

Erection of a detached dwelling with associated parking and landscaping following the demolition of studio/storage building

Report Item No  
A3

Cherry Orchard 1 Hollow Road Breedon On The Hill Derby  
DE73 8AU

Application Reference  
17/01810/FUL

Applicant:  
Mr & Mrs Burton

Date Registered:  
5 December 2017

Case Officer:  
James Mattley

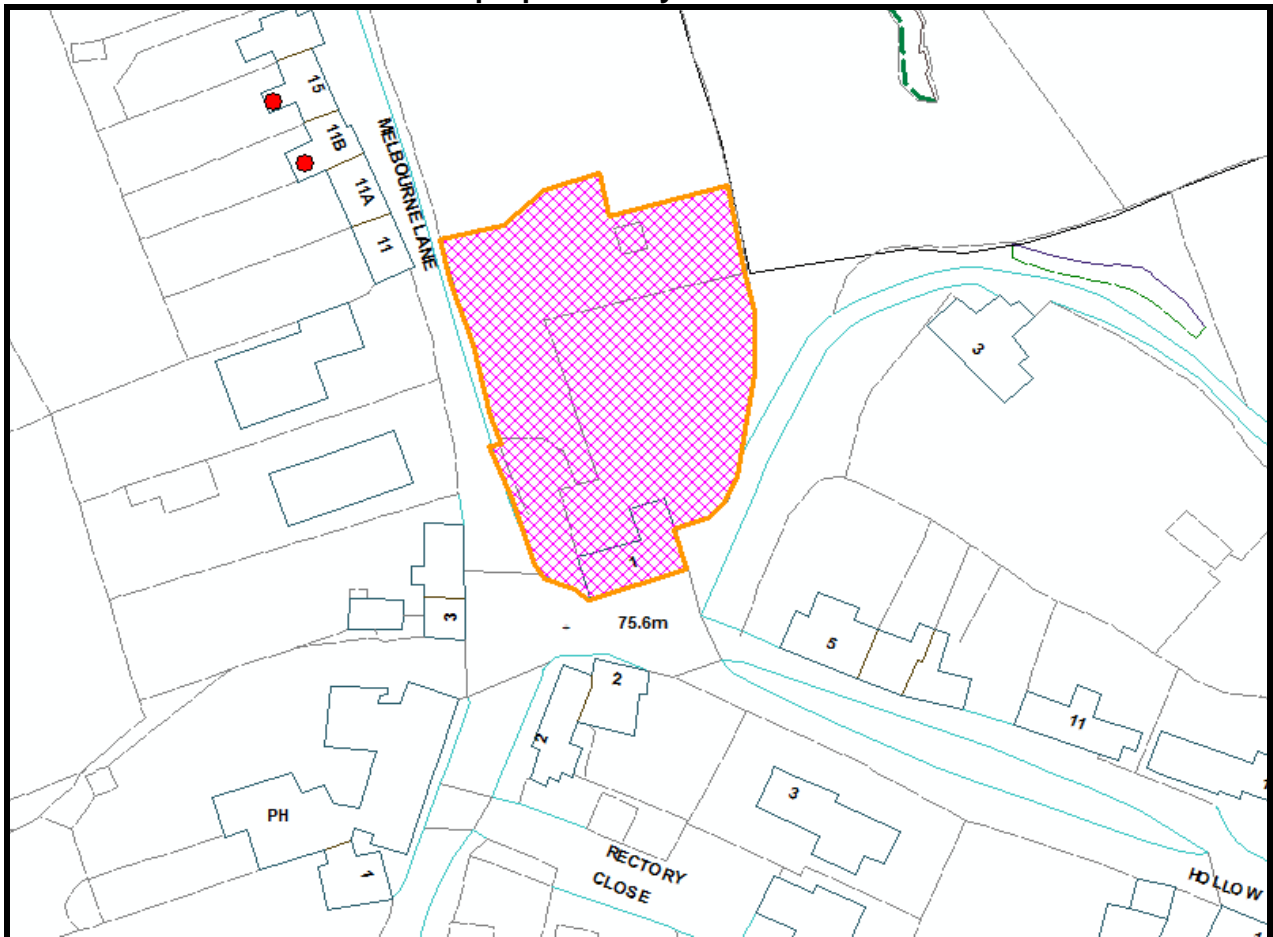
Consultation Expiry:  
7 April 2018

Recommendation:  
PERMIT

8 Week Date:  
30 January 2018

Extension of Time:  
9 March 2018

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Reasons for Approval**

### **Reason for Call In**

The application is reported to the Planning Committee, at the request of Councillor Stevenson in order for Members to assess the design and visual impact of the proposal.

### **Proposal**

Full planning permission is sought for the erection of a detached dwelling with associated parking and landscaping following the demolition of studio/storage building at Cherry Orchard, 1 Hollow Road, Breedon on the Hill.

### **Consultations**

Members will see from the main report below that there are objections raised from surrounding neighbours and objections from Breedon Parish Council.

There are no other objections raised from statutory consultees.

### **Planning Policy**

The majority of the application site is located within Limits to Development although a small part of it is located outside Limits to Development as defined by 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**

Planning permission was refused for a different scheme on the site at Planning Committee in December 2016. The sole reason for refusal related to the contemporary design of the scheme and the impact that this would have on the surrounding area.

In order to address the previous reason for refusal the applicants have applied for a dwelling with a reduced scale and a more traditional appearance. This is considered to address the previous reason for refusal.

The report looks into the relevant planning issues in detail, and officers conclude that all other details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC 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

Planning permission is sought for the erection of a detached dwelling with associated parking and landscaping following the demolition of studio/storage building. The application site is to the north-east of no. 1 and currently forms part of the residential garden associated with this property. The site in question is within the defined Limits to Development and is also within the Breedon on the Hill Conservation Area. To the north-east lies the Breedon Hill Site of Special Scientific Interest (SSSI) as well as the Grade I Listed Church of St Mary & St Hardulph.

Planning permission was refused for a different scheme on the site at Planning Committee in December 2016 for the following reason:

*The proposed contemporary design of the dwelling would fail to respect or enhance the established character and design of residential development in Breedon On The Hill and has the potential to be a prominent form of development from outside the confines of the application site due to the topography of the land. In the opinion of the Local Planning Authority, the proposed development would appear incongruous within its setting, which is contrary to environmental strand of sustainability as well as Paragraphs 61 and 64 of the NPPF, Policies E4 and H7 of the adopted North West Leicestershire Local Plan and Policy D1 of the submitted North West Leicestershire Local Plan.*

The current proposal is for a more traditional property which is smaller in scale. The proposed dwelling would be a 2 bedroom detached dwelling with the first floor accommodation provided within the roof.

Originally a detached garage was proposed as part of the development but this element has now been removed from the proposals as it does not require planning permission.

In terms of vehicular access to the site this would be achieved via widening an existing access off Hollow Road, at the junction with Melbourne Road, with external off-street parking being provided. The proposed access would be shared by the existing and proposed dwelling.

A design and access statement (including planning statement), archaeological assessment, tree survey and protected species survey have been submitted in support of the application.

The relevant planning history of the site is as follows: -

- 89/1523/P - Erection of one dwelling - Refused 4th April 1990.
- 90/0817/P - Erection of one dwelling and car port (resubmission) - Approved 29th August 1990.
- 15/00204/FUL - Construction of a detached two-storey dwelling involving the formation of a new vehicular access off Melbourne Lane - Withdrawn 5th January 2016.
- 16/00980/FUL - Erection of a detached dwelling with associated off-street parking (Revised Scheme) - Refused 07 December 2016.

### 2. Publicity

11 Neighbours have been notified.

Site Notice displayed 22 December 2017.

Press Notice published Derby Evening Telegraph 20 December 2017.

### 3. Summary of Consultations and Representations Received

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

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

**Breedon on the Hill Parish Council** object to the application on the following summarised grounds: -

- Will be detrimental to surrounding properties;
- Concerns regarding safety of access;
- New dwelling would be highly visible;
- Would cause harm to heritage assets;
- Would not be compliant with Policy E1, E10 and E16 of the Local Plan;

**Historic England** does not wish to offer any comments but suggests that the views of the Council's conservation officer are taken into account.

No response has been received from the following consultees: County Highway Authority, Severn Trent Water and County Archaeologist.

#### Third Party Representation

One representation to the application has been received objecting to the proposed development with the comments raised summarised as follows: -

- Site is elevated and unsuitable for development;
- The development is out of character with the conservation area and will harm the setting of the Grade I Listed Church and impact adversely on heritage assets in the village;
- The site extends beyond the limits to development;
- No justification has been provided and the proposal would not be in the public interest;
- Due to topography of the site the dwelling will result in a prominent form of development.

### 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 47, 49, 54 and 55 (Delivering a wide choice of high quality homes);
- Paragraphs 56, 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);

Paragraphs 128-129, 131, 132, 134, 137 and 141 (Conserving and enhancing the historic environment) and  
Paragraph 203, 204 and 206 (Planning conditions and obligations).

*Draft National Planning Policy Framework (2018)*

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised NPPF. In view of the early stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this time, and greater weight should be attached to the 2012 version. However, there is nothing in the draft NPPF that would materially change the recommendation made on this application.

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

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

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 - Settlement Hierarchy;  
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 En6 - Land and Air Quality;  
Policy Cc2 - Water - Flood Risk;  
Policy Cc3 - Water - Sustainable Drainage Systems;  
Policy HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment.

**Other Policies**

National Planning Practice Guidance  
6Cs Design Guide (Leicestershire County Council)  
Good Design for North West Leicestershire Supplementary Planning Document - April 2017  
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990  
Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

**5. Assessment**

**Principle of Development and Sustainability**

Policy S2 of the adopted Local Plan highlights that Breedon on the Hill is a 'sustainable village' where a limited amount of growth will be permitted within the defined Limits to Development. On the basis of the Proposals Map to the adopted Local Plan the site is mainly within the Limits but part of it would be outside these Limits due to amendments to the boundaries. Within the Limits to Development the principle of residential development is considered acceptable, subject to compliance with other relevant policies of the adopted Local Plans and other material considerations.

The site is partially outside the defined Limits to Development on the basis of the Proposals Map to the adopted Local Plan. As such, an assessment has also been made against any harm to the countryside. Residential dwellings exist to the south and west of the site, along

Melbourne Lane and The Hollow, with a substantial tree screen existing to the north and eastern boundaries which are shared with the Breedon Hill Site of Special Scientific Interest (SSSI). In the context of the site's location it is considered that it would not be significantly detached from the defined Limits and as a consequence the proposal would not impact adversely on the 'openness' of the rural environment given its containment within an enclosed residential garden and paddock. The development would also not result in the provision of an 'isolated' dwelling in the countryside given the relationship with built forms with any views established from the public domain assessing the site in the context of its relationship with neighbouring buildings. Such a limited impact would therefore not result in a significant impact upon the countryside.

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). The adopted Local Plan does not contain a specific policy which restricts development on garden land and in the circumstances that the proposal would not impact adversely on the character and appearance of the wider area and streetscape, as assessed in more detail below, it is considered that there is no conflict with the intentions of Paragraph 53 of the NPPF.

Having regard to all of the above the principle of residential development on the site is considered to be acceptable. It is noted that the principle of a residential property was also found to be acceptable in December 2016 (as the application was refused solely on design/visual grounds and not on its partial location outside the limits to development).

### **Residential Amenity**

The proposed dwelling would be set 26.0 metres from no. 11 Melbourne Lane, being the closest dwelling on this highway to the proposal, and this distance would be considered sufficient in ensuring no adverse overbearing or overshadowing impacts would arise even though the proposed dwelling would be on a higher land level. No. 3 Hollow Road would also not be adversely impacted on by the proposed development given the extent of screening afforded by the planting which exists to the boundary with the SSSI.

In these circumstances the property most immediately affected by the proposed dwelling would be the applicant's own property (no. 1 Hollow Road) which is set 12.5 metres to the south-west of the proposed dwelling. The proposed dwelling would be set at a higher land level than the existing property although this is not unexpected given that land levels rise up towards the north. The dwelling would be set in fairly close proximity to the proposed amenity area belonging to 1 Hollow Road but given that it is sited directly to the north it is not considered to result in significant overbearing or overshadowing issues.

With regards to overlooking impacts, it is considered that views from windows at ground floor level in the proposed property would be restricted due to proposed landscaping and/or boundary treatments. There would be no first floor windows proposed in the southern or western sections of the proposed dwelling that would result in direct overlooking of the proposed garden to No.1 Hollow Road.

Overall the proposed development would accord with Policy D2 of the adopted Local Plan.

### **Impact on the Character and Appearance of the Area, Streetscape and Historic Environment**

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

The land adjacent to the western boundary of the site is 1.02 metres higher than that of Melbourne Lane with the land increasing by 4.26 metres from west to east and by 1.50 metres south to north. It is proposed that the dwelling would be closely associated with no. 1 and would not be readily visible from outside the site given the presence of no. 1 to the south, dense vegetation to the eastern boundary and the topography of the adjoining paddock land and presence of mature hedgerow limiting views from the north.

A previous planning application was refused at Planning Committee as it was considered that the proposed contemporary design of the dwelling would fail to respect or enhance the established character and design of residential development in Breedon On The Hill and would have the potential to be a prominent form of development from outside the confines of the application site due to the topography of the land

In response to those concerns the applicant's agents have revised the scheme to address the previous reasons for refusal. It is now proposed to erect a more traditional property which is smaller in terms of its footprint and height in comparison to the previous scheme. As a result of this the proposed dwelling would not be overly prominent from the surrounding area.

With regards to the Conservation Area, which includes an area identified as open space in the Breedon on the Hill Conservation Area Appraisal, as well as the setting of the Grade I Listed Building and Scheduled Monument, the Church of St Mary and St Hardulph, the Council's Conservation Officer previously considered that the proposal would not encroach upon the view established from the village towards these heritage assets. Historic England did not object to the previous application on the site particularly as it was contained within the existing garden to no. 1 and would occupy an area where existing outbuildings are positioned. Given that the proposed dwelling would now be smaller in terms of both its footprint and height there is no planning reason for those previous conclusions to alter and it is noted that no objections have been received from Historic England or the Council's Conservation Officer.

Plain roof tiles, red brickwork, timber doors and windows and terracotta chimney pots are all proposed which would provide a more traditional appearance than the previous contemporary approach previously put forward on the site. However, it is considered reasonable to impose a condition on any permission granted for specific samples of the proposed materials to be agreed.

Overall the layout, design and scale of the dwelling is considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60, 61, 131, 132 and 137 of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies D1 and He1 of the adopted Local Plan.

### **Highway Safety**

The County Highways Authority have not responded to the current application but previous raised no objections to the proposal subject to their standing advice being considered. The previous application on the site was not refused on highway safety grounds.

It is proposed that an existing vehicular access into the site at the junction of Melbourne Lane and Hollow Road would be utilised to access the existing and proposed dwelling. The shared

access would have an acceptable width and any vehicle exiting the site could also see clearly down the access drive to the highway to ascertain if a vehicle was entering the site before they progressed. Within the site a sufficient sized area would be provided to enable vehicles to manoeuvre so that they can exit in a forward direction. In the circumstances that the movement of vehicles into and out of the site would not 'severely' impact on pedestrian or highway safety it is considered that the proposal would accord with Paragraph 32 of the NPPF, and Policy IF4 of the adopted Local Plan.

As a two bedroom dwelling a minimum of two off-street parking spaces would be required and it is considered that sufficient space would exist on the site for this level of off-street parking to be provided to serve the new dwelling. Two car parking spaces would also be provided to No.1 Hollow Road as part of the proposal for a dwelling that currently does not benefit from off-street parking. Therefore, the provision of any form of parking would represent a highway gain. Overall the development would accord with Paragraph 39 of the NPPF and Policy IF7 of the submitted Local Plan.

### **Ecology**

The County Council Ecologist and Natural England have previously raised no objections to applications on the site and subject to appropriate planning conditions it is considered that ecological species would not be duly impacted on. Therefore the scheme is compliant with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the adopted Local Plan.

### **Landscaping**

The Council's Tree Officer has previously undertaken a site visit and considers that the only tree of merit within the garden of the application site is an Ash tree. As submitted the layout plan shows that the dwelling is positioned outside the root protection area (RPA) of this tree and could accommodate any spread of its crown, as a consequence of this it would not be duly impacted on by the development. Trees to the eastern boundary of the site, shared with the Breedon Hill SSSI, would also not be impacted on by virtue of the position of the dwelling.

It is also considered that the trees on the eastern boundary of the site would not be subjected to unnecessary pressure for removal given that they would be afforded protection due to the site being within the conservation area.

Given this conclusion it is considered that an approval of the development would not result in significant impact upon trees.

### **Archaeology**

The County Council Archaeologist has previously indicated that an appraisal of the Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located within the historic settlement core of medieval and post-medieval Breedon and is to the base of Breedon Hill which is a site of considerable archaeological complexity and significance, incorporating the scheduled site of an Iron Age hillfort, Saxon minister and associated Augustinian Priory of which the only surviving structure is the Grade I church of St Mary and St Hardulph. Fieldworking and excavations in the vicinity of Breedon Hill have identified evidence from the Mesolithic and Neolithic periods as well as heavy activity during the Iron Age. Given the topography of the land, and associated groundworks to facilitate the development, there is a possibility that any remains present will be damaged.

Given the opportunities which exist for archaeological remains to be present on the site, the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a programme of archaeological investigation to be undertaken (including intrusive



and non-intrusive investigations and recordings) in advance of the development commencing in order to record and progress the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the high possibility of archaeological remains being present on the site and their inclusion therefore ensures the development complies with Paragraph 141 of the NPPF as well as Policy He1 of the adopted Local Plan.

**Other Matters**

East Midlands Airport Safeguarding have previously raised no safeguarding objections to the development and as such it would be considered compliant with Policy Ec5 of the adopted Local Plan.

**Summary Reasons for Granting Planning Permission**

The application site is largely located within the Limits to Development where the principle of the form of development would be acceptable with Breedon on the Hill being considered a sustainable settlement. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, highway safety, heritage assets, ecology, landscaping, archaeology or airport safeguarding. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the above mentioned policies.

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

1. Time limit
2. Approved plans
3. External materials
4. PD removal
5. Soft and hard landscaping
6. Replacement trees
7. Tree and hedge protection
8. Boundary treatments
9. Highway safety
10. Levels
11. Archaeology