining activity in the area.

It is therefore recommended that the application be refused.

### RECOMMENDATION - REFUSE.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of one detached dwelling adjacent to No.59 The Moor, Coleorton. The plans show a detached, two-bed, dormer bungalow style dwelling of similar footprint size to the host property. The proposed property will have an integral single garage which replaces/converts (to some degree) the detached double garage of the existing host dwelling (which used to be part of the original bungalow on the site - see history). Access to the site is proposed from the existing access off The Moor that will become a shared drive. Three car parking spaces have been provided for both the proposed and host property.

The application site is located outside of the Limits to Development in the adopted Local Plan 2017.

Relevant Planning History:

02/00701/OUT - Erection of one detached single storey dwelling and garage (outline - all matters reserved). Refused

03/00443/FUL - Erection of two storey dwelling and part demolition/conversion of existing bungalow to double garage with room over. Permitted.

### 2. Publicity

2 neighbours have been notified.

Site Notice displayed 1 December 2017.

Press Notice published Leicester Mercury 22 November 2017.

### 3. Summary of Consultations and Representations Received

**Coleorton Parish Council** - No representation received.

**Coal Authority** - Objections related to an inadequate coal mining report.

**Severn Trent** - No representations received.

**LCC Ecology** - No objections and no surveys required.

**NWLDC Environmental Health** - No objections.

**NWLDC Street Management** - No representations received but any comments will be reported on the Update Sheet.

#### Third Party Representations

Three representations have been received from third parties whose comments are summarised as follows although one support letter was anonymous and has been discounted: -

One objection letter:

- Proposed design location and massing inappropriate

- Impacts on neighbour amenity (over shadowing)
- Increased noise and movements to/from the site.

One support letter:

- Complements existing properties and area
- Local Need
- Lack of smaller properties in area
- No loss of amenity
- Add to sustainability of village - through use of services
- Infill development
- Was within the Limits to Development of the Local Plan 2002.

#### **4. Relevant Planning Policy**

##### **National Planning Policy Framework**

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraph 7, 17 (Achieving sustainable development)
- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 32, 34 (Promoting sustainable transport)
- Paragraph 47, 49 (Delivering a wide choice of high quality homes)
- Paragraph 57, 59, 61 (Requiring good design)

##### **North West Leicestershire Local Plan 2017**

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded weight in the determination of this application:

- Policy S2 - Settlement Hierarchy
- Policy S3 - Countryside
- Policy D1 - Design of New Development
- Policy D2 - Amenity
- Policy IF4 - Transport Infrastructure and New Development
- Policy IF7 - Parking Provision and New Development
- Policy En1 - Nature Conservation
- Policy Cc2 - Water - Flood Risk
- Policy Cc3 - Water - Sustainable Drainage Systems

##### **Other Guidance**

- National Planning Practice Guidance (NPPG)
- 6Cs Design Guide (Leicestershire County Council)
- The Good Design SPD

#### **5. Assessment**

##### **Principle and Sustainability**

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2017).



In terms of the Council's adopted Local Plan, Policy S2 contains a settlement hierarchy and Coleorton (the area outside of the defined Limits to Development) is specified as a 'Small Village' with limited services and facilities and where residential development is not supported unless it is a conversion or redevelopment of previously developed land (as defined by the NPPF). The area would be classified as a built-up area but still rural and not supported by any shops or other services other than bus stops (with notably poor service), pubs, and primary school. The concept of new development being directed to locations that minimise reliance on the private motorcar is also contained within the NPPF. Given the above, it is considered the future occupiers of the dwelling would be heavily reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially sustainable.

The site is located within the countryside where residential development is not listed as an acceptable use under Policy S3 of the Local Plan 2017. Therefore, the proposal would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 in the adopted Local Plan.

There is some attempt to suggest that the proposals are a conversion of an existing garage, but the extensive works required to extend and adapt the existing building are tantamount to a complete new build. Whilst there was a bungalow on the site previously which was the donor for the house that exists now and was partly converted to form the garage, the site remained only as a single residential address resulting in no net gain of dwellings. The site is now outside the Limits to Development and the development proposed is precluded in planning policy terms.

The site currently represents part of the residential curtilage associated with the host property, No.59 The Moor, Coleorton. Garden land in built up areas is excluded from the definition of previously developed land set out in the NPPF and therefore effectively constitutes a greenfield site. The NPPF states that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local Planning Authorities should consider the use of policies to resist inappropriate development of residential gardens. As the Council does not have a specific policy that prevents development on gardens, it is deemed that a reason for refusal on the basis of the loss of part of the residential garden could not be justified in this instance.

Taking the policies into account, the proposal is in not in accordance with the development plan and cannot be considered to represent sustainable development. Therefore, the application is not considered to be acceptable in principle.

### **Design**

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 but also Paragraphs 57, 60 and 61 of the NPPF.

There are a variety of dwellings in the vicinity, with a mix of bungalows, two storey, detached and semi-detached with most fronting The Moor. The host property is a detached relatively new dwelling that has been designed in a modern rural style, of which there are several examples in the area.

The proposed dwelling is of a rural dormer bungalow design which is considered acceptable and its scale is such that it bridges the gap between the host property and the adjacent bungalow. The general scale, form, massing and materials proposed would be acceptable for the site and would be appropriate within the street scene.

In terms of wider visual impacts on the countryside, the site is bounded by residential

development and therefore, it is not considered that the development of the site would result in significant harm in this regard.

Therefore, it is considered that the proposed design would comply with Policy D1 of the Local Plan 2017, the NPPF and the Good Design SPD.

### **Neighbours' Amenities**

Based on the location, orientation and design of the proposed dwelling it is considered that there will be some adverse impacts upon the neighbouring properties, No57 The Moor, although there is a very mature, dense coniferous hedge along the entire party boundary. This hedge will result in limited outlook for the occupiers of No.57 and will affect light to some degree. The erection of a new dwelling adjacent will impact on the light to some degree but it is not considered significant enough to warrant a refusal of permission as there will be a 4m gap between the two and this should allow for light penetration.

There is sufficient resultant amenity space for the proposed and the host dwelling and the occupiers of both will be afforded sufficient amenity protection from each other.

The District Council's Environmental Protection team has reviewed the submitted information and has no objections, and it is not considered that the proposal would result in significant adverse impacts on health or quality of life. Accordingly, the requirements under Policy D2 of the Local Plan 2017 are considered to have been met by the scheme and the proposal would not conflict with paragraph 123 of the NPPF.

### **Highway Safety**

Access to the site would be altered by moving it closer to the existing house. This would serve both the host property and the proposed house. A total of three car parking spaces for the existing and proposed dwellings have been proposed which is an acceptable provision for both dwellings and the access arrangements are considered to accord with the 6Cs Design Guide, the LCC Highways Standing Advice and the Good Design SPD.

Overall, the proposal is considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the County Council 6Cs design guidance.

### **Coal**

The Coal Authority have objected to the application on the basis that the Coal Mining Report submitted in support of the application does not constitute a Coal Mining Risk Assessment and, as such, there is inadequate information to assess the potential impact of the development on legacy of coal mining in the area. In the circumstances that it is a requirement of Paragraphs 120 and 121 of the NPPF for the applicant to demonstrate to the Local Planning Authority that the application is safe and suitable for the development, with Paragraph 45 of the NPPG making it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment, it is considered that the potential risks to any inhabitants of the site cannot be adequately assessed and as such the proposal is contrary to the aims of Paragraphs 120 and 121 of the NPPF.

### **Other**

The applicant's agent has, during the course of the application, indicated that the dwelling would be both 'self-build' and a 'local needs' dwelling. There are no policies within the Local Plan 2017 or the NPPF which attach any weight to a potential 'local need' dwelling. In respect of 'self-build' there is policy support for such dwellings in the NPPF but this would not outweigh the substantial conflict with adopted Local Plan and the advice in the NPPF identified above.

**Conclusion**

The site is located within the countryside and residential development is not listed as an acceptable use under Policy S3 of the adopted Local Plan 2017. Therefore, the proposal would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 of the adopted Local Plan 2017. Coleorton (the area outside of the defined Limits to Development) is not considered to be a sustainable settlement and occupiers of the dwelling would be reliant upon the private motorcar to access basic day to day needs.

There are no material planning considerations that would outweigh this harm. Accordingly, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable.

Furthermore, a coal mining risk assessment is required and the one submitted is not appropriate. The Coal Authority has objected to the proposal based on the lack of this report which could lead to unacceptable risks from pollution and land instability. The application is unacceptable as the future occupants of the property could be at risk from the legacy of coal mining activity in the area.

It is therefore recommended that the application be refused.

**RECOMMENDATION - REFUSE, for the following reason:**

- 1 Policy S2 of the Local Plan (2017) contains a settlement hierarchy and this part of Coleorton is specified as a 'Small Village' that has limited services and facilities and where residential development is not supported. Policy S3 of the Local Plan (2017) does not support residential development unless it is a conversion or redevelopment of previously developed land (as defined by the NPPF). The proposal would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 in the Local Plan (2017) and future occupiers of the dwelling would be heavily reliant upon the private motorcar to access basic day to day needs. Approval of the application would result in the unnecessary development of land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of Policy S2 and S3 of the Local Plan (2017) and the advice in the NPPF.
  
- 2 Paragraphs 120 and 121 of the National Planning Policy Framework (NPPF) outline that, amongst other things, planning decisions should prevent unacceptable risks from pollution and land instability to any new development. In the absence of a Coal Mining Risk Assessment it is considered that it cannot be satisfactorily concluded that the future inhabitants of any dwelling on the site would not be at risk from the legacy of coal mining activity in the area and as such to permit the proposal would be contrary to Paragraphs 120 and 121 of the National Planning Policy Framework.

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Erection of detached dwelling with alterations to existing access

Report Item No  
A7

30 Ashby Road Newbold Coalville Leicestershire LE67 8PB

Application Reference  
17/01606/FUL

Applicant:  
Mr T M Holmes

Date Registered:  
20 October 2017

Case Officer:  
Rob Duckworth

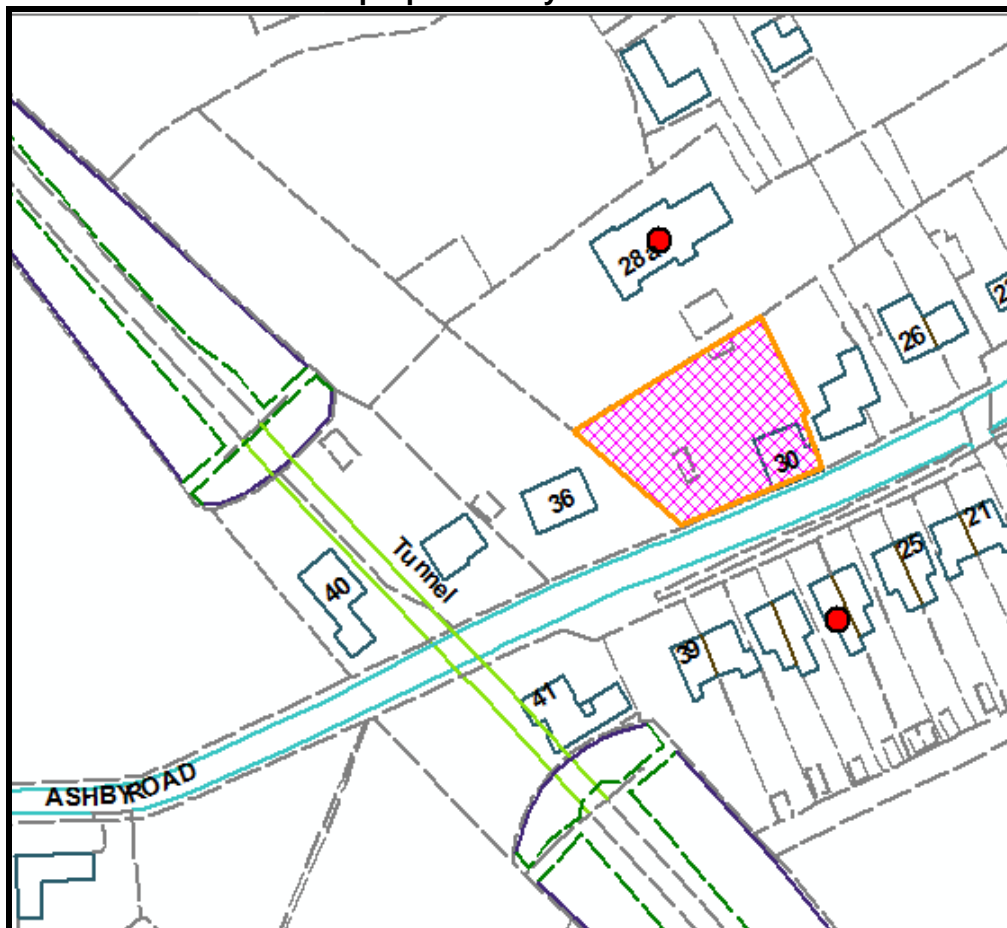
Consultation Expiry:  
18 November 2017

Recommendation:  
REFUSE

8 Week Date:  
15 December 2017

Extension of Time:  
12 January 2018

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application is brought to the Planning Committee at the request of the Local Ward Councillor to assess the suitability of the proposal in the context of Policy S2 of the Council's adopted Local Plan.

### **Proposal**

Planning permission is sought for the erection of one detached dwelling adjacent to No.30 Ashby Road, Newbold. The plans show a detached, two-bed, dormer bungalow of similar footprint size to the host property. Access to the site is proposed from an amended shared drive off Ashby Road.

### **Consultations**

A total of three individual representations have been received which support the proposals. There are no objections from other statutory consultees subject to conditions.

### **Planning Policy**

The site lies outside the Limits to Development as identified in the North West Leicestershire Local Plan 2017. The application has been assessed against the relevant policies in the NPPF, the Local Plan and other relevant guidance.

### **Conclusion**

The site is located within the countryside and residential development is not listed as an acceptable use under Policy S3 of the adopted Local Plan 2017. Therefore, the proposal would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 in the adopted Local Plan 2017. Newbold Coleorton is not considered to be a sustainable settlement and occupiers of the dwelling would be reliant upon the private motorcar to access basic day to day needs.

There are no material planning considerations that would outweigh this harm. Accordingly, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable. Therefore, it is recommended that the application be refused for this reason.

It is therefore recommended that the application be refused.

## **RECOMMENDATION - REFUSE.**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of one detached dwelling adjacent to No.30 Ashby Road, Newbold. The plans show a detached, two-bed, dormer bungalow of similar footprint size to the host property. Access to the site is proposed from an amended shared drive off Ashby Road. Two car parking spaces have been provided for both the proposed and host property.

The application site is located outside of the Limits to Development in the Council's Local Plan 2017.

There is no relevant Planning history for the site.

### 2. Publicity

13 Neighbours have been notified.  
Site Notice displayed 27 October 2017.  
Press Notice published Leicester Mercury 1 November 2017.

### 3. Summary of Consultations and Representations Received

**Worthington Parish Council** - No representation received.

**Severn Trent** - No representations received.

**NWLDC Environmental Health** - No objections.

**NWLDC Environmental Protection / Contamination** - No objections subject to conditions.

#### Third Party Representations

Three representations have been received from third parties which support the proposed development and whose comments are summarised as follows: -

- Supporting local need and affordable housing.
- Suitable for village.
- No amenity issues.
- Well Designed

### 4. Relevant Planning Policy

#### National Planning Policy Framework

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraph 7 (Achieving sustainable development)
- Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 32, 34 (Promoting sustainable transport)  
Paragraph 47, 49 (Delivering a wide choice of high quality homes)  
Paragraph 57, 59, 61 (Requiring good design)

### **North West Leicestershire Local Plan 2017**

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded weight in the determination of this application:

Policy S2 - Settlement Hierarchy  
Policy S3 - Countryside  
Policy D1 - Design of New Development  
Policy D2 - Amenity  
Policy IF4 - Transport Infrastructure and New Development  
Policy IF7 - Parking Provision and New Development  
Policy En1 - Nature Conservation  
Policy Cc2 - Water - Flood Risk  
Policy Cc3 - Water - Sustainable Drainage Systems

### **Other Guidance**

National Planning Practice Guidance (NPPG)  
6Cs Design Guide (Leicestershire County Council)  
The Good Design SPD

## **5. Assessment**

### **Principle and Sustainability**

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2017).

In terms of the Council's adopted Local Plan, Policy S2 of the adopted Local Plan contains a settlement hierarchy and Newbold Coleorton is specified as a 'Small Village' with limited services and facilities and where residential development is not supported unless it is a conversion or redevelopment of previously developed land (as defined by the NPPF). The area would be classified as a built up area but still rural and not supported by any shops or other services other than bus stops (with notably poor service), pub, and primary school. The concept of new development being directed to locations that minimise reliance on the private motorcar is also contained within the NPPF. Given the above, it is considered the future occupiers of the dwelling would be heavily reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially sustainable.

The site is located within the countryside where residential development is not listed as an acceptable use under Policy S3 of the Local Plan 2017. Therefore, the proposal would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 in the adopted Local Plan.

The site currently represents part of the residential curtilage associated with the host property, No.30 Ashby Road, Newbold Coleorton. Garden land in built up areas is excluded from the definition of previously developed land set out in the NPPF and therefore effectively constitutes a greenfield site. The NPPF states that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local Planning Authorities should consider the use of policies to resist inappropriate development of residential gardens. As the Council does not have a specific policy that prevents development on gardens, it is deemed that



a reason for refusal on the basis of the loss of part of the residential garden could not be justified in this instance.

Taking this into account it is not considered that the proposal is in accordance with the development plan and cannot be considered to represent sustainable development. Therefore, the application is not considered to be acceptable in principle.

### **Design**

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 but also Paragraphs 57, 60 and 61 of the NPPF.

There are a variety of dwellings in the vicinity, most being inter or post war style, but there are some more modern additions. The houses are a mix of bungalows, two storey, detached and semi-detached with most fronting Ashby Road. The host property is a detached 19th Century dwelling that has been heavily modified and is noted as being one of few rendered properties along the street. The site is notably different from most on the street as the house is towards the eastern corner with the remainder of the site being a large side and rear garden.

The proposed dwelling is of a rural dormer bungalow design not readily identifiable within the village but acceptable nonetheless. The general scale, form, massing and materials proposed would be acceptable for the site and would be appropriate within the street scene.

In terms of wider visual impacts on the countryside, the site is bounded by residential development and therefore, it is not considered that the development of the site would result in significant harm in this regard.

Therefore, it is considered that the proposed design would comply with Policy D1 of the Local Plan 2017, the NPPF and the Good Design SPD.

### **Neighbours' Amenities**

Based on the location, orientation and design of the proposed dwelling it is considered that there will be no adverse impacts upon neighbouring properties nor for the future occupants. There is sufficient resultant amenity space for the proposed and the host dwelling.

The District Council's Environmental Protection team has reviewed the submitted information and has no objections and it is not considered that the proposal would result in significant adverse impacts on health or quality of life. Accordingly, the requirements under Policy D2 of the Local Plan 2017 are considered to have been met by the scheme and the proposal would not conflict with paragraph 123 of the NPPF.

### **Highway Safety**

Access to the site would be altered by moving it closer to the existing house. This would serve both the host property and the proposed house. A total of four car parking spaces have been proposed which is an acceptable provision for both dwellings and the access arrangements are considered to accord with the 6Cs Design Guide, the LCC Highways Standing Advice and the Good Design SPD.

Overall, the proposal is considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the County Council 6Cs design guidance.

### **Other**

The applicant's agent has, during the course of the application, indicated that the dwelling would

be both 'self-build' and a 'local needs' dwelling. There are no policies within the Local Plan 2017 or the NPPF which attach any weight to a potential 'local need' dwelling. In respect of 'self-build' there is policy support for such dwellings in the NPPF but this would not outweigh the substantial conflict with the adopted Local Plan and the advice in the NPPF identified above.

### **Conclusion**

The site is located within the countryside and residential development is not listed as an acceptable use under Policy S3 of the adopted Local Plan 2017. Therefore, the proposal would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 in the adopted Local Plan 2017. Newbold is not considered to be a sustainable settlement and occupiers of the dwelling would be reliant upon the private motorcar to access basic day to day needs.

There are no material planning considerations that would outweigh this harm. Accordingly, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable. Therefore, it is recommended that the application be refused for this reason.

### **RECOMMENDATION - REFUSE, for the following reason:**

- 1 Policy S2 of the Local Plan (2017) contains a settlement hierarchy and Newbold Coleorton is specified as a 'Small Village' that has limited services and facilities and where residential development is not supported. Policy S3 of the Local Plan (2017) does not support residential development unless it is a conversion or redevelopment of previously developed land (as defined by the NPPF). The proposal would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 in the Local Plan (2017) and future occupiers of the dwelling would be heavily reliant upon the private motorcar to access basic day to day needs. Approval of the application would result in the unnecessary development of land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of Policy S2 and S3 of the Local Plan (2017) and the advice in the NPPF.

Erection of a detached 3 bed dwelling (resubmission)

Report Item No  
A8

Land Adjacent To 51 The Green Long Whatton Leicestershire  
LE12 5DA

Application Reference  
17/01661/FUL

Applicant:  
Mr Richard Waldron

Date Registered:  
1 November 2017

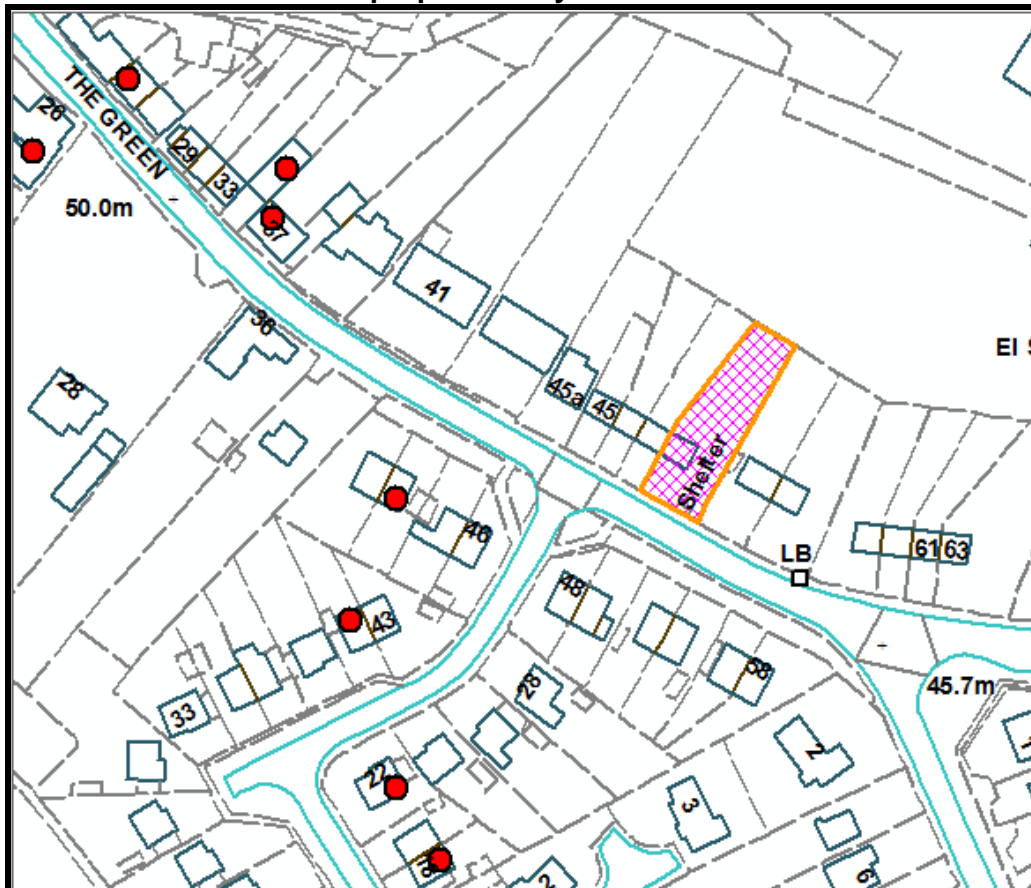
Case Officer:  
Rob Duckworth

Consultation Expiry:  
4 December 2017

Recommendation:  
PERMIT

8 Week Date:  
27 December 2017  
Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is brought to the Planning Committee as the Ward Member (Councillor Rushton) has requested it to be considered by Planning Committee if the recommendation is to approve the application owing to the large amount of local interest in the application as a result of the loss of a bus shelter and retrospective changes to the design of the dwelling.

### Proposal

The application seeks permission for the retention of a dwelling that has not been built in accordance with the approved drawings, including the omission of a bus shelter from the proposals.

### Consultations

A total of two individual representations have been received commenting on the contradictions of the application and whether a bus shelter can be installed on the street. Long Whatton and Diseworth Parish Council has objected to the development. There are no objections from other statutory consultees subject to conditions.

### Planning Policy

The site lies within the Limits to Development as identified in the North West Leicestershire Local Plan 2017. The application has been assessed against the relevant policies in the NPPF, the Local Plan and other relevant guidance.

### Conclusion

The resubmission of the proposals for the retention of a detached property adjacent to No.51 The Green are to make lawful the dwelling which has not been constructed in accordance with the approved drawings under reference 12/00090/FUL. The property as built, apart from the small window on the front elevation which is to be improved by enlargement, is considered acceptable and does not result in deleterious impacts on the street scene or character of the area. The loss of the bus shelter shown on the originally approved plans is regrettable from the local community's perspective but there is no legal requirement nor planning policy reasons for such a structure to be included in the current scheme. Based on the above it is considered that the proposal accords with the policies of the Local Plan 2017, the Good Design SPD, the 6Cs Design Guide and the NPPF.

It is therefore recommended that the application be permitted.

### **RECOMMENDATION - PERMIT, subject to conditions;**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the retention of a detached 3 bedroom dwelling with associated parking adjacent to No.51 The Green, Long Whatton which was not built in accordance with approved plans. The property is a two-storey property with hipped roof and canopy porch.

The approved scheme was for a property similar to that now erected but with shared parking with the host property and a replacement bus shelter to the front.

Following approval and discharge of conditions the property was erected with the following changes to the approved plans:

- a very small bathroom window to the front elevation;
- no chimney;
- deeper construction (projects further into rear garden);
- a step in the side elevations;
- no bus shelter; and,
- independent car parking for both No.51 and the application property.

The space where the bus shelter was to go has been block paved for access to the drive. Access to the side of the property so that No's 51 and 49 can access their rear gardens has been maintained.

The site is situated within the defined Limits to Development, as identified in the Local Plan 2017, and the surrounding area consists of residential properties which vary in their type and design including a relatively new build property a few doors down (No.45a).

Relevant planning history:

12/00090/FUL - Erection of a detached 3 bedroom dwelling with associated parking for the proposed dwelling and No. 51 as well as the removal and replacement of a bus shelter. Permitted

06/00520/FUL - Erection of a two storey dwelling.

### 2. Publicity

7 neighbours have been notified.  
Site Notice displayed 13 November 2017.

### 3. Summary of Consultations and Representations Received

**Long Whatton and Diseworth Parish Council** - Objection - there is no bus shelter and granting the application would lead to a precedent of retrospective applications.

**LCC Highways (Informal Consultation)** - No objections to the proposals and no requirement for a bus shelter. The parking arrangement is improved over previous scheme.

**NWLDC Legal** - There is no legal obligation to provide the bus shelter.

**NWLDC Environmental Health** - No objections.

**Third Party Representations** - Two letters commenting on the proposal have been received regarding the issue of the Design and Access Statement mentioning a replacement bus shelter which would result in access issues and whether a bus shelter can be installed on the street.

(The Design and Access Statement was subsequently updated with the section referring to the bus shelter and access being removed.)

#### **4. Relevant Planning Policy**

##### **National Planning Policy Framework**

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 7, 17 (Achieving sustainable development)  
Paragraph 14 (Presumption in favour of sustainable development)  
Paragraph 32, 34 (Promoting sustainable transport)  
Paragraph 47, 49 (Delivering a wide choice of high quality homes)  
Paragraph 57, 59, 61 (Requiring good design)

##### **North West Leicestershire Local Plan 2017**

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded weight in the determination of this application:

S2 - Settlement Hierarchy  
D1 - Design of new development  
D2 - Amenity  
IF4 - Transport Infrastructure and new development  
IF7 - Parking provision and new development

##### **Other Guidance**

National Planning Practice Guidance - March 2014  
6Cs Design Guide (Leicestershire County Council)  
Good Design for North West Leicestershire SPD - April 2017

#### **5. Assessment**

##### **Principle and Sustainability**

The site is located within the Limits to Development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the Local Plan 2017 and other material considerations. Policy S2 of the Local Plan aims to direct new development to sustainable locations. The principle of development was established under application 12/00090/FUL. The matter of principle will not be discussed in any further detail apart from stating that the original application included the provision of a replacement bus shelter; it was subsequently conditioned and was not requested by the Council.

### **Bus Shelter**

The loss of the bus shelter from the proposals has caused some concern from the Parish Council and local community. The main issue is that the original application was submitted and approved with a replacement bus shelter and this submission omits the structure. Aforementioned, the bus shelter was submitted with the original application as part of the proposals, which was welcomed by all at the time. This revised application does not contain the provision of the shelter which is within the rights of the applicant. Whilst it is regrettable that the bus shelter is not included there is no legal obligation nor planning reason for its inclusion.

The deeds and details from the original sale of the building by the Council have been obtained and as it is unclear whether the bus shelter was included in that sale or not, advice was sought from the Council's Legal Team. The legal advice obtained concluded that there was no evidence to suggest that the property (No.51 The Green) had not been purchased by the applicant in good faith, relying on the information registered with the Land Registry. The Council is unclear as to whom demolished the bus shelter (the current owner or a predecessor) but going on the assumption that the applicant demolished the bus shelter, he was within his rights to do so as it was contained within the curtilage of his property.

Furthermore, while not a District Council bus stop, the Council's Waste Services Manager has confirmed that it is their practice that when a bus shelter is damaged or removed, they do not replace the structures due to maintenance costs. In any event, there is no planning requirement for a replacement shelter.

The Environmental Protection Team has confirmed that three letters regarding the site were received:

- 01.01.17 - House not constructed in accordance with the approved plans.
- 11.07.17 - House not built in accordance with the approved plans and yet to reinstate bus shelter.
- 18.10.17 - Almost one year since approval and bus shelter not reinstated and fence erected that is not shown on the plans.

Based on the above it is considered that the omission of the bus shelter is regrettable but acceptable nonetheless from a planning point of view. As there is no legal requirement to provide a replacement shelter there are no objections to its omission and conditions cannot reasonably be applied to enable the provision.

### **Residential Amenity**

It is considered that the properties most immediately affected by the proposal would be No's 51 and 53 The Green flanking the application site.

Whilst the constructed property is deeper than that originally approved, the additional depth will not result in impacts significantly greater than that previously assessed. The upper floor side window on the house serves a landing and is obscure glazed and non-opening, and will not result in any loss of privacy for the neighbouring property (No.51). There are no side windows on either side elevations of No's 51 and 53 The Green. Furthermore, the neighbouring property, No.51, has been extended at ground floor to the rear and now projects further back than the application property. There are no other concerns with regards to amenity in terms of overlooking, overshadowing nor overbearing impacts.

The proposal would not have a significant impact on the amenities of any other residential properties and as such it would accord with Policy D2 of the Local Plan 2017, The Good Design SPD and the NPPF.

## Design

The property has been constructed similarly to how it was approved apart from several details. The main changes that have the most impact are the front bathroom window which is about one fifth the size it is supposed to be and the lack of chimney. The porch has a slightly different design but is roughly the same as approved.

Through negotiation, the bathroom window will be enlarged so that the front elevation of the dwellings appears more balanced. Installation of a larger window will be conditioned with a 6-month implementation limit. The provision of a chimney was requested by the case officer but the applicant has argued that the new house at 45a The Green has no chimney and there would be no physical need for one. In this instance, as there is no chimney at No. 45 The Green, it is considered that a reason for refusal on the grounds of lack of provision of a chimney alone could not be justified. The other changes to the building are considered acceptable and do not affect the general character nor appearance of the property considerably.

The parking area is mostly paved with a planted boundary which does not accord directly with The Good Design SPD which calls for frontages to be an even split of landscaping and parking. Whilst the proposal does not accord with this policy it would be very difficult to achieve this split based on the plot size and the original approval which showed a mostly paved frontage. A landscaping strip has been installed between No.51 and the property helping to demarcate the separate properties visually and soften the development to some degree. There still exists a large expanse of parking but in this instance it is considered acceptable.

On this basis the development would accord with Policies D1 of the Local Plan 2017 and the NPPF.

## Highway Safety

Four off-street parking spaces were to be provided for the new dwelling and No.51 The Green resulting in two each. These were accessed by one drive to the west of the proposed bus shelter. As previously stated, this application omits the bus shelter and allows for the access to be made independent and parking provision increased. With no bus shelter the visibility from the site is improved and parking provision is greater than previously proposed which is acceptable. In addition, County Highways have no objections to the proposals.

It is considered in highway safety and parking terms that the proposal is acceptable and accords with Policies IF4 and IF7 of the Local Plan 2017, the 6Cs Design Guide and the NPPF.

## Conclusion

The resubmission of the proposals for the retention of a detached property adjacent to No.51 The Green are to make lawful the dwelling which has not been constructed in accordance with the approved drawings under reference 12/00090/FUL. The property as built, apart from the small window on the front elevation which is to be improved by enlargement, is considered acceptable and does not result in deleterious impacts on the street scene or character of the area. The loss of the bus shelter shown on the originally approved plans is regrettable from the local community's perspective but there is no legal requirement or planning policy reason for such a structure to be included in the current scheme. Based on the above it is considered that the proposal accords with the policies of the Local Plan 2017, the Good Design SPD, the 6Cs Design Guide and the NPPF.



**RECOMMENDATION - PERMIT, subject to the following conditions;**

- 1 Approved plans
- 2 Enlargement of bathroom window to front elevation
- 3 Boundary treatment
- 5 Restriction of access gates, barriers, bollards or chains
- 6 Removal of permitted development rights

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Conversion and extension of joiner's workshop to form one residential dwelling

Report Item No  
A9

Wayside Cottage Loughborough Road Coleorton Coalville  
Leicestershire LE67 8HH

Application Reference  
17/01469/FUL

Applicant:  
Mr Stuart Potter

Date Registered:  
13 October 2017

Case Officer:  
Anna Edwards

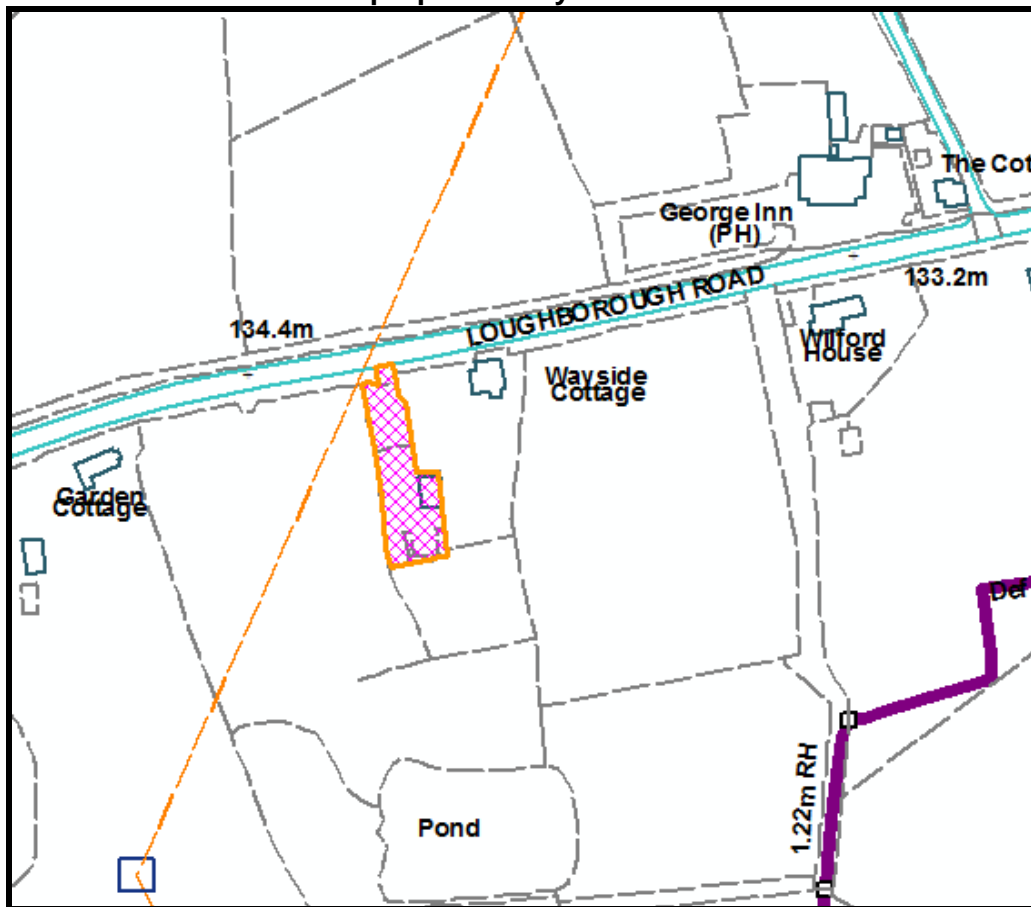
Consultation Expiry:  
17 November 2017

Recommendation:  
PERMIT

8 Week Date:  
8 December 2017

Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is brought to the Planning Committee as the planning agent is related to a former councillor who has served within the last five years.

### Proposal

The subject building is a single storey building which benefits from an existing access off Loughborough Road and has been used as a 'joiners workshop'. The building is situated to the southern side of Loughborough Road some 34.0 metres into the site, to the west of 'Wayside Cottage' a two storey detached dwellinghouse. The site is located outside the Limits to Development as identified in the adopted Local Plan, in an area classified as countryside under Policy S3. Planning permission is sought to convert and extend the joiners workshop to form a one bedroomed residential dwellinghouse. Provision has been made for two off street car parking spaces at the site.

Recent relevant planning history at the site:

17/00128/OUT - Erection of one dwelling (outline - all matters reserved). Refused

### Consultations

2 No. letters of support have been received from members of the public.

**Coleorton Parish Council** - Objection: Outside the Limits to Development.

**LCC Ecology** - No objection.

**NWLDC Environmental Protection** - No objections subject to conditions.

**Severn Trent Water** - No response received during the course of the application.

### Planning Policy

The site lies outside the Limits to Development as identified in the adopted North West Leicestershire Local Plan. The application has been assessed against the relevant policies in the NPPF and the adopted Local Plan and other relevant guidance.

### Conclusion

The principal of the development is deemed to be acceptable given that the redevelopment of a building for use as a dwellinghouse is considered to be an acceptable use within the countryside and that there will be no harm to the rural environment. The proposal is not considered to significantly affect residential amenity in the area, have any significant detrimental design impacts, conflict with highway safety or cause harm to protected species. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, in this case S2, S3, D1, D2, IF4 and IF7 and the NPPF.

It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to conditions;**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for conversion and extension of joiner's workshop to form one residential dwelling at Wayside Cottage, Loughborough Road, Coleorton. The application site is located to the southern side of Loughborough Road and is outside Limits to Development, as defined by the adopted Local Plan. The surrounding area is predominately open countryside with a sporadic scattering of residential properties being located in close proximity to Loughborough Road.

It is proposed to extend and convert the existing joiners workshop to form a one bedroomed dwellinghouse. Details of the proposal are available to view on the submitted plans. An Ecology Report was submitted with the application.

Relevant recent planning history;

17/00128/OUT: Erection of one dwelling (outline - all matters reserved) Refused.

### 2. Publicity

2 neighbours have been notified.

Site Notice displayed 27 October 2017.

### 3. Summary of Consultations and Representations Received

2 No. letters of support have been received from members of the public.

**Coleorton Parish Council** - Objection: Outside the Limits to Development.

**LCC Ecology** - No objection.

**NWLDC Environmental Protection** - No objections subject to conditions.

**Severn Trent Water** - No response received during the course of the application.

### 4. Relevant Planning Policy

#### National Planning Policy Framework

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 7, 17 (Achieving sustainable development)

Paragraph 28 (Supporting a prosperous rural economy);

Paragraph 32 and 39 (Promoting sustainable transport);

Paragraph 49, 53 and 55 (Delivering a wide choice of high quality homes);

Paragraph 57, 60 and 61 (Requiring good design);

Paragraph 118, 120 and 121 (Conserving and enhancing the natural environment);

Paragraph 203 and 206 (Planning conditions and obligations);

### **Adopted North West Leicestershire Local Plan (2017)**

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S2 - Settlement Hierarchy  
 Policy S3 - Countryside  
 Policy D1 - Design of New Development  
 Policy D2 - Amenity  
 Policy H6 - House Types and Mix  
 Policy IF4 - Transport Infrastructure and New Development  
 Policy IF7 - Parking Provision and New Development  
 Policy En1 - Nature Conservation  
 Policy En3 - National Forest  
 Policy En6 - Land and Air Quality

### **Other Guidance**

Good Design for North West Leicestershire SPD - April 2017  
 6Cs Design Guide (Leicestershire County Council)  
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System)  
 National Planning Practice Guidance

## **5. Assessment**

The main issues for consideration in the determination of this application relate to the principle and sustainability of the development, its impact on the character and visual amenities of the area, residential amenities, highway safety and protected species.

### **Principle**

The application site is located outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The application site is therefore within the countryside. The Parish council has objected to the application because it is located outside the Limits to Development. Policy S3 stipulates that only certain types of development are permitted within the countryside. The proposal is deemed to comply with criteria (e) of Policy S3 falling under 'The redevelopment and adaptation of buildings for appropriate purposes including housing in accordance with the settlement hierarchy (Policy S2)' category. Development supported by those criteria deemed acceptable under Policy S3 are only supported where specific safeguarding criteria are also met under points i to vi, which are considered below in the 'Design and impact upon the countryside; section. Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside and does not specifically preclude development within the countryside.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirement contained in the submitted Local Plan.

Policy S2 of the Local Plan identifies Coleorton in two parts - one in the Lower Moor Road Area, of which the site is close to the edge; and the other areas. The Policy states that the Lower Moor Road part of Coleorton is classified as a 'sustainable villages' and will be restricted to development within the defined Limits to Development. All other areas of Coleorton, including

the application site, are classified as a 'small village' where development will be limited to conversions of existing buildings and the redevelopment of previously developed land. The proposal to convert and extend the existing joiners workshop building to form one residential dwelling is considered to meet the criteria of Policy S2.

The proposal is deemed to be acceptable in principal, meeting criteria in terms of land use and sustainability set out in Policies S3 and S2 of the adopted Local Plan and the relevant paragraphs of the NPPF. It is now necessary to assess the proposal against the remaining planning considerations.

### **Design, Impact on the Countryside**

Consideration has been given to the design of the proposed dwellinghouse and whether it will have an acceptable impact upon the character and appearance of the surrounding area and countryside. The proposed dwelling will be located to the southern side of Loughborough Road, to the west of the closest neighbouring property 'Wayside Cottage'. It is considered that the proposal would comply with five of the six criterion set out under the second part of submitted Policy S3, as it would not be significantly harmful to the appearance and character of the landscape as the existing building will be converted and a modest extension will be added. The proposal would also not undermine separation between settlements, would not create ribbon development and would be well integrated with existing development and buildings. The existing joiners workshop building will be extended to the southern elevation and would be of appropriate and acceptable dimensions for use as a one bedroomed dwellinghouse. The overall height of the existing building will be retained. The proposal would not be prominent in the street scene given that it would be set back some distance into the site and that there is an existing high mature hedgerow directly adjacent to the building to the northern boundary. Some views would be taken from the north-west, however given the limited alteration to the building, any impact this would have on the visual amenity of the area would not be deemed significant. The extension to the existing building will be subservient in scale and will be finished in concrete block and timber cladding, matching pan tiles, timber casement windows and timber door. These materials would allow the development to be assimilated into the rural environment and reducing its overall visual implications.

Overall, the design, appearance and scale of this proposal is considered to be acceptable and would not look out of keeping with the character and appearance of the surrounding area or countryside and is considered to be compliant with Policy S3 and D1 of the adopted Local Plan and the Good Design for North West Leicestershire SPD.

### **Residential Amenities**

Consideration has been given to the impact of the development on surrounding residential properties despite not receiving any objections during the course of the application. Two letters of support for the application have been received from members of the public. The proposed dwelling would be of a single storey and would be located some 30.0 metres from the nearest adjacent dwelling 'Wayside Cottage' to the north east. On this basis it is considered that the proposal would not cause any significant overlooking, overbearing or overshadowing issues.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy D2 of the adopted Local Plan.

### **Highway Safety**

The proposed dwelling will be accessed via the existing access which is secured by the existing gate. The proposed one bed roomed dwelling is not considered to give rise to a significant



number of additional trips on the highway and two off street car parking spaces have been provided for. It has been demonstrated that a visibility splay of 2.4 x 97.9 metres can be achieved to the west and a 2.4 x 101 metre splay can be achieved to the east. Loughborough Road is a Classified A road with a 50 mph speed limit and although the site cannot provide the 2.4 x 160 metre visibility splays as set out in the Highways Standing Advice document 2017, the site already benefits from the existing access and an existing use at the site. It is considered that the use of the property for residential use would pose no additional harm in terms of highway safety matters. A gravel turning facility has been provided at the site in order for vehicles to exit the site in a forward gear. Given that the access is as existing and an appropriate amount of off street car parking and turning has been provided for at the site it is considered that the proposal would not conflict with highway safety policies IF4 and IF7 of the adopted Local Plan or the advice contained in the County Council's 6Cs document.

### **Protected Species**

An ecological appraisal (including Protected Species Survey) was submitted in support of the application. The County Ecologist considers that the proposal would not have any potential impacts on the ecology of the area and has no objections. On this basis it is considered that protected species would not be adversely affected by the proposal and the proposal complies with the Habitats Regulations 2010 and Policy EN1 of the adopted Local Plan.

### **Other Matters**

The site is located upon a 'development high risk area'. Environmental Protection have stipulated that a risk based assessment be conditioned as part of any approval in order to ensure that the land is fit for use as the development proposed in order to ensure compliance with paragraph 120 of the NPPF and Policy En6 of the adopted Local Plan.

### **Conclusion**

The principal of the development is deemed to be acceptable given that the redevelopment of a building for use as a dwellinghouse it is considered to be an acceptable use within the countryside and that there will be no harm to the rural environment. The proposal is not considered to significantly affect residential amenity in the area, have any significant detrimental design impacts, conflict with highway safety or cause harm to protected species. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, in this case Policies S2, S3, D1, D2, IF4 and IF7 and the NPPF. It is therefore recommended that the application be permitted.

### **RECOMMENDATION- PERMIT, subject to the following condition(s):**

1. Timescale
2. Approved Plans
3. Materials
4. Restrict curtilage
5. Land contamination
6. Visibility splays
7. Surfacing of access
8. Car parking and turning

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