

UPDATE SHEET

PLANNING COMMITTEE – 03 November 2015

To be read in conjunction with the
Head of Planning and Regeneration's Report (and Agenda)

This list sets out: -

- (a) Additional information received after the preparation of the main reports;
- (b) Amendments to Conditions;
- (c) Changes to Recommendations

MAIN REPORT

A1 15/00881/FUL **Erection of detached dwelling with detached single garage land to the south of 1 Zion Hill, Peggs Green, Coleorton**

Planning Agent Comments

Following the publication of the Committee report the planning agent has reviewed this report and has supplied an additional written representation outlining the following observations: -

Local Need Housing

- The applicant would qualify for occupancy as he has resided in the neighbouring parish for 5 out of the past 20 years; he has lived in Whitwick for over 20 years.
- The reference to the applicants use of the site as an allotment was made in terms of vehicular movements associated with the site. A principal objection is the reliance on the car – we make the observation there is an offset in this regard.
- Whilst qualifying for occupancy this is not the overriding reason for the provision of Local Needs Housing.

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- Local Needs Housing is a form of affordable housing in that it restricts occupancy in perpetuity such that if it were to be sold or rented out in the future it would reduce the price by one third (this is the view taken by the case officer when responding to members questions in the determination of an application on Dawsons Road, Osgathorpe on 7th October 2014 Ref: 14/00574/OUT).
- There are numerous examples of Councils throughout the country adopting similar approaches to affordable housing in rural settlements.
- In our opinion the application can therefore be viewed as a rural exception.
- There is a severe lack of affordable housing sites in smaller rural villages and I give the examples of recent applications for 30 houses in Lount (11/00415/FULM) and 12 houses in Worthington (13/00061/FULM) whereby instead of onsite affordable housing an offsite contribution was made. In the Worthington example this is despite the Housing Officer, Ruth Robinson, stating there was a need locally for affordable housing.
- In summary conventional affordable housing has little chance of success in smaller rural villages as they are often considered too remote by Social Landlords. The offer of a local occupancy restriction as part of any consent would improve the affordable housing stock within Peggs Green.

Previously Developed Land

- As part of the dismissed appeal the Inspectorate stated two reasons why the land failed to be classed as previously developed land, which I respond to as follows:-
 - i. “Land that has been developed for mineral extraction.”
The land was used for the production, storage and distribution of brick – this was an industrial process not extraction
 - ii. “Land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”
The foundations to brick structures remain on the site.
- It is accepted that whilst there are brick remains they have given over to vegetation however the observation is made that in terms of the previous assessment there was a fundamental oversight i.e. the making, storage and distribution of bricks is not mineral extraction.

Sustainability and H4/1

- There is an oversight in the report in that the Viscount Beaumont Church of England Primary School is not listed which I calculate to be 1,786 metres from the site.
- Policy H4/1 dictates that a settlement is sustainable if it has access to 5 out of 8 listed services; you list 7 (including a church which is quoted as a service in Rural Practice Guidance Notes). The bus service is hourly and this is a per the services

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which benefit villages viewed as sustainable in the current and emerging local plan such as Breedon on the Hill.

- Of note is that of the 7 services listed, 5 are within a distance of 495 metres or less.
- All of the 7 services quoted are primarily accessed via a raised footpath with street lighting. Lower Moor Road, Loughborough Road, Nottingham Road, Top Road and New Road all benefit from a raised footpath of the Highway with Street Lighting over.
- It is contended that the footpath adjoining the application site is a natural route to access services to the north, however forgoing this argument it is noted that the occupiers of the dwelling would only have to walk either 83 metres in a northerly direction or 143 metres in a southerly direction before they would benefit from a raised footpath, with street lighting, to the various services and facilities listed.
- I draw comparisons with similar applications in the District, for example on Melbourne Lane, Breedon on the Hill (12/00455/FUL and 10/00268/FUL) where the occupants of recent residential development have to walk 200 metres along a single track road before reaching a raised foot path.

Highway Safety

- I would ask that County Highways observations are made aware to Planning Committee members and the response by the applicant as this is unclear in the report, namely:

Notes to Applicant

Favourable consideration would be given to an amended planning application that demonstrates that appropriate visibility will be provided at the access. It would appear that appropriate visibility could be provided at a centrally positioned access.

- Following on from this observation a revised plan has been forwarded which shows standard visibility splays could be achieved at a centrally positioned access.

Impact on the Character and Appearance of the Area and Streetscape

- The report refers to the earlier appeal decision which stated; “where works required by a lay-by would entail the removal of the hedgerow at the boundary of the property and replacement further back.” The report then goes onto state this comment is still applicable. This is incorrect; the site layout does not include a passing bay and merely repositions the access point to the centre of the site to achieve requisite visibility at the request of County Highways.
- We make the wider observation that the site is not rolling countryside, it is in part utilised as an allotment however has the more general appearance of scrub land, indicative of its previously developed nature.

Summary

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- It is accepted that there have been issues raised surrounding sustainability and the application attempts to address these through the following:
 - i. Identifying 7 services that can be accessed within safe recognised walking distances along predominately raised paths with street lighting.
 - ii. Putting the site forward as a rural exception affordable housing site with a restriction on occupancy resulting in a 1/3 of a subsequent sale or rental price.
 - iii. Green design – code for sustainable homes level 5.
 - iv. Observations on previously developed land.
 - v. Observations that the site represents a continuation of the sporadic form of development in Peggs Green with a house to the immediate north.
 - vi. Modest three bedroom design built using locally sourced materials.
 - vii. No lay-by with associated urbanising effect on Tugbys Lane.

- We would request that the Planning Committee Members are made aware of these observations.

Following the receipt of the revised comments of the County Highways Authority a further plan has been supplied by the agent for the application (on the 2nd November 2015) showing that the carriageway of Tugbys Lane would be increased in width to 5.5 metres to facilitate the provision of a lay-by. The County Highways Authority has been reconsulted on this plan.

County Highways Officer observations

Following consideration of the revised plan showing a vehicular access being centrally positioned in the site the County Highways Authority has removed its objection subject to the imposition of conditions on any consent granted. One such condition relates to the provision of a lay-by to the site frontage to allow vehicles to pass each other on Tugbys Lane.

An amended plan has been supplied to show the provision of a lay-by, by virtue of the increasing in the width of Tugbys Lane to 5.5 metres, and the County Highways Authority have confirmed that this plan would be acceptable.

Officer comment

Local Needs Housing

The report makes it clear that there are no policies within the adopted local plan, emerging local plan or the NPPF which relate to the provision of dwellings to meet a 'local need' and thus no weight is attached to this argument. The assessment undertaken, therefore, has been based on the sentiments within Paragraph 001 of the Planning Practice Guidance with the report concluding that any support to the local businesses would be limited due to the modest form of the development and its proximity to the services (i.e. shop) which would require supporting. The report also makes it clear that any demonstration of a 'local need' would not set a principle that all development in rural areas should simply be accepted particularly as there is conflict with Policies S3 and H4/1 of the Local Plan as well as the overarching aims of the NPPF.

For reference Policy H12 (Exceptional Affordable Housing Sites) of the adopted Local Plan includes a list of six criterion which development of affordable housing sites outside the Limits to Development should adhere to. The proposed development would be contrary to four of the criteria which would be as follows: -

- i. Be well related to the built form and overall structure of an existing settlement and not adversely affect its present character;
- ii. Adjoin the Limits to Development, identified on the Proposals Map;
- iii. Not result in ribbon or detached development, or be prejudicial to the protection from development of any intervening or other land outside Limits to Development;
- iv. Not be on land designated as a sensitive open area or any other area afforded special protection in this Local Plan or be in a position where it would detract from the appearance and general character of countryside worthy of protection for its own sake.

Existing vehicular movements undertaken to the site for the maintenance of the allotment are undertaken as a matter of choice by the applicant. In any case the movements associated with a dwelling would be higher in number and more frequent than those in connection with an allotment, particularly given the location of the development in respect of its proximity to services which meet the occupants day to day needs, and as such any vehicular movements undertaken presently would not offset those associated with a residential dwelling.

Previously Developed Land

Whilst the Planning Inspector may have made an oversight in terms of referring to '*mineral extraction*' in the appeal decision (Ref: APP/G2435/A/12/2183555) the Committee report makes it clear that any physical evidence of the foundations of any brick building previously on the site have since 'blended into the landscape in the process of time', and on this basis the land would not considered 'previously developed land' as defined in the NPPF.

Sustainability and H4/1

It is noted that Policy H4/1 of the adopted Local Plan makes no reference to a settlement being sustainable if it provides at least "*5 of 8 listed services*" nor is any such list of services referred to in Policy S3 (Settlement Hierarchy) of the emerging Local Plan so this assertion is disputed.

From calculation the distance of the Viscount Beaumont Church of England Primary School (Ashby Road) to the centre of the site would be 1,887.0 metres and thereby well in excess of an acceptable walking distance.

With the exception of the bus stops four local services lie within 500 metres of the site (Church, Public House, Social Centre and Recreation Ground) none of which would provide for the occupants 'day to day needs.' The bus stops within the vicinity of the site also do not provide a service which goes to Breedon on the Hill given that this bus stop is located over 1000 metres from the site.

Two appeal decisions relevant to the area, one of which relates to this site, have been dismissed on sustainability grounds (amongst other things). The service provision within the area has not changed since the consideration of these appeals, which have been assessed

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against the same planning policies as this particular application, and as such it remains concluded that the development would not be socially or environmentally sustainable.

The Code for Sustainable Homes has also been abolished and replaced with a list of core standards applicable to Building Regulations as such there would be no control over the sustainability credentials of the built form.

Highway Safety

The County Highways Authority have now commented on the revised plan and confirmed that the revised access position would achieve a level of visibility which would be adequate for the speed of traffic on the highway. This acceptance, however, is dependent on the provision of a lay-by to the site frontage to allow vehicles to pass each other on the highway.

An amended plan has been received from the applicant (on the 2nd November 2015) identifying that the carriageway of Tugbys Lane would be widened to 5.5 metres to accommodate a lay-by and this plan has been redirected to the County Highways Authority who have confirmed that this lay-by would be acceptable.

In conclusion it is considered that the development would not have a 'severe impact' on the safe usage of the highway and would therefore accord with Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

Impact on the Character and Appearance of the Area and Streetscape

It is noted that no lay-by is shown on the revised vehicular access plan but the County Highways Authority have stipulated that the provision of such a lay-by would be important from a highway safety point of view. The agent has supplied an amended plan (on the 2nd November 2015) which shows that the carriageway of Tugbys Lane would be increased in width to 5.5 metres to provide such a lay-by. The plans show that the hedgerows on both sides of the highway would not be impacted on by this proposal and as such this work, in itself, would not have significant implications to the rural amenity of the immediate environment.

Whilst this is the case the reference to the comments of the Planning Inspectorate being 'applicable' to the development proposed was in relation to the urbanising impacts the provision of a dwelling and its associated infrastructure would have on what is a rural site and this comment still stands.

Housing development within the area of Peggs Green where the dwelling would be situated is not sporadic with it being observed that dwellings are concentrated, in close proximity to each other, along the highways of Zion Hill, Loughborough Road and New Road. Whilst No. 1 Zion Hill, to the north, is detached from the other properties on the south-western side of this highway it is closely associated with the properties on the north-eastern side of the highway and as such would not be considered 'sporadic'.

A view is therefore maintained that the dwelling would be isolated and disconnected from other neighbouring properties which would conflict with the intentions of Paragraph 55 of the NPPF.

RECOMMENDATION: REFUSE AS RECOMMENDED.

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