

Erection of detached dwelling with associated garage along with alterations to the vehicular access (Outline - means access, scale and layout for approval) (Resubmission)

Report Item No
A3

11 Rempstone Road Belton Loughborough Leicestershire
LE12 9XA

Application Reference
17/00092/OUT

Applicant:
Mr & Mrs Crichton

Date Registered:
30 January 2017
Consultation Expiry:
15 March 2017
8 Week Date:
27 March 2017
Extension of Time:
None Agreed

Case Officer:
Adam Mellor

Recommendation:
REFUSE

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 Councillor Rushton on the basis that there will be improvements to highway safety as a result of the provision of the dwelling due to proposed works to the raised footway and visibility splays at the site access.

Proposal

Outline planning permission is sought for the erection of a detached dwelling with associated garage along with alterations to the vehicular access at no. 11 Rempstone Road, Belton. The 0.09 hectare site is situated on the north-western side of Rempstone Road and is outside the defined Limits to Development.

Consultations

No representations to the application have been received from third parties or Belton Parish Council. Statutory consultees 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 and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

Conclusion

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, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. As the development would be located on a residential garden which would result in harm to the visual amenities of the rural environment, it is also considered that the development would conflict with Paragraph 53 of the NPPF. Policy S2 of the submitted Local Plan also identifies that in Belton the limited amount of growth which would take place will be within the Limits to Development.

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

Outline planning permission, with means of access, scale and layout for approval, is sought for the erection of a detached dwelling with associated garage along with alterations to the vehicular access at no. 11 (Forest View) Rempstone Road, Belton. The 0.09 hectare site is situated on the north-western side of Rempstone Road and is outside the defined Limits to Development with the surrounding area comprising residential dwellings to the north-east and south-west and open rural landscape to the north-west and south-east.

The application site currently comprises land forming a garden associated with no. 11 and it is proposed that a dwelling would be provided to the north-east of no. 11 which would cover a ground area of 185 square metres, including an attached garage. Scale is for approval at this stage and, following amendments, it is proposed that the eaves height would be 5.5 metres and the maximum ridge height would be 8.5 metres.

Vehicular access would be achieved via an existing access, associated with no. 11, which would be altered so as to improve the visibility associated with the access and would only be used in connection with the proposed dwelling. Off-street parking and manoeuvring facilities would also be provided within the site for the new dwelling.

A planning statement, incorporating a design and access statement, has been submitted in support of the application.

The proposal is a resubmission of application reference 16/01332/OUT, for the same development, which was refused on the 17th January 2017.

2. Publicity

2 Neighbours have been notified.

Site Notice displayed 22 February 2017.

Press Notice published Leicester Mercury 15 February 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.

Belton Parish Council 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 - Lead Local Flood Authority has no objections subject to their standing advice being considered.

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

NWLDC - Environmental Protection has no objections.

Severn Trent Water no representation received at the time of this report.

Third Party Representations

No third party representations have been received.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

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, 53 and 55 (Delivering a wide choice of high quality homes);
Paragraphs 57, 60, 61 and 64 (Requiring good design);
Paragraphs 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 (2002)

The application site is outside the Limits to Development as defined in the adopted Local Plan. The following adopted Local Plan policies are relevant to this application: -

Policy S3 - Countryside;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H6 - Housing Density; and
Policy H7 - Housing Design.

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption: -

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 H6 - House Types and Mix;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
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

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change national policy but offers practical guidance as to how such policy is to be applied.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

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

Circular 06/2005 sets out that local planning authorities should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system.

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 (2002 (as amended)).

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, or Policy S3 of the submitted Local Plan. Policy S2 of the submitted Local Plan advises that the limited amount of growth permitted within Belton will take place within the Limits to Development.

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 submitted 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.

Policy S2 of the submitted Local Plan specifies that Belton is a 'Sustainable Village' for new residential development where a limited amount of growth will be permitted although, as identified above, this should take place within the defined Limits. Notwithstanding this fact, the application site would be well related to the followings services within Belton which are within an acceptable walking distance of 800 metres, or 1000 metres for a school: -

- Village Hall (School Lane) - 780 metres;
- Church (St John The Baptist Church, Church Lane) - 707 metres;
- School (Belton Church of England Primary School, Sadlers Wells) - 748 metres;
- Recreation Ground (Junction of Church Lane with Rempstone Road) - 261 metres; and
- Bus Stop for One Service (Paul S Winson Coaches no. 129 Service between Ashby De La Zouch and Loughborough - about 2 hourly Monday to Friday with a reduced service on Saturday and no service on Sunday) - 150 metres.

As well as the above services a shop (4 Long Street, Belton), public house (The Queens Head, 2 Long Street) and doctors surgery (Mill Lane) would only just be in excess of the acceptable walking distance of 800 metres being 834 metres, 806 metres and 879 metres, respectively, from the application site. It would be possible to access these services upon raised footways which are well lit, with the proposed application seeking to undertake works within the highway to increase the width of the raised footway.

Having regard to the location of the site it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a shop) with other facilities and employment opportunities being accessible on foot, as well as by utilising public transport. In these circumstances it is considered that a development of one dwelling would score well against the advice concerning social sustainability contained within the NPPF, with occupants of the property also assisting in sustaining these services for the future 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 currently residential garden associated with no. 11 and, as such, is classed as greenfield land. The site is also outside the defined Limits to Development on both the Proposals Map to the adopted and submitted Local Plans, and would therefore be assessed against the context of Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan, particularly as the Local Authority is able to demonstrate a five year supply of housing. Such policies are 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.

It is, however, recognised that the NPPF does not necessarily preclude development on greenfield land and therefore a determination is also made as to whether the dwelling would be 'isolated' in the context of Paragraph 55, or impact adversely on the rural environment as specified at Paragraph 17 of the NPPF.

Whilst the application site comprises garden associated with no. 11 it is relatively open with it only being separated from the wider open countryside to the north-west by a post and rail fence. Soft mature landscaping present to the originally defined residential curtilage to no. 11 also leads to the application site being disassociated with the main garden particularly as no

structures or features exist, which would suggest that it is regularly used for 'enjoyment' by the occupants. A significant gap exists between no. 11 and 23 Rempstone Road and it is considered that this allows for views to be established into the wider countryside from the public domain whilst also separating the traditional built forms on this part of Rempstone Road from the more modern Council housing. Given such a context, it is considered that the application site makes a positive contribution to the character and appearance of the rural environment and wider landscape. A residential development on the site, as well as its associated infrastructure, would diminish this present open character and represent unwarranted development within the rural environment given that there is no overriding need for this type of proposal to come forward on the land. On this basis the proposal would conflict with a fundamental principle of the NPPF by virtue of its failure to protect or enhance the natural environment. As the development site is also outside the defined Limits to Development it would conflict with Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan.

Whilst it is considered that the proposed development will impact adversely on the 'openness' of the rural environment, it would be difficult to determine that the dwelling would be isolated given that its position would lead to it being visually read with the row of semi-detached and terraced units to the north-east.

To conclude, any support warranted to the economic benefits, which would be simply limited to the construction of the dwelling, and limited social benefits, given that only one property would be created, would be significantly and demonstrably outweighed by the negative environmental impacts of the proposal. Accordingly the development cannot be considered to represent sustainable development and, therefore, the application would not be acceptable in relation to the NPPF as well as relevant policies of the adopted and submitted Local Plans.

The site is currently used as garden land, which is excluded from the definition of previously developed land set out in the NPPF, and therefore effectively constitutes a greenfield site. It is highlighted within the NPPF 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 (Paragraph 53). Neither the adopted or submitted Local Plans contain a specific policy which restricts development on garden land but in the circumstances that the development is detrimental to the character and appearance of the rural landscape, as assessed above, it is considered that there would be a conflict with Paragraph 53 of the NPPF.

Accessibility

The County Highways Authority have raised no objections to the application subject to their standing advice, in respect of access width, visibility splays, access surfacing and car parking, being considered in the determination of the application.

An existing access, already serving no. 11 Rempstone Road, would be utilised in connection with the proposed dwelling with no. 11 being served by a secondary access to the south-west of this property. It is proposed that the access would be upgraded with an improved visibility splay in a south-western direction which would involve the re-positioning of a boundary wall and hedge to the rear of this splay. Along with these works it is also proposed that the width of the raised footway be increased to 1.5 metres (currently 0.75 metres) given that the boundary of the site would be re-positioned in order to allow the provision of the visibility splay. On the basis that the proposed access is already utilised in connection with one dwelling, and this arrangement would not change on the basis of the development, it is considered that there would not be a severely detrimental impact on highway safety with the proposal also enhancing pedestrian

safety due to the widening of the raised footway. Within the site a suitable sized area would be provided in order to enable vehicles to manoeuvre so that they exit the site in a forward direction and overall the proposal would accord with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

The off-street parking requirements for the property would be determined and assessed at the reserved matters stage, once the number of bedrooms was known, and in considering such an application it could be ensured that sufficient off-street parking is provided for the dwelling. Subject to such a matter being carefully considered at the reserved matters stage it is considered that the development would be compliant with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Neighbours and Future Occupants Amenities

It is considered that the properties most immediately affected by the proposed development would be no. 11 (Forest View) Rempstone Road, the applicants own property, set to the south-west and no. 23 Rempstone Road set to the north-east.

A separation distance of 27.5 metres would be provided between the south-eastern (side) elevation of the new dwelling and north-western (side) elevation of no. 23, 26 metres to the shared boundary, with 63.5 metres being provided between the south-western (side) elevation of the dwelling and north-eastern (side) elevation of no. 11. Whilst the boundary with land remaining within the ownership of the applicant would only be 2 metres from the proposed property, it is considered that this would be a secondary garden to no. 11 given that the main garden is further to the south-east. Overall it is considered that the separation distances would be sufficient in ensuring that no adverse overbearing or overshadowing impacts would arise.

In respect of overlooking impacts this would be assessed at the reserved matters stage once the position of habitable room windows was known, but the separation distances identified above would generally be considered sufficient in ensuring that no detrimental impact would arise in this respect.

The identified separation distances and position of habitable room windows on nos. 11 and 23 Rempstone Road would also ensure that the amenities of any future occupants would not be adversely impacted on in respect of overbearing, overshadowing or overlooking implications.

Overall, the proposal would be considered compliant with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Impact on the Character and Appearance of the Streetscape

The need for good design in new residential developments is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

In terms of topography the application site is relatively level with land levels rising upwards, beyond its rear boundary, in a north-western direction. The boundaries are currently defined by a post and rail fence (north-western), stone/brick wall and hedge (south-eastern) and hedging (north-eastern). Properties in the immediate area to the south-east abut the highway but are generally accessed via their side elevations whereas dwellings to the north-east are orientated so that their principal elevations address the highway, but are set back from the carriageway to allow off-street parking to their frontages. Predominately dwellings are two-storey in height,

although nos. 7 and 9 are three-storeys, with detached, semi-detached and terraced units being present in the streetscape.

It is noted that appearance and landscaping are included as matters to be considered at a later stage although the layout and scale are for approval under this application. The north-western side of Rempstone Road is where residential development is concentrated which follows a linear pattern and has two distinct building lines. It is proposed that the dwelling would be orientated so as to face Rempstone Road and have a building line broadly consistent with the dwellings to the north-east, which it would be more closely associated with than no. 11 given the separation distance. Given this conclusion it is considered that the layout to be progressed would not result in detriment to the character of the streetscape.

In respect of the scale it is considered that the eaves and ridge heights would be consistent with the built forms the dwelling would be associated with and, whilst the footprint would be slightly larger than development in the immediate area, when factoring into account an attached garage, it would be commensurate in scale to the plot of land on which it is situated. On this basis the scale of the dwelling would accord with the appearance, and established character, of the streetscape.

The appearance of the dwelling would be agreed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with the Council's current design agenda. This would be achieved by responding to, and reflecting, the positive characteristics of dwellings within the settlement of Belton.

Notwithstanding the principle objection to this proposal outlined above, the layout and scale of the dwelling would be acceptable and would ensure compliance with Paragraphs 57, 60 and 61 of the NPPF, Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Ecology

The County Council Ecologist has reviewed the application and considers that the ornamental pond on the site is of recent construction and as there are no ponds on neighbouring land which could be a source of colonisation of this pond, a great crested newts survey was not required. A habitat survey was also not required as the application site is maintained as garden. In respect of the removal of the hedge to the front boundary of the site, in order to provide the visibility splay, the County Council Ecologist has no objections subject to a native hedgerow being re-planted to the back of this splay. Subject to the imposition of a condition to secure the planting of a replacement hedgerow, which would be via any reserved matters application when landscaping is agreed, it is considered that ecology would not act as a constraint on the development and therefore the proposal would comply with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

Mature soft landscaping is present to the site in the form of hedgerows to the north-eastern and south-eastern boundaries with a tree of significant stature being present within the north-eastern boundary hedgerow in close proximity to the site entrance.

In order to facilitate the provision of the dwelling in the position shown, it would be necessary to remove three trees which are immature in age and stature and as a consequence do not contribute positively to the visual amenities of the streetscape. On the basis of their maturity these trees would not act as a constraint on the development and therefore their removal would

be acceptable, particularly as replacement planting could be secured as part of a landscaping scheme submitted under a subsequent reserved matters submission. The hedge to the north-eastern boundary, as well as the mature tree, would be adequately protected by their distance from the dwelling and a condition could be imposed on any consent granted for protection to be provided to this soft landscaping during the construction phase.

The provision of an improved visibility splay in a south-western direction from the site access would lead to the removal of the hedgerow from the south-eastern boundary (a length of 85 metres). Whilst this hedgerow would be removed it would be possible for it to be re-positioned to the rear of the visibility splay, in order to re-define the boundary of the site with the public domain, and as a result its initial removal would be mitigated against. The securing of the replacement hedgerow could again be secured as part of the landscaping scheme submitted under any subsequent reserved matters application.

Overall the proposed development is considered to be compliant with Policy E7 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has raised no objections to the application and considers that no archaeological mitigation would be required. On the basis that archaeology would not act as a constraint to development the proposal accords with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

Drainage and Flood Risk

Whilst the site lies within Flood Zone 1, and therefore in an area at the lowest risk of flooding, the Environment Agency's Surface Water Flood Maps identify that parts of the site, namely those to the frontage and a pond to the south-west, are at a high risk of being flooded by surface water. As a result of this the Lead Local Flood Authority (LLFA) have been consulted on the application and following an assessment of the information submitted they have specified that consideration should be given to the finished floor level of the dwelling so as to ensure that it is not put at risk from surface water flooding. It is considered that this could be addressed by the imposition of a condition on any consent granted for the finished floor level of the dwelling to be agreed. In the circumstances that no adverse comments have been received from the LLFA it is considered that the development would be compliant with Paragraph 103 of the NPPF and Policies Cc2 and Cc3 of the submitted Local Plan.

Insofar as foul drainage is concerned, it is indicated on the application forms that this would be discharged to the mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. Severn Trent Water have raised no objections to the development and as such the additional demands for foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 120 of the NPPF.

Conclusion

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, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. As the development would be located on a residential garden which would result in harm to the visual amenities of the rural environment, it is also considered that the development would conflict with Paragraph 53 of the NPPF. Policy S2 of the submitted Local Plan also identifies that in Belton the limited amount of growth which would take place will be within the Limits to Development.

It is therefore recommended that the application 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 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 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 Belton a limited amount of growth will take place within the Limits to Development. Paragraph 53 advises that inappropriate development on residential gardens should be resisted. 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 not therefore constitute sustainable development, contrary to the environmental strand of sustainability enshrined within the NPPF. In addition, the development would be contrary to Paragraphs 17 and 53 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.