

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 2 February 2016
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 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
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
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.	
3. MINUTES	
To confirm and sign the minutes of the meeting held on 5 January 2016.	3 - 10
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Head of Planning and Regeneration.	11 - 14



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	15/01078/OUTM: Residential development (up to 91 dwellings) and associated infrastructure (outline - access only) Re-submission of 15/00306/OUTM Land North Of Butt Lane And East Of Hepworth Road Woodville/Blackfordby Swadlincote	PERMIT Subject to a Section 106	15 - 46
A2	15/01097/FUL: Erection of one detached dwelling Land At Main Street Normanton Le Heath Coalville	Permit	47 - 74
A3	15/01148/OUT: Erection of four detached dwellings with associated off street parking (Outline - matters of access and layout for approval) Land Off Lower Moor Road Coleorton Coalville Leicestershire	Permit	75 - 96
A4	15/01062/OUT: Erection of one new dwelling (Outline - access, layout and scale) Land Adjoining Mill Hill Farm Station Road Ibstock Coalville Leicestershire LE67 6JL	Permit	97 - 106

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 5 JANUARY 2016

Present: Councillor J Bridges (in the Chair)

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

In Attendance: Councillors F Fenning, J Geary and T J Pendleton

Officers: Mr C Elston, Mrs C Hammond, Mrs A Lowe, Mr A Mellor and Mr J Newton

84. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D J Stevenson.

85. DECLARATION OF INTERESTS

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

Councillor R Boam declared a non pecuniary interest in item A4, application number 15/00958/FUL and item A5, application number 15/00/727/FUL as an acquaintance of both applicants.

Councillors J Cotterill and M Specht declared a non pecuniary interest in item A4, application number 15/00958/FUL as members of Coleorton Parish Council.

Councillor J Hoult declared a non pecuniary interest in item A5, application number 15/00727/FUL as an acquaintance of the applicant.

Councillor V Richichi declared a pecuniary interest in item A2, application number 15/00992/OUT as his property was mentioned throughout the report.

Members declared that they had been lobbied without influence in respect of various applications below:

Item A1, application number 15/00717/VC1
Councillor J Legrys

Item A2, application number 15/00992/OUT
Councillor N Smith

Item A4, application number 15/00958/FUL
Councillor N Smith

86. MINUTES

Consideration was given to the minutes of the meeting held on 1 December 2015.

Councillor R Johnson requested that the minutes be amended to include the following comments that he had made in relation to minute number 79.

“As a point of clarification, of Councillor Specht’s personal experiences, I informed the Committee that the unit was in fact a sanatorium and that there were hundreds of these units throughout Europe. Of Councillor Smith’s remarks that the site would be the first in

the country I also informed the Committee that there were over 80 of these facilities throughout the United Kingdom.

It was moved by Councillor J Legrys, seconded by Councillor D Harrison and

RESOLVED THAT:

The minutes of the meeting held on 1 December 2015 be approved and signed by the Chairman as a correct record, subject to the inclusion of the above wording.

87. 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.

The Chairman advised Members that item A3, application number 15/00204/FUL had been withdrawn from the agenda.

88. A1

15/00717/VCI: VARIATION OF CONDITIONS 3, 6 AND 11 OF PLANNING PERMISSION APP/G2435/A/11/2163658 TO INCREASE THE NUMBER OF CARAVANS FROM THREE TO EIGHT, ALL OF WHICH CAN BE STATIC MOBILE HOMES, AND TO AMEND THE SITE LAYOUT TO SITE THE EIGHT CARAVANS AND PROVIDE A DRIVE WAY AND PARKING AND TURNING AREA AND AN ALTERNATIVE LANDSCAPING SCHEME AND RETAIN THE EXISTING ACCESS

Land Adjacent To 81 Shortheath Road Moira Swadlincote Derby DE12 6AP

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

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

The officer's recommendation was moved by Councillor J Legrys and seconded by Councillor M Specht.

Councillor M Specht stated that he had seconded the application with reluctance and he felt that the report made interesting reading. He highlighted that it was thought that the site would lead to a 160% increase in traffic volume however this had not been picked up by Highways. He drew Members attention to the statement that the District had a shortfall of 27 pitches and by supporting the application it would help to alleviate the issue and help a minority group integrate into the area. He expressed concerns that some of the letters of objection could be seen as discrimination and suggested that they be forwarded to the Police.

Councillor R Johnson felt that the authority required a Traveller Liaison Officer to oversee the need and development of traveller sites.

Councillor J Bridges stated that a proposal similar to this had been put forward at the Local Plan Advisory Committee for consideration.

Councillor G Jones stated that he was unhappy that a previous application for two dwellings on the site had been refused and sought an explanation as to how the nomadic lifestyle of the occupants would impact on council tax and the local schools

The Head of Planning and Regeneration advised Members that council tax and valuation were not planning matters and that due to the scale and specific circumstances of the proposal, given that only one family member was of school age it was not considered to have a significant impact on the local schools.

Councillor J Legrys stated that quite a long discussion had taken place on understanding the application as he had found the report difficult to read and comprehend and he sought clarification on how the statement not ceased nomadic lifestyle had been tested and why potential space on private sites within or outside the District had not been considered.

The Planning and Development Team Manager advised that in relation to refusal on Policy S3 advice had been taken from the County Traveller Sites and Liaison Officer that some of the family worked away using touring caravans, that were stored on a separate site, and a permanent base was required for the other members of the family. In relation to space at other sites within the District he advised that this had not been tested, but in dealing with previous appeals for gypsy and traveller sites the Planning Inspector would only ask for evidence of what Local Authority sites were available. It was also taken into consideration that the application in front of Members would allow the existing family to provide additional accommodation for their growing family together and this was acceptable.

Councillor J Legrys raised concerns over how the site could be considered for static homes when the report clearly stated that proposed occupants had not ceased their nomadic lifestyle.

In response to Councillor J Legrys, the Planning and Development Team Manager stated the proposed static caravans fell within the statutory definition of a caravan found in the Caravan Sites and Control of Development Act 1960 as supplemented by sec. 13 of the Caravan Sites Act 1968 and that following the discussions with the County Liaison Officer it had been noted that pitches were not always guaranteed on private sites and the application before them was to be used by extended family only.

Councillor J Legrys stated that as a Member of the Local Plan Advisory Committee the application exemplified the need for a municipal site to overcome the need. He accepted that the Authority by law needed to make sites available for minority groups, however the local communities found it difficult to understand that. He advised that he felt the Committee had no option but to approve, and therefore he would reluctantly be voting in favour of the application, but felt that there needed to be a better understanding of the rules when a permanent house could be refused but static mobile homes could be permitted.

Councillor V Richchi felt that the inconsistency in permitting applications was why the Planning Committee had so much criticism and that he found it hard to understand why a dwelling was refused and a traveller's site could be permitted.

Councillor J Bridges reminded Members that the rules on approval of applications were not made up by the Local Planning Authority but was legislation that had been passed by Government.

The Head of Planning and Regeneration stated that the previous application for the existing static homes had originally been refused by the Committee and allowed at appeal.

Councillor J Bridges requested a recorded vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Adams, R Boam, R Canny, J G Coxon, D Everitt, D Harrison, R Johnson, J Legrys, and M Specht(9).

Against the motion:

Councillors G A Allman, J Bridges, J Cotterill J Houlst, G Jones, V Richichi, N Smith and M B Wyatt(8).

Abstentions:

None(0).

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

89.

A2

15/00992/OUT: DEMOLITION OF EXISTING FIVE NO. POULTRY HOUSES AND ASSOCIATED FEED SILOS AND ERECTION OF THREE DETACHED DWELLINGS (OUTLINE - ACCESS, LAYOUT AND SCALE INCLUDED)

Poultry Farm Normanton Road Packington Leicestershire

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

Having declared a pecuniary interest in item A2 Councillor V Richichi left the meeting and took no part in the consideration and voting thereon.

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

Mr C Miles, Parish Councillor, addressed the Committee. He advised Members that Packington Parish Council believed that the development site was agricultural land, which could not be built on and was outside the Limits to Development adding that permitting the development would open the door to further applications. He informed the Committee that the road was notorious for speeding and the access was not safe with very poor visibility. He stated that no provision had been made for the public right of way and that the development would destroy the Countryside. He urged the Committee to refuse the application.

Mrs Fleetham, applicant, addressed the Committee. She advised the Members that the family had lived in Packington for ten years, with their current home backing on to the site and that it was proposed to build a bigger family home and then two smaller homes for their two daughters. She highlighted that the site was industrial in appearance and that by removing the current buildings the development would improve the view into the village. She informed Members that as an owner of dogs she was a regular user of the footpath and that they had no intention of building more than three dwellings adding that they would be willing to sign a legal agreement to that effect. She urged the Committee to consider the application on its own merits and support the recommendation to permit.

The officer's recommendation was moved by Councillor M Specht and seconded by Councillor G Jones.

Councillor N Smith stated that it was a difficult application which had caused concern with the Parish Council and requested that a meeting take place between the Director of Services and the Parish Council to resolve issues surrounding a plan. He advised that the village did not want ad hoc developments and that the Committee should consider a deferment so that a plan could be formulated.

Councillor J Legrys felt that it was an excellent application and it was a route that he travelled quite often and always thought that it was an eyesore. He said that the buildings could be demolished and the land returned to Greenfield. He added the land had value

and the family wanted to build their dream home to stay together. He stated that it was not a big development which would mean less traffic, that there should be more encouragement for these applications and there was no need for the family to sign an agreement on the number of houses built.

Councillor J Bridges stated that should any further applications be submitted in the future they would be considered separately.

Councillor G Jones felt that the application was a breath of fresh air stating that farms were decreasing and the new homes were needed to support villages adding that the application looked like a quality development of which he was all in favour of.

Councillor M Specht stated that he could remember the site from his youth and it had always been an eyesore. He highlighted that if the application was refused then a new application to utilise the existing buildings could be submitted for industrial units which would mean large lorries using the surrounding roads.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

Councillor V Richichi returned to the meeting.

**90. A4
15/00958/FUL: ERECTION OF A DETACHED DWELLING WITH ASSOCIATED
DETACHED SINGLE GARAGE**

Land At Bakewells Lane Coleorton Leicestershire

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mr A Large, agent, addressed the Committee. He advised the Members that the application would not cause a significant increase to the traffic movements in the area. He informed Members that there were no grounds to refuse the application on sustainability as the village offered eight services, which residents made full use of and that new homes were required, which the application attempted to respond to.

Ms B Heathcote, applicant, addressed the Committee. She advised the Committee that she had been raised in the village and had lived in the village for twelve years with her own family. She informed the Members that due to unforeseen circumstances the family had moved out of their home and had been forced to move several times since as a consequence of having to live in rented accommodation to be able to stay close to extended family. She urged the Committee to permit the application and that their decision would totally change their lives.

Councillor J Legrys moved a recommendation to permit the application. It was seconded by Councillor N Smith.

Councillor M Specht stated that the Parish Council was consistent in seeking refusal of applications outside the Limits to Development and did not comment on ones within the Limits. He stated that the significant traffic accidents were on the A512 and traffic for the public house used the lane all week, adding that there was an hourly bus service that ran past the end of the road. He highlighted in reference to sustainability that many people ordered shopping on-line and that he was in favour of supporting the application.

Councillor G Jones stated that he was happy to endorse the application as it was in an ideal location.

Councillor D Everitt stated that as villages lost vital services the argument of sustainability was getting weaker.

Councillor J Legrys stated that the Committee had approved applications earlier outside the Limits to Development to keep families together and the application in front of them was no different. He highlighted that some villages were concerned over the demise of services and that this village offered extremely good services and road links. He expressed his concern over the officers' opinions and stated that he was in favour of the application.

Councillor V Richichi stated that the application would have no adverse effect on life or locality and that because of a lack of objection from the public, he would be voting in favour of the application.

Councillor J Hoult stated that building dwellings such as the one in front of them would help to keep the local schools open.

Councillor J Bridges stated that he understood where Members were coming from, but officers had to interpret the legislation.

RESOLVED THAT:

The application be permitted and the wording of the conditions and decision notice be delegated to the Head of Planning and Regeneration.

91. A5
15/00727/FUL: ERECTION OF A DETACHED TWO-STOREY DWELLING WITH ASSOCIATED OFF-STREET PARKING
 Land Adjacent To 94 Moor Lane Coleorton Coalville Leicestershire LE67 8FQ

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mr S Wilcox, agent, addressed the Committee. He advised the Members that there was a justified need for the development as there were no suitable building sites within the Limits. He highlighted that the local services were all within a reasonable distance and the applicant intended to use local sub contractors to do the work. He urged Members to support the application due to the social and economic benefits that it would bring to the area.

Councillor R Boam moved a recommendation to permit the application. It was seconded by Councillor J Cotterill.

Councillor J Hoult advised that he knew the family and that there was a clear need for local housing in this instance as the farmer was 80 years old and his son, who would live in the property, had to travel from Coalville to assist on the farm.

Councillor R Canny stated that the Committee was often asked to consider developments outside the Limits to Development by weighing up on balance the benefits and that on balance with this application there was a family need with transport and that it was a

single dwelling and therefore she would be voting in favour of the application.

Councillor J Legrys stated that he had sat on the Committee for some time and it was the first time that he could recall genuine local needs adding that he would like to see more applications where local people self build homes to ensure that families stayed together.

Councillor J Coxon stated that he agreed with Councillor J Hoult and that the building would not look out of place, adding that if small developments such as the one before them were not built small villages would die. He supported the application.

RESOLVED THAT:

The application be permitted and the wording of the conditions and decision notice be delegated to the Head of Planning and Regeneration.

92. TO CONSIDER CONFIRMING A TREE PRESERVATION ORDER AT 29 LONDON ROAD, KEGWORTH

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

It was moved by Councillor J Legrys, seconded by Councillor G Jones and

RESOLVED THAT:

The TPO be confirmed.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.50 pm

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APPENDIX B

**Report of the Head of Planning and Regeneration
To
Planning Committee
2 February 2016**

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.

Residential development (up to 91 dwellings) and associated infrastructure (outline - access only) Re-submission of 15/00306/OUTM

Report Item No
A1

Land North Of Butt Lane And East Of Hepworth Road
Woodville/Blackfordby Swadlincote DE11 7BY

Application Reference
15/01078/OUTM

Applicant:
Mr Tom Dickens

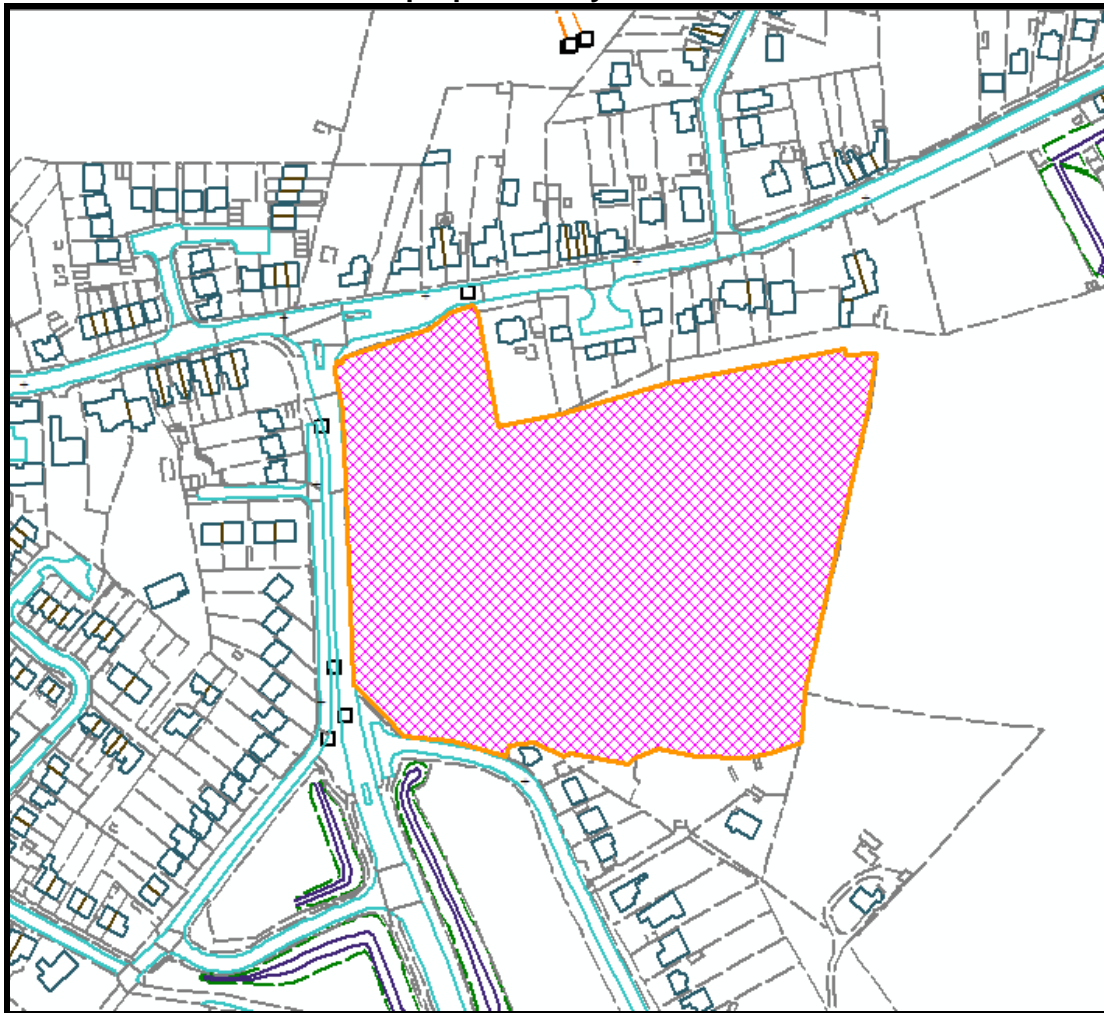
Date Registered
26 November 2015

Case Officer:
Ebony Mattley

Target Decision Date
25 February 2016

Recommendation:
PERMIT Subject to a Section 106

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, as it is an application of public interest and raises matters which should be referred to the Planning Committee for consideration.

Proposal

This application seeks outline planning permission for up to ninety-one dwellings, at land to the north of Butt Lane and east of Hepworth Road, Blackfordby.

The application is in outline at this stage with details of means of access only included for consideration. The vehicular access into the site would be off Butt Lane.

Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

This application is a re-submission of application ref: 15/00306/OUTM which is currently subject to an appeal.

Consultations

Members will see from the main report below that there are objections from 87 addresses to the scheme, and objections from Ashby Town Council and Woodville Parish Council. Concerns and/or financial contributions, in respect of cross boundary issues are raised from South Derbyshire District Council. There are no other objections raised from statutory consultees.

Planning Policy

The application site is located outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also relevant, is the District's housing land requirements, and the need as set out in the National Planning Policy Framework, (NPPF) to demonstrate a five year supply.

Conclusion

When having regard to the information presented by the applicant in seeking to overcome the previous reason for refusal, the absence of a five year housing supply, the fact that no weight can be attributed to Policies S3 and H4/1 (in light of the recent Greenhill Road appeal decision) the sustainability credentials of the settlement of Woodville and Blackfordby, combined with the fact that the site is well related to existing built development and the Limits to Development, it is considered that a strong case has been made concerning the sustainability of the site.

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the discussions within the main body of the report, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The proposed development would be acceptable in terms of density, design, impact upon heritage assets, trees, residential amenities, highway safety, coal mining and land contamination, flood risk and drainage, ecological impacts and impact on the River Mease SAC/SSSI and no other technical issues are considered to arise. Consideration has been given to the cross boundary implications, given the proximity of the site to Woodville (South Derbyshire). Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services (in both North West Leicestershire and South Derbyshire), including the full provision of on-site affordable dwellings. There are no other relevant material planning considerations that indicate planning permission should not be granted.

It is therefore recommended that planning permission be granted, subject to conditions and the signing of the S106 Agreement.

RECOMMENDATION - PERMIT, APPROVE SUBJECT TO SECTION 106 OBLIGATIONS AND THE IMPOSITION OF 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

Outline planning permission is sought for the erection of up to 91 residential units. The application is in outline at this stage with details of means of access included for consideration. Vehicular access into the site would be off Butt Lane, to the south of the site.

Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

Members are advised that an application for the same development proposal was previously considered at the September 2015 Planning Committee, where the application was refused resultant of the coalescence between Blackfordby and Woodville, harm and intrusion into the countryside and overall un-necessary and un-sustainable development. An appeal has recently been submitted to the Planning Inspectorate, in respect of the previous application ref: 15/00306/OUTM.

The applicant has also sought to address the previous objection raised with regards to harm and intrusion into the countryside with the submission of a Landscape and Visual Appraisal within this application submission.

The site is 3.4 hectares and is currently in agricultural use. Public Footpath P12 runs along the southern periphery of the site. The site lies within the catchment area of the River Mease Special Area of Conservation and the site is located outside Limits to Development, as identified in the North West Leicestershire Local Plan 2002.

Whilst the site falls within North West Leicestershire District Council's boundary, the site abuts the border of Woodville, which falls with South Derbyshire District Council. To the south, the site borders residential properties on the east side of Butt Lane, Blackfordby and borders No's 14-38 Ashby Road, Boundary to the north. The site immediately bounds Hepworth Road to the west, which abuts residential properties on Butt Lane, which are located within Woodville.

The application is accompanied by:-

- Amphibian Survey
- Arboricultural Report
- Coal Authority Mining Report
- Design and Access Statement
- Ecological Appraisal (preliminary)
- Flood Risk Assessment and Drainage Strategy
- Geotechnical and Geo-environmental Desk Study
- Landscape and Visual Appraisal
- Noise Assessment
- Planning Statement
- Precautionary Method of Works: Great Crested Newts and Reptiles
- Statement of Community Engagement
- Transport Assessment
- Travel Plan

Relevant Planning History:-

15/00306/OUTM - Residential development of up to 91 dwellings and associated infrastructure (outline - access only) Refused - 09.09.2015.

An appeal has recently been submitted to the Planning Inspectorate, in respect of the above mentioned application.

2. Publicity

108 No neighbours have been notified (date of last notification 27 November 2015)

Press Notice published 9 December 2015

Site Notice published 8 December 2015

3. Consultations

Ashby De La Zouch Town Council consulted 27 November 2015
County Highway Authority
County Highway Authority
Environment Agency
Severn Trent Water Limited
Head of Environmental Protection
Natural England-
NWLDC Tree Officer
County Archaeologist
LCC ecology
Airport Safeguarding
NWLDC Conservation Officer
NWLDC Urban Designer
National Forest Company
LCC Fire and Rescue
County Planning Authority
LCC Development Contributions
NHS Leicester, Leicestershire And Rutland Facilities Management
Development Plans
Head Of Leisure And Culture
Manager Of Housing North West Leicestershire District Council
Police Architectural Liaison Officer
LCC/Footpaths
NWLDC Footpaths Officer
LCC Flood Management
Coal Authority
Derby City Council
Derbyshire County Council
South Derbyshire District Council
Ashby Woulds Town Council

4. Summary of Representations Received

Statutory consultees:

Ashby de la Zouch Town Council raise objections on the following grounds:-

- o Greenfield site, outside village limits and would remove the area of separation between Blackfordby and Woodville;
- o The site is not designated for housing within the draft Local Plan;
- o Serious traffic problems in the village which would be exacerbated;
- o Vehicular access from Butt Lane is inappropriate;
- o The site is not sustainable, relying on the use of Woodville services;
- o Blackfordby Primary School has no capacity and no room to expand;
- o Lack of infrastructure generally within the village to support this expansion; and
- o Concerns about sewers coping with the additional discharge and exacerbating flooding which already occurs in Blackfordby.

South Derbyshire District Council raise the following concerns over the cross boundary impacts in relation to:-

- o Healthcare provision - approaches should be made to NHS Southern Derbyshire to agree a financial contribution towards plans to construct a new surgery in Woodville;
- o Education provision - in the event that the contribution requested by Leicestershire County Council Education department cannot be secured within North West Leicestershire, financial contributions should be secured at the primary, high and upper schools in South Derbyshire, in liaison with Derbyshire County Council Education department;
- o Highway capacity and congestion - there is evidence of a direct impact arising on existing infrastructure which is unable to cater for the additional demand that would arise as a result of this development and Derbyshire County Council Highways department should seek a financial contribution towards the 'Swadlincote Regeneration Route.'
- o Recreation and community facilities - outdoor sports and built facilities within South Derbyshire would tend to be preferred over provision in Ashby and consideration should be given whether a financial contribution towards 'Woodville Recreation Ground' is necessary.
- o Ward and Parish Councillors for Woodville raise concerns over the coalescence of the communities of Woodville and Blackfordby.
- o The scheme should be subject to full compliance with the River Mease Developer Contributions Scheme.

Woodville Parish Council raise objections on the following grounds:-

- o Detrimental impact on the infrastructure of Woodville;
- o Already overstretched highway network and additional harm to existing roads
- o Future reliance on services available in Woodville
- o Unlikely to contribute to provision of additional services, despite its location
- o Health, sport and recreation are already in short supply
- o Impact upon the character of Woodville and add to the pressure of coalescence of the villages of Woodville and Blackfordby
- o Entirely inappropriate location for development in Leicestershire, away from services provided by Leicestershire.

Derbyshire County Highway Authority raises concerns over the proposed traffic impact upon the A511/A514/B5004 "Clock" roundabout at Woodville and has requested a contribution to mitigate the impact.

Leicestershire County Highway Authority has no objections subject to conditions and subject to securing developer contributions through a legal agreement.

Environment Agency considers that this proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee and therefore do not wish to make representations on this application.

Coal Authority raises no objection subject to a condition.

Natural England raises no objections subject to the development according with the requirements of the River Mease Developer Contribution Scheme.

National Forest Company advises that 20 percent of the site area should be woodland planting and landscaping.

Lead Local Flood Authority raises no objection subject to conditions.

Leicestershire County Council - Ecology raises no objections subject to conditions.

Leicestershire County - Archaeology raises no objections subject to conditions.

Leicestershire County Council - Footpaths raises no objection, providing notes to the applicant in respect of Public Footpath P12 are adhered to.

NWLDC Head of Housing advises that the rural housing needs survey for Blackfordby identified a need for affordable homes. In line with the Council's Supplementary Planning Document, 30% affordable housing should be secured.

NWLDC Urban Designer is not satisfied that the indicative layout scheme is acceptable and proposes a condition for a scheme to produce a Building for Life based design code.

NWLDC Conservation Officer has no observations to make on this application.

NWLDC Footpaths Officer states that no footpath diversion order would be required, if the layout shown is adhered to.

NWLDC Tree Officer raises no objections subject to conditions.

NWLDC Head of Environmental Protection raises no objection, subject to a noise condition.

NWLDC Street Action Team raises no objection, subject to a contaminated land condition.

County Councillor Sheahan raises the following objections:-

- a) the proposal is outside limits to development;
- b) the pressures it would put on schools and roads make it unsustainable;

- c) it will lead to the coalescence of the settlements of Blackfordby and Woodville and
- d) there are historic problems of flooding in the area, which this development will add to.

Representations from 87 addresses have been received raising the following objections:-

- a) Outside development limits and on Greenfield land
- b) Other suitable brownfield sites which should be prioritised first;
- c) Inappropriate location
- d) The land is not barren and is high agricultural quality land;
- e) Purely economic development
- f) The council have a 5 year supply;
- g) Loss of green wedge and green belt;
- h) Merging and coalescence of the two settlements;
- i) Loss of traditional village
- j) Contravenes all aspects of a good 'sustainable' development;
- k) Contrary to local plan policies and NPPF;
- l) Unfair to use the facilities of South Derbyshire and place the houses in North West Leicestershire;
- m) Increase in size of village by 25%;
- n) Blackfordby is not a sustainable village;
- o) Existing inadequate infrastructure/services/amenities; no additional infrastructure is provided;
- p) Loss of view of the countryside;
- q) Density is too high and scheme is too urban;
- r) Layout concerns;
- s) Houses accord with the character of new housing estates in Woodville;
- t) Insufficient open space
- u) Affordable housing is not "pepper-potted";
- v) Planting is vague and non-specific;
- w) Impact upon amenities of existing local residents;
- x) Pollution from noise and traffic;
- y) Highway safety;
- z) Volume of traffic and exacerbate congestion;
- aa) Narrow roads and lack of footpath;
- bb) Impact upon wildlife;
- cc) Impact upon existing trees;
- dd) Existing drainage and sewage issues; will exacerbate flooding
- ee) Similar developments have been rejected;
- ff) Inadequate documents submitted and profound statements given;
- gg) De-valuation of property prices
- hh) The Localism Act requires people and local authorities to be at the heart of the process;
- and
- ii) Essential that SDDC is consulted in this process

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

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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 Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire 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 14 (Presumption in favour of sustainable development)
Paragraph 32 (Promoting sustainable transport)
Paragraph 34 (Promoting sustainable transport)
Paragraph 47 (Delivering a wide choice of high quality homes)
Paragraph 49 (Delivering a wide choice of high quality homes)
Paragraph 54 (Delivering a wide choice of high quality homes)
Paragraph 57 (Requiring good design)
Paragraph 59 (Requiring good design)
Paragraph 61 (Requiring good design)
Paragraph 64 (Requiring good design)
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 109 (Conserving and enhancing the natural environment)
Paragraph 112 (Conserving and enhancing the natural environment)
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 119 (Conserving and enhancing the natural environment)
Paragraph 129 (Conserving and enhancing the historic environment)
Paragraph 131 (Conserving and enhancing the historic environment)
Paragraph 134 (Conserving and enhancing the natural environment)
Paragraph 143 (Facilitating the sustainable use of minerals)
Paragraph 203 (Planning conditions and obligations)
Paragraph 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan:

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

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.
Policy S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy E30 - Floodplains
Policy F1 - National Forest General Policy
Policy F2 - Tree Planting

Policy F3 - Landscaping and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy L21 - Children's Play Areas

Consultation Draft Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S1 - Presumption in favour of sustainable development
S3 - Settlement Hierarchy
S4 - Countryside
S5 - Design of New development
H6 - House types and mix
IF1 - Development and Infrastructure
IF2 - Community Facilities
IF3 - Open space, sport and Recreation facilities
En2 - River Mease Special Area of Conservation

North West Leicestershire District Council Affordable Housing Supplementary Planning Document (SPD)

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in Blackfordby.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Blackfordby.

North West Leicestershire District Council Play Area Design Guidance Supplementary Planning Guidance (SPG)

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

Blackfordby Conservation Area Appraisal and Study Supplementary Planning Guidance (SPG)

The SPG identifies individual factors considered to have a positive impact on the character of the Conservation Area. These factors include principal listed buildings and unlisted buildings of interest in the vicinity of the site.

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.

Other Guidance

National Planning Practice Guidance - March 2014.

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.

River Mease Water Quality Management Plan - August 2011.

River Mease Development Contributions Scheme - November 2012.

Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Assessment

The main considerations with regards to this application are the principle of development and assessing the previous reason for refusal, access and highway safety, public footpaths, density and layout, impact upon residential amenity, impact upon heritage assets, protected species/ecology, archaeology, trees, coal mining and land contamination, drainage and flood risk, the impact upon the River Mease SAC/SSSI, developer contributions and other matters.

Principle of development and assessing the previous reason for refusal

Members are advised that planning permission was refused at the September 2015 Planning Committee for the following reason:-

"Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of 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 sets out the circumstances in which development outside limits to development would be acceptable.

The introduction of residential development on this un-developed site, outside Limits to Development, as defined in the adopted Local Plan, would result in the unnecessary development of a Greenfield site and constitute un-sustainable development. The loss of separation between Blackfordby and Woodville would result in coalescence and significant harm to the character and rural appearance of the locality and any development on this site would appear as an unwarranted and incongruous intrusion into the countryside. In the opinion of the Local Planning Authority the scheme would therefore be contrary to the policies and intentions of the NPPF and Policy S3 of the North West Leicestershire Local Plan."

"Un-necessary and un-sustainable development"

The previous reason for refusal states:-

"The introduction of residential development on this un-developed site, outside Limits to Development, as defined in the adopted Local Plan, would result in the unnecessary development of a Greenfield site and constitute un-sustainable development...In the opinion of the Local Planning Authority the scheme would therefore be contrary to the policies and intentions of the NPPF and Policy S3 of the North West Leicestershire Local Plan."

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 (2002 (as amended)).

The application site lies outside the Limits to Development of Blackfordby, as defined by the proposals map of the adopted Local Plan and therefore falls to be considered against Saved Policy S3 of the Local Plan. Saved Policy H4/1 is also of relevance and identifies the criteria for in releasing "appropriate" land for housing.

The Inspector's decision concerning the Greenhill Road appeal sets out that the local planning authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" local plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and accordingly 'weight' should not be afforded to them when determining planning applications. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicate that planning permission for new homes should normally be granted.

Paragraph 14 of the NPPF requires an assessment to be undertaken to establish whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

The provisions of the NPPF do not specifically seek to preclude development within the countryside, and 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.

- o Economic - in this respect developments should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by coordinating development requirements, including the provision of infrastructure. It is considered that the development would benefit the local economy through both the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and maintenance of local infrastructure. Accordingly the site is considered to be consistent with the 'economic role'.
- o Social - in this respect, developments should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The new population could support and help sustain the local services and facilities that meet local needs and contribute to the creation of sustainable communities. The development would provide both open market and affordable housing, appealing to a wider spectrum with the local market, thus increasing local market choice and appealing to groups whom may have otherwise been excluded from the locality. The proposal would include the provision of public open space and financial contributions will be secured towards the provision of local services and facilities. Accordingly the site is considered to be consistent with the 'social role'.
- o Environmental - to fulfil this role development should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change. The site is located

outside the limits to development, but is well related to the existing settlement of Woodville. Furthermore, as set out in this report, it is considered that the proposal would not be contrary to the aims of protecting or enhancing the natural and historic environment. Accordingly the site is considered to be consistent with the 'environmental role'.

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

In respect of the loss of agricultural land, the Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The applicant has confirmed that the land would be assigned to Class 3, however the information does 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, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost and therefore given the relatively limited extent of the potential loss of the site, at 3.4 hectares, it is considered that the potential agricultural land quality issue is not sufficient to sustain a reason for refusal in this case.

Loss of separation, coalescence and harm to the locality

The previous reason for refusal states:-

"The loss of separation between Blackfordby and Woodville would result in coalescence and significant harm to the character and rural appearance of the locality and any development on this site would appear as an unwarranted and incongruous intrusion into the countryside."

In seeking to address and overcome this element of the objection, the application has been accompanied by a Landscape and Visual Appraisal.

The Appraisal states that views into the site are predominantly localised, and where more distant views may be possible, these would be restricted by intervening buildings and vegetation and/or softened and filtered by intervening vegetation. The Appraisal states that mature wooded copse, existing boundary hedgerow and maturing woodland plantation restrict views of the Site from the south and that the proposed development can be sympathetically accommodated within the existing landscape and will not have a significant adverse effect on the existing landscape character and visual amenity of the area. The Appraisal concludes that an opportunity exists for housing development at the Heart of the National Forest that would contribute to the changing rural appearance of the locality.

Whilst the site falls within North West Leicestershire District Council's (NWLDC) boundary, the site abuts the border of Woodville, which falls within the jurisdiction of South Derbyshire District Council (SDDC). It is considered that the application site would relate reasonably well to the boundaries of existing residential properties to the north of No's 14-38 Ashby Road, Boundary (NWLDC) and to the south with a linear row of residential properties to the east of Butt Lane, Blackfordby (NWLDC). The site immediately bounds Hepworth Road to the west, which abuts residential properties on Butt Lane, Woodville (SDDC).

In respect of the concerns raised about the merging of the settlements, it is acknowledged that the site would adjoin the settlement boundary of Woodville to the north, whilst adjoining the

most northerly point of the settlement boundary of Blackfordby, to the south. However, it is considered that a suitably designed scheme would be provided which proposes a layout with a landscaping buffer (and not built - residential development) to the south of the site, which would result in both a physical and visual separation.

For the avoidance of doubt the site does not fall within an area designated as an area of separation, under the Saved Policy E21 - Separation of Settlements (of the Adopted Local Plan).

In terms of the concerns raised about the impact upon the countryside, the application site abuts the settlement boundary of Boundary to the north - with Ashby Road, the settlement boundary of Blackfordby to the south and the settlement boundary of Woodville to the north and west. As such, it is considered that the development on this site would be viewed against this backdrop of existing, adjacent built development and therefore, would not appear an isolated development in the countryside.

Therefore having regard to the existing landscaping and the scope for mitigation in the detailed layout, design and landscaping of the scheme, whilst there would be moderate and localised harm to the countryside it is considered that it would be limited and not be so significantly detrimental to justify a reason for refusal based on the proposal resulting in an adverse impact on the character of this locality and the countryside.

Sustainability credentials of the site

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable.

Consideration should also be given to the appeal decision at land South of Moira Road, Ashby. In terms of the distance to amenities, the inspector referred to DoT statistics which show that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1km, cycling about 4.5km and by bus about 8km.

Services within South Derbyshire

The following services are available in Woodville off the A511, measured from the proposed pedestrian connection to the north west of the site:-

- o Shop - 230 metres
- o Convenience Store (Tesco) 615 metres
- o Post Office - 615 metres
- o Pharmacy - 615 metres;
- o Doctors - 920 metres
- o Primary School (Woodville Infant and Woodville C of E Junior School) - 570 metres
- o Secondary School - 1,735 metres

The County Highway Authority (CHA) have also commented upon transport sustainability within this application, stating that the site is within a reasonable walking and cycling distance of many facilities within Woodville and Swadlincote, including an hourly bus service along the A511 within 400 metres of the site and can therefore be considered a sustainable location in transport terms.

The CHA have also confirmed that whilst the westerly bound bus stop to the east of the site does not have a continuous footway linking it to the site, the next bus stop to the west of the site is a similar walking distance and does benefit from a continuous footway.

Services within North West Leicestershire

The now withdrawn submission version North West Leicestershire Local Plan: Core Strategy did identify Blackfordby as a "sustainable village".

Below are the approximate distances to services within Blackfordby, measured from the access point at Butt Lane:-

- o Recreation Ground - 870 metres
- o Primary School - 1,250 metres
- o Village Hall - 1,280 metres
- o Public Houses - 1,280 - 1,450 metres
- o Chapel 1,320 metres
- o Bus Service - (nearest stop opposite 23 Main Street) - 1,150 metres

Bus Service 9/9A provides an hourly service between Coalville and Burton on Trent calling at Swannington, Ashby de-la Zouch, Blackfordby, Moira, Swadlincote and Brizlincote. This service runs Monday to Friday between the hours of 0659 and 1939 hrs and on Saturdays between the hours of 0719 and 1939 hrs. A slightly reduced hourly bus service 9E runs on Sundays (this does not stop at Moira) between the hours of 0935 and 1935.

Having regard to the location of the site, it is considered that residents of the site would have easy access to services and facilities in Woodville by walking, with some reasonable access to facilities in Blackfordby by walking and cycling and reasonable access to facilities that neighbouring settlements (Swadlincote and Norris Hill) have to offer by cycling or by using public transport.

Whilst the services available within Blackfordby are more limited, the site is well related to Woodville and it is considered that accumulatively, with the services within Woodville and Blackfordby, overall there would be a good range of services and facilities, for the occupiers of the proposed dwellings.

Summary: Principle of Development and assessing the previous reason for refusal

When having regard to the information presented by the applicant in seeking to overcome the previous reason for refusal, the absence of a five year housing supply, no weight to be attributed to Policies S3 and H4/1, the sustainability credentials of the settlement of Woodville and Blackfordby, combined with the fact that the site is well related to existing built development and the Limits to Development, it is considered that a strong case has been made concerning the sustainability of the site.

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable, subject to all other matters being adequately addressed.

Access and Highway Safety

There is no change to the vehicular access and therefore consideration of this matter remains as per the previous application ref: 15/00306/OUTM. In this respect, the Committee did not include highway safety in the reason for refusal.

All matters are reserved for subsequent approval, except for access. The point of access proposed shows vehicular access from Butt Lane. The County Highways Authority has been consulted on the application and although concerns have been raised by local residents about traffic generation, point of access and highway safety matters, the County Highways Authority has raised no objections (subject to conditions) to the proposed development in respect of highway safety implications.

The CHA confirms that to encourage walking trips the existing footway along Butt Lane should be widened to a minimum of 1.2 metres, where possible and have requested a series of developer contributions, which is discussed later in this report.

In these circumstances, subject to conditions and S106 contributions, which the applicant has agreed to, it is considered that the development would accord with Policies T3 of the Adopted Local Plan.

Public Footpaths

There is no change to the indicative layout and therefore consideration of these matters therefore remains as per the previous application ref: 15/00306/OUTM. In this respect, the Committee did not include the impact upon the existing footpath in the reason for refusal.

Public Footpath P12 runs along the southern periphery of the site. The County Footpaths Officer (CFO) has confirmed that there is no objection to the application as it should not affect the public's use and enjoyment of the Right of Way, subject to adding a note to applicant to make them aware of safety, security, obstructions, surfacing, planting and any proposed diversions or temporary closures.

Whilst layout is not for consideration at this time, from the illustrative layout provided the existing Public Footpath would not be obstructed by any proposed dwellings and it would appear that a diversion would not be required and it is considered acceptable in terms of its impact on the existing Public Footpath. Nevertheless, as layout is not for consideration, it is considered appropriate to impose a note to applicant to inform the applicant of the comments of the CFO for future consideration.

The CHA have also confirmed that in order to provide the most convenient pedestrian and cycle links, Public Footpath P12 should be improved to a 2 metre wide hard surface, the proposed footway link between plot 5 and the Public Footpath should be to an adoptable standards and the link to Hepworth Road to the north of the site should be a shared cycleway/footway to a width of 3 metres. It is considered that conditions shall be imposed to this affect.

Density and Design

For the avoidance of doubt this application is in outline at this stage with details of means of access only included for consideration. Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

There is no change to the density nor the illustrative layout and therefore consideration of these matters therefore remains as per the previous application ref: 15/00306/OUTM. In this respect, the Committee did not include density, or design in the reason for refusal.

The density of 26.7 dwellings per hectare is considered appropriate, having regard to the location of the site, which is currently countryside, and it is not considered that a higher density of development could be achieved on the site, without having detrimental impacts upon the proposal. Therefore, the scheme is considered to be acceptable in relation to the advice contained in the NPPF and Policy H6 of the Adopted Local Plan.

The Council's Urban Designer has raised concerns that the layout would fail to meet the Building for Life criteria, however, when having regard to the outline nature of the scheme and the fact that it is not seeking consent for layout and appearance, it is not necessary to seek the submission of amended plans as these matters could be dealt with by appropriately worded condition which requires a Design Code to be agreed based on Building for Life 12.

Subject to these requirements, it is considered that an acceptable design solution for the development of the site could be achieved and therefore, the proposal is considered acceptable for the purposes of Policies E4 and H7 of the Adopted Local Plan and the design provisions of the NPPF.

Impact upon Residential Amenity

For the avoidance of doubt, layout, scale and appearance have not been presented and consideration of these matters therefore remains as per the previous application ref: 15/00306/OUTM. In this respect, the Committee did not include impact upon residential amenity in the reason for refusal.

The impacts upon the occupiers of existing neighbouring dwellings and proposed dwellings would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 91 units could not be provided on the site in a manner which would not adversely impact upon neighbouring residential amenities, in terms of loss of privacy, loss of light or overbearing impact.

It is, therefore, considered that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Adopted Local Plan.

Impact upon Historic Assets

For the avoidance of doubt, layout, scale and appearance have not been presented and consideration of these matters therefore remains as per the previous application ref: 15/00306/OUTM. The Committee did not include impact upon historic assets within the reason for refusal.

The scheme has been considered by the Council's Conservation Officer who has no observations to make on this application.

Having regard to the distances involved, the relationship between the site and the Conservation Area and the intervening land uses/development, it is not considered that there would be an

adverse affect upon the setting of heritage assets and the development of the site for housing would accord with Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Protected Species/Ecology

There has been no change in respect of these matters and therefore consideration remains as per the previous application ref: 15/00306/OUTM. In this respect, the Committee did not include impact upon protected species as a reason for refusal.

The application submission has been accompanied by an Ecological Appraisal, Amphibian Survey and Precautionary Method of Works Report which has been considered by the County Ecologist who has confirmed that the land is currently arable, of minor wildlife value and does not require any further mitigation in respect of Great Crested Newts. The County Ecologist raises no objection to the scheme, subject to the imposition of planning conditions.

Archaeology

There has been no change in respect of these matters and therefore consideration remains as per the previous application ref: 15/00306/OUTM. In this respect, the Committee did not include archaeology in the reason for refusal.

The County Archaeologist advises that the site is of archaeological interest and it is recommended that conditions are imposed for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording.

Accordingly, subject to the imposition of conditions to secure an appropriate programme of archaeological investigation and recording, it is considered that the proposal would comply with the provisions of the NPPF.

Impact upon Trees

There is no change to the indicative layout and therefore consideration of these matters therefore remains as per the previous application ref: 15/00306/OUTM. In this respect, the Committee did not include impact upon the trees in the reason for refusal.

An Arboricultural Report accompanies this application submission. The Council's Tree Officer has been consulted on the application and considers that there should be no significant impact on trees, if the Arboricultural Report is followed. The Council's Tree Officer states that the root protection area radii have not been specified, the root protection areas are vague, the use of fastigiated tree varieties should be specified in front gardens and a focal tree should be shown at the junction in front of plot 22. As neither layout nor landscaping are for consideration at this stage, it is not possible to state whether a plot would be positioned within a root protection area or where proposed planting will be undertaken, as this will be determined at the reserved matter stage(s).

Coal Mining and Land Contamination

There has been no change in respect of these matters and therefore consideration remains as per the previous application ref: 15/00306/OUTM.

The site lies within the Coal Authorities' 'Development High Risk Area' and the Coal Authority

has been consulted on the application and concurs with the recommendations of the Geotechnical and Geo-environmental Desk Study and requires further investigation and any necessary mitigation measures, to be undertaken prior to development commencing.

The Council's Environmental Protection Team have raised no objections to the development with regards to ground contamination or land instability, subject to conditions.

Subject to the imposition of conditions, the proposed development is considered acceptable in terms of land contamination and coal mining.

Drainage and Flood Risk

There has been no change in respect of these matters and therefore consideration remains as per the previous application ref: 15/00306/OUTM. In this respect, the Committee did not include flood risk in the reason for refusal.

The application has been accompanied by a Flood Risk Assessment (FRA). The Lead Local Flood Authority have confirmed that the scheme is acceptable subject to the imposition of conditions for a surface water drainage scheme and the scheme to be undertaken in accordance with the specified discharge rate, contained within the FRA. Conditions to this affect are recommended to be imposed.

Impact on the River Mease Special Area of Conservation/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 Paragraph 204 of the NPPF.

When having regard to the existing agricultural use of the site, the proposal for 91 dwellings would increase the foul drainage discharge from the site and as such it is subject to the requirements of the DCS. The contribution is provided later on in the report, under the heading "Developer Contributions".

The flows from the new dwellings will need to be taken into account against the existing headroom capacity (recently revised) at Packington Treatment Works, which serves Blackfordby. At the time of writing sufficient capacity exists for 1,871 dwellings.

Natural England has considered the scheme and raises no objections in relation to impact on the SAC/SSSI subject to conditions.

Therefore based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a 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.

Developer Contributions

For the avoidance of doubt, there was previously no objection to the proposal on the grounds of impact upon Woodville, or upon its services which fall under the jurisdiction of South Derbyshire or Derbyshire County Council. Within this application, new financial requests have been received from Derbyshire County Council Highways department and from the NHS (Southern Derbyshire Clinical Commissioning Group) which are discussed below in more detail.

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- o necessary to make the proposed development acceptable in planning terms;
- o directly related to the proposed development; and
- o fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

Affordable Housing

The Council's Strategic Housing Team have been consulted on the application and have advised that there is a need for affordable housing and that the full 30% should be secured through the proposed development, in accordance with the Council's Affordable Housing SPD.

The Council's Strategic Housing Team have requested the split to be 79% rented and 21% intermediate housing, with the unit types which would equate to 22 affordable rented and 6 intermediate types, and is satisfied with the mix proposed.

The Council's Housing Team welcome the approach to provide all affordable properties on site and confirm that their preferred position is to seek delivery on site through a Registered Provider. However, the Housing Team has indicated that recently there have been situations whereby Registered Providers have been un-able to make offers for such properties and therefore Planning Committee should be made aware that in the event that there are not any firm offers, a cascade approach would be employed, to ensure an affordable housing contribution is received.

Education

Leicestershire County Council (Education) request a contribution of £249,723.57 for the primary school sector, for St. Margaret's C of E Primary School; a contribution of £153,735.06 for the high school sector, for Ivanhoe College and a contribution of £157,854.38 for the upper school sector, for Ashby School.

South Derbyshire District Council have confirmed that where a contribution cannot be sought or justified at St. Margaret's C of E Primary School in Blackfordby, that discussions with Derbyshire County Council should be undertaken.

Consideration has also been given to the potential impacts upon Derbyshire County Council's schools, given the proximity of the site to schools within South Derbyshire and officers have undertaken discussions with the Education contacts at both Leicestershire and Derbyshire County Councils. Leicestershire County Council have confirmed that they are un-able to take into account any primary or secondary schools, within any other County (even in cases where

they may be closer) as they have no information on the capacity, number on roll, forecasts, admission arrangement or housing developments in other Counties and have no jurisdiction over the allocation of places at schools in other Counties. For the avoidance of doubt, Derbyshire do not include places in Leicestershire schools for the same reasons. The County Councils have also confirmed that any parent has the right to request a place at any school which may be in another Authority or in a different catchment, however, that preference can only be agreed if spaces are available. As such financial contributions have only been sought by Leicestershire County Council for the schools that fall within Leicestershire and in this case the District of North West Leicestershire.

The County Highway Authority (CHA) have confirmed that the closest primary school in the catchment area is St. Margaret's C of E Primary School, in Blackfordby, which is about 1 mile from the site, and the closest Secondary school in the catchment is 2.8 - 3 miles away. The CHA have confirmed that all schools are within a walking distance and that there exist safe walking routes from the site to both schools. The CHA does however request that to encourage walking trips the existing footway along Butt Lane should be widening to a minimum of 1.2 metres, where possible, and a condition to this affect is recommended to be imposed.

Health

NHS England have requested a contribution of £17,346 towards the development of a new GP surgery in Woodville, to provide patient space, to meet the demands of the patients, arising from this development.

Highways

Leicestershire County Council (Highways) request:-

- o Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- o Six-month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car
- o Improvements to the nearest bus stop, including raised and dropped kerbs to allow level access, to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- o Bus shelters at the nearest bus stops (east bound stop to the east of the site) at £4908.00.
- o A monitoring fee of £6,000 to enable Leicestershire County Council to provide support to the developers Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement.

Derbyshire County Highway Authority raises concerns over cross boundary traffic impacts, particularly the proposed traffic impact upon the A511/A514/B5004 "Clock" roundabout at Woodville and have therefore requested a contribution of £53,158.56 (based upon £584.16 per dwelling) towards works specifically at the junction or by the early implementation of the Swadlincote Regeneration Route, to mitigate this impact. South Derbyshire District Council also considers that a contribution should be sought to mitigate the impacts upon the local highway network. This applicant is agreeable to making this contribution.

Libraries

Leicestershire County Council (Libraries) request £2,670 towards additional resources at Ashby de-la Zouch Library.

National Forest

The National Forest Company require 20% of the site area to be for woodland planting and landscaping, which equates to a requirement of 0.68 hectares. Whilst the application submission indicates that the development site could accommodate 0.74 hectares of public open space, which is in excess of the requirement, the S106 Agreement would only specify the policy requirement of 0.68 hectares.

Play Area/Open Space

Under the Council's Play Area SPG, on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 91 dwellings are proposed, this would require a play area of not less than 1820 square metres. The indicative masterplan shows that provision is proposed to be made for open space within the site, including a naturalist play space and it is considered that whilst layout is not for consideration, a suitable sized children's equipped play area could be provided at the reserved matters stage(s). Therefore, the proposal is considered to be in accordance with Local Plan Policy L21 and the SPG. In terms of the range of equipment necessary, for developments of this number of dwellings, the Council's SPG requires that the needs of children up to the age of 14 should be provided for, including a minimum of 8 types of activity.

Police

Leicestershire Police requests a developer contribution of £33,833 comprising of the following:-

Staff equipment	£3,703
Vehicles	£2,313
Additional radio call capacity	£232
Police National Database additions	£118
Additional call handling	£212
ANPR	£2,055
Mobile CCTV	£375
Additional premises	£24,643
Hub equipment	£182

With regard to the acceptability of police contributions, the issue is not one of principle. Furthermore, officers and representatives of Leicestershire Police have, in recent months, engaged in dialogue with a view to addressing ongoing officer concerns regarding CIL compliance of the requests. This has resulted in provision of additional / updated evidencing of contribution requests which, when considered in the context of the views taken by the majority of (but not all) Inspectors in recent appeal decisions within Leicestershire, leads officers to conclude that, on balance, the above requests would meet the tests in CIL Regulation 122 and NPPF paragraph 204.

River Mease DCS

A contribution under the River Mease DCS is required (as outlined earlier in the report) but an exact figure for the contribution cannot be determined at this stage (although the maximum amount would be £32,214 - assuming all properties were 4 beds and constructed to the lowest

code or equivalent of 1/2) as the number of bedrooms in each dwelling would not be finalised until the reserved matters stage(s).

Other

Leicestershire County Council (Civic Amenity) have confirmed that they are not requesting a contribution.

In response to the comments raised by SDDC in respect of the leisure and recreation facilities, the information presented would fail to meet the tests and therefore a contribution cannot be justified.

Summary

On consideration of these requests received in respect of this application it is considered that the following meet the tests and should members be minded to approved this application a Section 106 Agreement would secure the following, which the applicant is agreeable to:-

- o Affordable Housing (30% on site)
- o Education (£561,313.01 to North West Leicestershire)
- o Health NHS England (£17,346 to Woodville)
- o Highways/Transport (Travel Packs, Bus Passes, Bus Stop Improvements, and Bus Shelter to North West Leicestershire and £53,158.56 to the Clock Island, Woodville).
- o Libraries (£2,670 to North West Leicestershire)
- o National Forest (on site planting and/or contribution)
- o Play and Open Space (on-site)
- o Police (£33,833)
- o River Mease DCS

Notwithstanding the above, from April 2015, no more than five obligations can be pooled by the charging authority to provide for the same item of infrastructure. Accordingly it will be necessary for the relevant consultees, in relation to the above mentioned requests to demonstrate that no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned).

In respect of affordable housing, River Mease DCS and National Forest planting these are specific requirements and requests, arising as a result of this development and therefore no previous requests for the same project, have been requested previously.

In recognition of pooling limitations applicable to financial contributions secured by planning obligations, NHS England have confirmed that their have been no previous requests for the GP surgery at Woodville.

Leicestershire County Council have confirmed that there have not been more than five obligations (including this proposed) have been sought for the Education requests. It is therefore considered that no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned).

Other Matters

An application was refused in 1984 (ref: 84/0675/P) for outline residential development. The District Plan and approved Structure Plan have subsequently been replaced since 1984 and as

such carry no weight in the determination of this application. Furthermore, the County Highway Authority have considered this scheme and do not consider that there is any reason to sustain a highway objection.

Letters of Representation

In respect of other objections received which have not already been addressed within the report above:-

- o Layout (including layout of affordable properties) and landscaping are not for consideration at this time.
- o A right to a view and de-valuation of property prices are not material planning considerations.

Conclusion

When having regard to the information presented by the applicant in seeking to overcome the previous reason for refusal, the absence of a five year housing supply, the limited weight to be attributed to Policies S3 and H4/1 (in light of the recent Greenhill Road appeal decision) the sustainability credentials of the settlement of Woodville and Blackfordby, combined with the fact that the site is well related to existing built development and the Limits to Development, it is considered that a strong case has been made concerning the sustainability of the site.

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The proposed development would be acceptable in terms of density, design, impact upon heritage assets, trees, residential amenities, highway safety, coal mining and land contamination, flood risk and drainage, ecological impacts and impact on the River Mease SAC/SSSI and no other technical issues are considered to arise. Consideration has been given to the cross boundary implications, given the proximity of the site to Woodville (South Derbyshire). Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services (in both North West Leicestershire and South Derbyshire), including the full provision of on-site affordable dwellings. There are no other relevant material planning considerations that indicate planning permission should not be granted.

RECOMMENDATION - PERMIT, subject to section 106 obligations and the imposition of conditions:

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Approval of the details of the access (save for the details of vehicular access into the site from Butt Lane), layout, scale and appearance of the development and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason - This permission is in outline only.

- 3 The reserved matter application(s) shall include precise details of finished ground levels across the site and the finished floor levels of all buildings in relation to an existing datum point.

Reason - To ensure a satisfactory relationship with the adjacent dwellings/the streetscene, as insufficient details have been provided.

- 4 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out details of site layout, areas of open space / children's play, surfacing and width of footpaths through the site, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - To ensure that the development of the site takes place in a consistent and comprehensive manner.

- 5 The first reserved matters application shall be accompanied by a Building for Life 12 assessment.

Reason - To provide evidence that demonstrates detailed compliance with Building for Life 12.

- 6 The first reserved matters application in respect of the matter of layout shall provide for:-
- a) The submission of a scheme of intrusive site investigations for the shallow coal workings and mine entries for approval and the undertaking of these intrusive site investigations
 - b) The submission of a report of findings from these intrusive site investigations
 - c) The submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no build' zones, if required
 - d) The submission of a treatment for the mine entries on site for approval, if required
 - e) The submission of a scheme of remedial works for the shallow coal workings for approval.

The development shall thereafter be implemented in accordance with the approved details prior to the commencement of development.

Reason - To ensure the stability of the development, having regard to the comments of the Coal Authority and good engineering practice.

- 7 The proposed development shall be carried out strictly in accordance with the following drawings, unless otherwise required by a condition of this permission: Location Plan Drawing No. 40180/001 A received by the Authority on 26 November 2015.

Reason - To determine the scope of this permission.

8 A total of no more than 91 dwellings shall be erected.

Reason - To define the scope of this permission.

9 No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- b) The programme for post-investigation assessment
- c) Provision to be made for analysis of the site investigation and recording
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason - To ensure satisfactory archaeological investigation and recording.

10 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - To ensure satisfactory archaeological investigation and recording.

11 The first reserved matters application in respect of the matter of landscaping shall provide for a biodiversity management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for its implementation. The development shall be carried out in accordance with the landscape management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with National planning policy and to provide for an appropriate form of development.

12 No development shall commence on site until details of the design:-

- a) for off-site highway works being widening of the existing footway on Butt Lane south of the site and north of the junction with Forest Road to 1.2m wide (where achievable)
- b) of Public Footpath P12 west of the new access road showing a 2m wide tarmacadam (or similar hard bound materials) surface
- c) of a shared cycleway/footway 3m wide to an adoptable standard, to connect the site to the existing shared cycleway/footway on the A511

have first been submitted to and approved in writing by the Local Planning Authority.

Schemes a) and b) shall be implemented in accordance with the approved details prior to the first occupation of any dwelling. Scheme c) shall be implemented in accordance with the approved details prior to the first occupation of the 26th dwelling.

Reasons - To ensure a safe and convenient walking route is available to the primary school in Blackfordby and to bus stops and services in Woodville and Swadlincote and to ensure a safe and convenient walking and cycling route is available to bus stops and services in Woodville and Swadlincote.

- 13 Notwithstanding the submitted details, no development shall commence until a revised vehicle access road has first been submitted to and approved in writing by the Local Planning Authority. The access shall be implemented in accordance with the approved details prior to the first occupation of any dwelling.

Reason - To ensure adequate inter-visibility between pedestrians crossing the access road and vehicles turning left out of the access.

- 14 Prior to the first occupation of any dwelling, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with Butt Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason - To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 15 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 16 No part of the development as approved shall be brought into use until details of a Residential Travel Plan has first been submitted to and agreed in writing by the Local Planning Authority and thereafter implemented and retained in accordance with the approved details.

Reason - To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

- 17 No development shall commence until a scheme for surface water drainage has been first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- a) The utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality;
 - b) The limitation of surface water run-off to equivalent greenfield rates;
 - c) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of the drainage calculations; and
 - d) The responsibility for the future maintenance of drainage features

The scheme shall be implemented and maintained in accordance with the agreed details and timetable, unless subsequently timing and phasing arrangements are agreed in writing by the Local Planning Authority.

Reason - To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

- 18 The discharge rate for the proposed site should be based on the Qbar calculation contained within the Flood Risk Assessment 1.8 l/s/ha (6.6 l/s for the current proposal) and not the 5 l/s/ha estimate.

Reason - To prevent flooding by ensuring that there is no increased discharge from the proposed development.

- 19 No development shall commence until drainage plans for the disposal of foul drainage have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason - To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 20 No development shall commence on site until a Further Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- a) BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
 - b) BS 8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - c) BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from

- d) Ground Gas in Affected Developments; and
CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- e) CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
f) The Verification Plan shall be prepared in accordance with the requirements of:
g) Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
h) CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 21 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- a) Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
b) Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
c) Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
d) Contain Test Certificates of imported material to show that it is suitable for its proposed use;
e) Demonstrate the effectiveness of the approved Remedial Scheme; and
f) Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 22 No site works of any description shall take place on the site until such time as the existing trees to be retained have been securely fenced off in accordance with a scheme that has first been submitted to and agreed in writing with the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.

- 23 The development hereby permitted shall be carried out in strict accordance with and including the recommendations contained within the 'Noise Assessment' by Acute Acoustics Ltd dated 14 April 2015 received by the Local Planning Authority on 26 November 2015.

Reason - In the interests of residential amenity.

- 24 The development hereby permitted shall be carried out in strict accordance with precautionary working methods for Great Crested Newts as set out in the 'Preliminary Ecological Appraisal' by Ramm Sanderson Ref: RSE-012-01-V1 dated 25 September 2014 received by the Local Planning Authority on 26 November 2015.

Reason - In the interests of protected species on the site.

- 25 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive, unless otherwise agreed in writing by the Local Planning Authority that breeding birds will not be adversely affected by any works.

Reason - To reduce the impact of the proposal on nesting birds, which are a protected species

Notes to applicant

- 1 In relation to Condition 11, the Local Planning Authority would expect the biodiversity management plan to specify the retention of hedgerows and include buffer zones of at least 5m from natural vegetation along the boundaries of the site except for the proposed vehicular access point.
- 2 The applicant's attention is drawn to the attached comments of The Coal Authority dated 16 December 2015.
- 3 The applicant's attention is drawn to the attached comments of Leicestershire County Council Lead Local Flood Authority Officer dated 7 December 2015.
- 4 The applicant's attention is drawn to the attached comments of The Council's Tree Officer dated 14 January 2016.
- 5 The applicant's attention is drawn to the attached comments of Leicestershire County Council Footpaths Officer dated 1 December 2015. The applicant should be aware that, if any of the public footpaths crossing the site are to be diverted because the

development crosses a footpath making the footpath unviable for use of the footpath would not be there once the development is completed then a footpath diversion application will need to be to the District Council at the Reserved Matters Stage. Further information can be obtained from Julia Harley by calling 01530 454604 or emailing julia.harley@nwleicestershire.gov.uk

- 6 The applicant's attention is drawn to the attached comments of Leicestershire County Council Highways Authority Officer dated 13 January 2016.

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Erection of one detached dwelling

Report Item No
A2

Land At Main Street Normanton Le Heath Coalville
Leicestershire LE67 2TB

Application Reference
15/01097/FUL

Applicant:
Mr Stephen Bryan

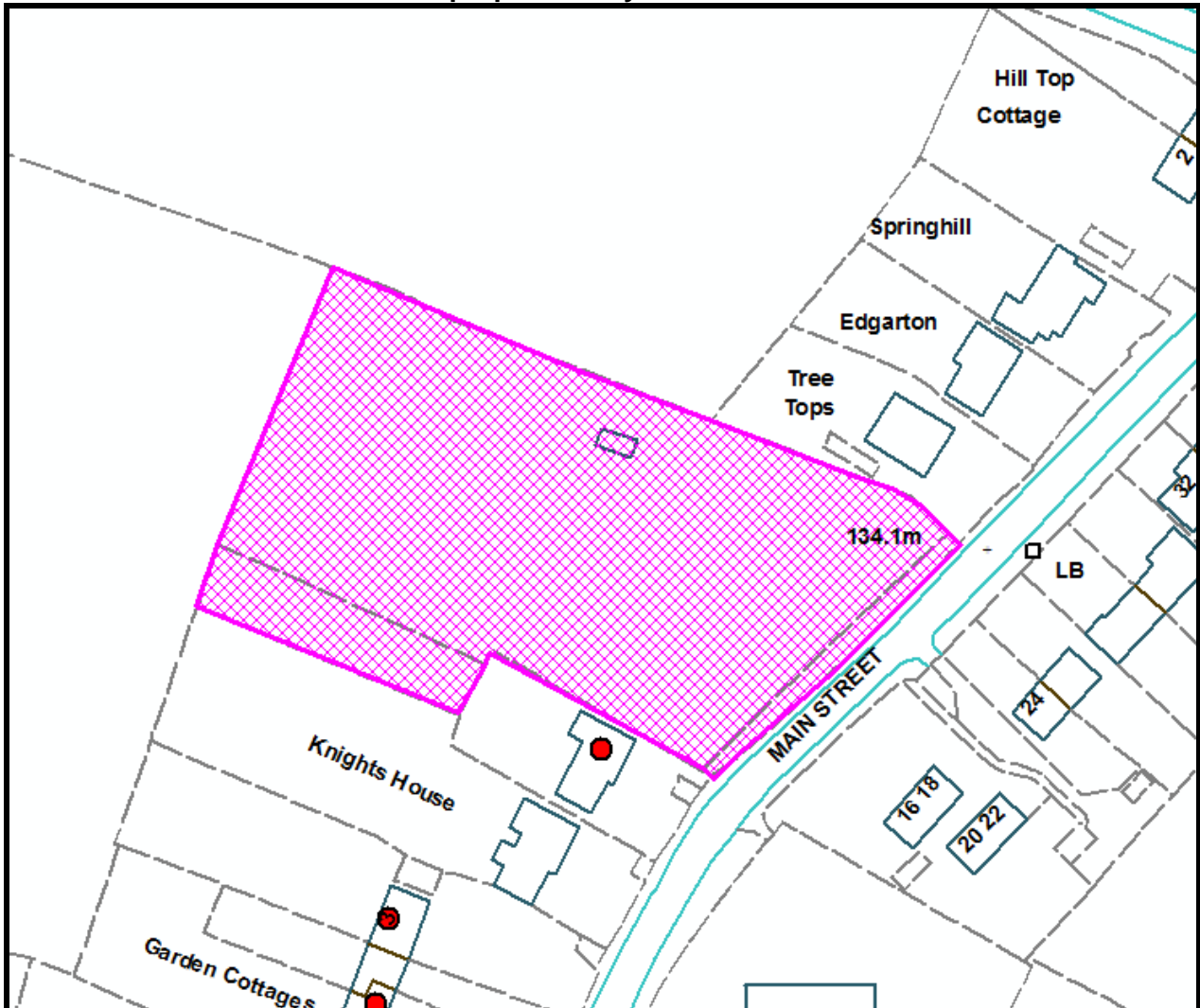
Date Registered
12 November 2015

Case Officer:
Jenny Davies

Target Decision Date
7 January 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

This application is reported to Members of the Planning Committee at the request of Councillor Nigel Smith on the grounds that the site is outside the Limits to Development and outside the Local Plan, is on agricultural land and there is strong opposition from the Parish Meeting and local residents.

Proposal

Planning permission is sought for the erection of one dwelling on land off Main Street, Normanton le Heath on land to the rear of the existing dwelling known as The Laurels. The dwelling would form a three storey dwelling with a single storey/two storey rear projection and single storey side projection. Two previous applications for one dwelling and three dwellings on the adjacent field to the north were refused by Planning Committee in July 2015 and February 2014 on the grounds of being an unsustainable form of development and impacting on a Sensitive Area and the rural setting and character of the village.

Consultations

A total of 34 letters of objection have been received from members of the public including a petition with 67 signatures. Normanton le Heath Parish Meeting objects to the proposal. The County Footpaths Officer's initial objections have been addressed. No other objections have been received from statutory consultees.

Planning Policy

The majority of the application site lies within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application is the need to consider whether the proposals would, overall, constitute sustainable development in the context of the National Planning Policy Framework (NPPF).

Conclusion

It is considered that on balance a reason for refusal on the grounds of that the proposal constitutes an unsustainable form of development could not be justified in this case. The development would result in limited harm to the rural setting and character of the village and Sensitive Area and the design of the dwelling complies with the provisions of Policies E4 and E7 of the adopted Local Plan. The legal route of the public footpath that crosses the field would be retained and the proposal would not significantly impact on the enjoyment of users of the footpath. It is considered that the proposal would not adversely impact on highway safety or protected species. A reason for refusal based on significant detriment to the amenities of occupiers of The Laurels from overshadowing, loss of privacy and an oppressive outlook could not be justified. The site proposal would result in less than substantial harm to the designated heritage asset and this harm can be outweighed by public benefit. Conditions relating to archaeology could be imposed. 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. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION, PERMIT

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 recommended conditions, 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 dwelling on land off Main Street, Normanton le Heath. The dwelling would be sited on land to the rear of an existing dwelling known as The Laurels and would form a three storey dwelling (although it would have the appearance of a two storey dwelling with its second floor accommodation provided within the roofspace) with a single storey/two storey rear projection and a single storey side projection which would include an integral garage. The Amended plans and additional information have been submitted to address officer concerns regarding access, parking and turning provision, impact on the public footpath and residential amenities and the sustainability of the proposal.

Access would be via a proposed driveway running through the adjacent grassed field to the north, close to the boundary with The Laurels, linking to an existing field access at the southern end of the field's boundary with Main Street. Parking and turning space would be provided between the front of the proposed dwelling and the rear boundary to The Laurels. The submitted plans show that some trees/vegetation within the central and eastern parts of the site and on its northern boundary would be removed.

The dwelling would provide accommodation for three generations of one family. No businesses are proposed to operate from the site although one study is proposed which could be used for home working.

The Church of the Holy Trinity which lies on the opposite side of Main Street is a Grade 2* listed building. Public footpath O60 runs through the adjacent grassed field, with its route on the Definitive Map shown alongside the northern boundary to The Laurels (adjacent to the proposed driveway) before turning to the north west to cross the rear of the field (crossing the proposed driveway). On site the route of the footpath runs from a stile to the north of the existing field access crossing the field diagonally to the north west and therefore differs from that shown on the Definitive Map. The site lies within the catchment area for the River Mease Special Area of Conservation.

A previous application for one dwelling on land to the front of the adjacent field to the north was refused by Planning Committee in July 2015 (14/01040/OUT) on the following two grounds:

1. The site that is subject to this application is located outside the Limits to Development where there is a presumption against non-essential residential development as set out in Policy S3 of the adopted North West Leicestershire Local Plan. Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to provide an environmental role, including in respect of minimising pollution and mitigating and adapting to climate change, and moving to a low carbon economy. The site is in a location remote from services and public transport and occupiers of the development would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs, not providing for a form of development compatible with a move towards a low carbon economy, and contrary to the policies and intentions of the NPPF. The development of this site for one dwelling would therefore be contrary to Policy S3 of the adopted Local Plan and the provisions of the NPPF.

2. Policy E1 of the adopted North West Leicestershire Local Plan states that development will not be permitted within Sensitive Areas which would adversely affect or diminish the present

open character of such areas and the contribution they may make to the character, form and setting of settlements, the streetscene generally or the relationship with adjoining countryside. Policy E4 of the Local Plan requires that in determining planning applications, regard should be had to the wider setting of new buildings and that new development should respect the character of its surroundings, in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the streetscene generally. The dwelling would be located within a Sensitive Area which, as an area of open land within the streetscene and with the long and important open views from within the village of the wider countryside beyond, makes an important contribution to the rural character and setting of the village. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore the site is considered to form part of an important vista that makes a positive contribution to the rural setting of the village. Therefore, the development of the site for one dwelling would adversely affect and diminish the open character of the Sensitive Area and the contribution the site and the important view out of the centre of the village make to the rural setting and character of Normanton le Heath. Approval of the proposal would therefore, be contrary to the provisions of Policies E1 and E4 of the Local Plan and the provisions of the NPPF.

A previous application for three dwellings on the rear part of the adjacent field to the north was refused by Planning Committee in February 2014 (13/00913/OUT) on the following two grounds:

1. The site that is subject to this application is located outside the Limits to Development where there is a presumption against development non-essential residential development as set out in Policy S3 of the adopted Local Plan. Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to provide an environmental role, including in respect of minimising pollution and mitigating and adapting to climate change, and moving to a low carbon economy. The site is in a location remote from services and public transport and occupiers of the development would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs, not providing for a sustainable form of development compatible with a move towards a low carbon economy, and contrary to the policies and intentions of the NPPF. The development of this site for housing would therefore, be contrary to Policy S3 of the adopted Local Plan and the provisions of the NPPF.

2. Policy E4 of the North West Leicestershire Local Plan requires that in determining planning applications, regard should be had to the wider setting of new buildings and that new development should respect the character of its surroundings, in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the streetscene generally. The application site forms part of a large piece of agricultural land within the village that extends up to Main Street and allows long and important open views from within the village of the wider countryside beyond, which contributes to the rural setting and character of the settlement. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore, the site, along with the land forward of the site is considered to be an important vista that makes a positive contribution to the rural setting of the village. Therefore, the development of the site for housing would result in an important view out of the centre of the village being lost to the detriment of the rural setting and character of Normanton le Heath. Approval of the proposal would therefore, be contrary to the provisions of Policy E4 of the Local Plan and the provisions of the NPPF.

Other Planning History:

No planning history for the site of the proposed dwelling. Three other applications relate to the

adjacent field to the north:

88/1304- Residential Development (Outline) - Refused on the grounds that the proposal would develop an open break in the street frontage that has been designated as a Sensitive Area where development will be resisted to maintain the character of the streetscene and the character of the area. An appeal was lodged and was dismissed by the Planning Inspector.

84/0045- Residential Development (Outline) - Refused on the ground that the site forms part of a field extending up to the back of the footway on Main Street and between existing development. To develop the site as proposed would close up this important area of informal open space with its attractive views to the north-west, and would be detrimental to the rural amenities enjoyed by residents of the village.

AR5204 - Residential Development (Outline) - Approved on 1 March 1974. No reserved matters submitted and planning permission not implemented and has therefore expired.

2. Publicity

29 no. neighbours have been notified (date of last notification 18 January 2016)

Press Notice published 25 November 2015

Site Notice published 20 November 2015

3. Consultations

Normanton-le-Heath Parish Meeting consulted 18 November 2015

Ramblers' Association consulted 14 January 2016

County Highway Authority consulted 18 November 2015

Severn Trent Water Limited consulted 18 November 2015

Head of Environmental Protection consulted 18 November 2015

County Archaeologist consulted 18 November 2015

LCC ecology consulted 18 November 2015

NWLDC Conservation Officer consulted 18 November 2015

LCC/Footpaths consulted 18 November 2015

NWLDC Footpaths Officer consulted 18 November 2015

4. Summary of Representations Received

Statutory Consultees

Normanton le Heath Parish Meeting advises that a significant number of residents, even more than on previous occasions, are totally opposed to the proposal.

The Parish Meeting objects on the following grounds:

- the site is outside the defined Limits to Development where there is a presumption against non-essential development;
- the approach road to the development would need to be wide and substantial enough to carry lorries, furniture vans and emergency vehicles. This would cut a swathe through the Sensitive Area as defined in Policy E1 of the adopted North West Leicestershire Local Plan;
- the application to build a large detached dwelling on backland very close to adjacent properties is completely unacceptable and is inappropriate to Normanton's character, setting and settlement pattern;
- Policy E4 of the Local Plan requires that regard should be had to the wider setting of new

buildings and that a new development should respect the character of its surroundings in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the streetscene generally. On all of these points a large three storey building very close to adjacent property, and clearly visible from Main Street, would be in direct contradiction to Policy E4;

- there are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore the site is considered to form part of an important vista that makes a positive contribution to the rural setting of the village. Therefore any development including a large access road would adversely affect and diminish the open character of the Sensitive Area and the contribution the site and the important view out of the centre of the village makes to the rural setting and character of Normanton le Heath;
- the new proposal would vastly increase sustainability and environmental problems. This part of the village is already very crowded with houses and flats and there are many cars parked on the road outside the dwellings at all times of the day and night. Everyone in Normanton is reliant on cars, and this proposal would create an enormous increase in activity, noise and inconvenience due to the added volume and type of traffic accessing Main Street;
- it is important to note that the site in question is not a vacant plot and the development in Highfields Close was built on a brownfield site and replaced previous buildings;
- we believe lack of public transport is a major issue. The applicant's submission states that it is 0.8 km from Ravenstone to Normanton le Heath. This is incorrect, that stated, is the distance from Normanton Wood not Normanton le Heath, to the nearest bus stop in Ravenstone. The actual distance is much greater;
- attempts to present the development as sustainable 'with minimal impact on amenity' are ridiculous. The scheme may be for a low carbon property, but it is the general sustainability of everyday living that is the issue. Claims that the family would walk along non-paved roads or cycle to remote bus stops in larger villages and rely on supermarket deliveries to exist are ludicrous. This new proposal would encounter the same issues with transport, work, leisure and amenities as existing residents;
- approval of this application would we believe be contrary to Policies E1 and E4 of the Local Plan and the provisions of the NPPF;
- we hope the Council will continue its policy of rejecting developments on this 'sensitive site' as we believe that the rurality of Normanton would be prejudiced by replacing the panoramic views and beautiful pasture land with a visually dominant house and access roadway in the centre of the village.

The County Highways Authority refers to its Standing Advice.

The Environmental Protection team has no environmental observations.

The Leicestershire County Council Ecologist has no objections.

NWLDC Conservation Officer advises that some elements of the proposal may impact on the setting of the Holy Trinity Church which is a Grade 2* listed building.

The County Archaeologist recommends the imposition of conditions.

The Leicestershire County Council Footpaths Officer raised a holding objection until matters relating to the public footpath were resolved. Following submission of amended plans the Footpaths Officer has withdrawn his objection.

NWLDC Footpaths Officer has no objections.

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

Third Party Representations

34 letters of objection including one petition with 67 signatures have been received which object on the following grounds:

- the Planning Committee's reasons for refusal on the previous applications still apply;
- planning permission has previously been refused twice on this site;
- the Council has previously advised that the site is unsuitable for development;
- concerned as to why amendments have been sought given unsuitability of proposal;
- the planning department should be more firm and definitive in its decisions and proposals discouraged at an early consultation state;
- distress to residents by constant submission of applications;
- the previous owner was unable to build a bungalow on the site for her husband who had a terminal illness and who had a genuine desire to return to the village;
- new development in small hamlets must show benefit to the village but the applicant and family are the only beneficiaries;
- applicant's personal preferences over-ride guidelines and his plans encouraged and facilitated at expense of the environment, the village and neighbour amenity;
- DEFRA's Ten Point Plan for rural areas does not support substantial executive homes on such sites;
- application appears to pre-empt the new Local Plan under which the proposal is likely to have little or less chance of success;
- the site is on land outside the Limits to Development where there is a presumption against non-essential development which should be given significant weight;
- illogical for site to be within the Limits to Development as it is undeveloped agricultural land and part of the wider field;
- previous applications have been rejected on grounds that Normanton is remote from services and residents are reliant on private cars and therefore application should be rejected again;
- local and national guidelines require discouragement of such developments and emphasis reduction in the need to travel;
- need for consistency with recent recommendations for refusal at January Planning Committee of similar applications in Coleorton;
- Normanton has limited facilities, is an unsustainable village and is outside the existing and proposed Local Plans for new development;
- new houses should be built in areas where there are adequate facilities;
- lack of amenities in the village has inconveniences but is made up for by peace and privacy;
- unlikely to use the bus service due to distance from village and the service is further away than stated and can only be accessed by walking along country roads with no footways or through fields, woodland and farm tracks;
- ridiculous to suggest that residents would cycle to access amenities such as shops;
- all existing residents of the village rely on the private car and occupiers of new dwelling would be no exception;
- impact on existing utility services which are already stretched with frequent outages;
- impact on mobile phone coverage and broadband access which is already poor;
- new housing needs are being met by significant developments in other settlements;
- no need for another large house in the village;
- no need for more housing in the village;
- any precedent from dwelling approved 41 years ago has been discounted;
- spurious claims to local connection for the family as only one of the applicants has previously lived in the village;

- is multi-generational living for three families a planning concern;
- the applicant led residents to believe the land was bought for the keeping of horses;
- the general sustainability of the proposal is questionable;
- any carbon saving would be outweighed by an increase in traffic;
- nothing particularly significant or noteworthy in respect of the dwelling's sustainability/green credentials as would only subscribe to current regulations regarding insulation, services and sustainability;
- adjacent property was purchased due to privacy and tranquillity;
- overshadowing and loss of light;
- loss of privacy and overlooking;
- loss of outlook and overbearing impact;
- no other properties in the village are overlooked in this way;
- value and comfort of property is due to its position;
- noise from ground source heating system;
- proximity of access track to existing dwelling;
- ancient and traditional public footpath used by residents and visitors should not be re-routed;
- public footpath will now be close to an existing property and have to cross a driveway;
- impact on users of public footpath due to proximity to private dwelling, access road and boundary fences and impact on views;
- impacts on safety of users of public footpath;
- area is enjoyed by walkers;
- roads in the village have not been upgraded in over 30 years and traffic has increased alarmingly so Main Street is busy;
- existing problems with traffic congestion, on-street parking and access along Main Street would be exacerbated by more traffic;
- existing traffic/parking problems cannot be mitigated as there is no public transport;
- access onto Main Street will reduce number of on-street parking spaces;
- businesses should not be operated off a narrow road with congestion from parked cars;
- site had no history of development unlike Highfields Close which was built on farm footprint;
- squeezing in houses and overdeveloping agricultural spaces is unappealing and incongruous;
- proposal would be seen as a development in the countryside;
- loss of last remaining open area in the village;
- land is open countryside that is enjoyed for its views and contribution to the rural scene;
- historic view of the village from Normanton Road would be changed;
- backland siting is inappropriate to the village's character, setting, context, layout and settlement pattern;
- not in line with existing dwellings;
- no farmhouses in the village so out of keeping with nearby dwellings;
- three storey dwelling is out of character and scale with adjacent properties;
- not a modest development and would dominate centre of the village;
- impact on streetscene from driveway and boundary treatments;
- impact on the only open aspect in village centre;
- contrary to Policy E1 of the Local Plan as the site is a Sensitive Area and its present open character would be diminished;
- significant encroachment onto the Sensitive Area;
- Sensitive Area was considered important under the previous appeal decision;
- Highfields Close development is not a precedent as it was built on a farmyard and there were no open views available;
- application is not just for a dwelling but also for businesses and a riding stable;
- future operation of businesses from the site, which would create a small industrial site;
- village is served by Ravenstone Treatment Works so not clear how foul drainage would go to Packington;

- removal of trees, hedges and associated wildlife;
- impact on views;
- proposal presented as an alternative to affordable housing on the site and eradication of risk of future development;
- precedent for development on the adjacent field similar to the recently refused dwelling;
- precedent for more development and infilling green gaps in the village;
- no discussions/consultations with neighbours have taken place;
- the timing of the application means there is less time for residents to consider the application;
- inaccuracies and misleading information/photographs in application submission which should be checked by the Council's legal department;
- planning statement has little or no relevance to the application;
- Planning Committee members should visit the site and seek the views of villagers.

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

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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 are to the policies in the NPPF, the greater the weight they may be given.

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

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraphs 32, 34 and 35 (Promoting sustainable transport)

Paragraphs 47, 49 and 55 (Delivering a wide choice of high quality homes)

Paragraphs 57, 58, 60, 61 and 64 (Requiring good design)

Paragraphs 69 and 75 (Promoting healthy communities)

Paragraphs 96, 99, 100 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 109, 112, 118 and 119 and 123 (Conserving and enhancing the natural environment)

Paragraphs 129, 131, 132 and 134 (Conserving and enhancing the historic environment)

Paragraph 203 (Planning conditions and obligations)

North West Leicestershire Local Plan:

Save where stated otherwise, the policies of the North West Leicestershire 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.

Policy S1 - Overall Strategy

Policy S2 - Limits to Development

Policy S3 - Countryside

Policy E1 - Sensitive Areas

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy F1 - National Forest General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design

Draft North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S1 - Presumption in Favour of Sustainable Development
S2 - Future Housing and Economic Development Needs
S3 - Settlement Hierarchy
S4 - Countryside
S5 - Design of New Development
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
En2 - River Mease Special Area of Conservation
En3 - The National Forest
He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
Cc2 - Sustainable Design and Construction
Cc3 - Water - Flood Risk
Cc4 - Water - Sustainable Drainage Systems

Other Guidance

National Planning Practice Guidance - March 2014
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)
River Mease Water Quality Management Plan - August 2011
6Cs Design Guide (Leicestershire County Council)

6. Assessment

The main considerations in the determination of this application relate to the principle and sustainability of development, impact on the character of the area, design, and impacts on the public footpath, highway safety, residential amenities, historic environment and the River Mease Special Area of Conservation/SSSI.

Principle and Sustainability:

The previous applications for one and three dwellings on the adjacent field lie outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Both applications were in part refused on the grounds that the site lies outside the Limits to Development where there is a presumption against non-essential residential development as

set out in Policy S3 of the adopted Local Plan and is in a location remote from services and public transport and occupiers of the development would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs, not providing for a form of development compatible with a move towards a low carbon economy. Therefore the proposals would be contrary to Policy S3 of the adopted Local Plan and the provisions of the NPPF.

Insofar as the principle of development is concerned, and 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 (2002 (as amended)).

In this case the proposal differs from the two previous applications on the adjacent field as the majority of the site of the proposed dwelling lies within the Limits to Development for Normanton le Heath as defined by the Proposals Map of the adopted Local Plan. The northern parts of the dwelling and its garden (an area measuring approximately 200 square metres), along with the access drive and adjacent field to the north, all lie outside the Limits to Development.

The Inspector's decision concerning the recent Greenhill Road appeal sets out that the Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" adopted Local Plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and accordingly 'weight' should not be afforded to them when determining planning applications. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicate that planning permission for new homes should normally be granted.

It is also important to bear in mind that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006). It is therefore considered inevitable that greenfield land will need to be released to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan. This also has to be balanced with the fact that the majority of the site of the dwelling is within the Limits to Development, with the dwelling not projecting into the adjacent wider field nor beyond the northern boundary to the frontage dwelling The Laurels.

The site is bounded by housing and garden land to the east and south and the proposal would not extend or encroach any further to the west of the settlement than existing housing on the western side of Main Street and would not be an isolated development in the countryside.

The sustainability credentials of the scheme also need to be assessed against the NPPF. The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Normanton le Heath has no services and facilities other than a church and no bus service, with the nearest service/facilities/bus service being located in Packington and Heather, which are both at least 2 km away. Therefore, occupiers of the new dwelling would be dependent on the private car to reach basic services to meet their day to day needs.

In seeking to overcome the previous reasons for refusal, the applicant has submitted information relating to the principle and sustainability of the proposal:

- Supermarket food delivery services available to the village;
- Bus service within 0.8km walking distance;

- Other successful appeals in the area which have demonstrated that settlements similar to Normanton le Heath are suitable for new residential development, e.g. at The Brambles in Coleorton;
- Provision of study for home working;
- Proposing one family house which allows the applicants, their children and an elderly parent to live in a multi-generational family context;
- Planning permission previously granted in 1974 for a similar development of one dwelling on the site creating a precedent;
- Eradication of unknown risk of future unacceptable development on land behind existing housing, i.e. there is a shortage of affordable housing in the District which would be more harmful than one dwelling;
- Creation of a low carbon dwelling.

In respect of this additional information, the provision of supermarket deliveries is not considered to significantly increase the sustainability of the settlement and in the case of the appeal decision other services/facilities were available within Coleorton and in closer proximity than in respect of the application site. As noted above, there is no bus service within the village. The agent advises that no business use is planned from the property. The study would allow for home working only.

The provision of one dwelling and its overall scale would be a reduction when compared to the previous schemes. Although it is acknowledged that three generations of one family would occupy the dwelling, the layout offers limited capability for separate living arrangements and communal living is more likely to occur (and the likely resultant reduction in journeys to and from the site) when compared to the previously proposed occupation of three separate homes and the single dwelling which was more conducive to separate living. Although a large dwelling, the proposal could also be occupied by a one-generation family. In any event, a condition could be imposed prohibiting the sub-division of the property to multiple dwellings.

The 1974 permission is not considered to set a precedent given the subsequent decisions relating to proposals on the site in the 1980s. The application can only be considered on the basis of its own merits and the potential for other forms of development on the site cannot be taken into account.

The application advises that the dwelling would be constructed to the equivalent of Level 6 of the Code for Sustainable Homes (which has now been abolished), which was the highest level achievable under this former national standard for the design and construction of sustainable new homes. A summary scoring report showing how the dwelling would achieve this level has been submitted. The Design and Access Statement also includes an Energy and Sustainability Statement which sets out that the dwelling would be at least 40% more efficient than the minimum standards required to obtain Building Control approval. The application states that the dwelling would attempt to achieve zero carbon emissions by way of ground source heating with biomass fires, very high insulative properties and air tightness in line with passive design strategies and low water usage fittings and rainwater harvesting would also be included. Local bricks and tiles are also proposed along with FSC timber.

As to whether the proposal would result in a sustainable form of development, it is acknowledged that the site is in a location remote from services and public transport and occupiers of the dwelling would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs. Development of a single dwelling would make only a limited contribution towards the five year housing land supply. The scheme has been reduced from three dwellings to one dwelling (albeit to be occupied by three generations

of one family) and the dwelling would incorporate sustainable design principles to achieve zero carbon emissions and the equivalent of Sustainable Code for Homes Level 6, which might help to offset the reliance on the private car to some degree but would not in itself make the development sustainable. Therefore, on balance it is considered that, whilst the proposal is contrary to planning policy and having regard to the previous refusals of dwellings on the adjacent field, the majority of the dwelling and garden would be located within the Limits to Development, the proposal is of a smaller scale than previous schemes and would be well related to and in keeping with existing development, would not be within the Sensitive Area and would result in limited harm to the character of the village as set out below. As such it is considered that on balance a reason for refusal on the grounds of the proposal constituting an unsustainable form of development could not be justified in this case.

Character of the Area:

The previous application for one dwelling on the front part of the adjacent field (14/01040/OUT) was in part refused on the basis that it would adversely affect and diminish the open character of the Sensitive Area and the contribution the site and the important view out of the centre of the village make to the rural setting and character of Normanton le Heath and would be contrary to Policies E1 and E4 of the adopted Local Plan and the NPPF.

The previous application for three dwellings on the rear part of the adjacent field was in part refused on the basis that development of the site for housing would result in an important view out of the centre of the village being lost to the detriment of the rural setting and character of Normanton le Heath and would be contrary to Policy E4 of the adopted Local Plan and the NPPF.

The site on which the dwelling would be located does not lie within the Sensitive Area designated under Policy E1 of the adopted Local Plan, although the majority of the proposed access drive would lie within this Area. Policy E1 provides that development will not be permitted within the Sensitive Areas, identified on the Proposals Map, which would adversely affect or diminish the present open character of such areas and the contribution they may make to the character, form and setting of settlements, the streetscene generally or the relationship with adjoining countryside.

In considering an earlier appeal lodged against a 1988 outline application for residential development in the Sensitive Area, an Inspector commented as follows:

'Normanton le Heath is a small village with strong linear form along Main Street. On the north-west side of Main Street, between the B5326 and Normanton Lane, the frontage has been developed apart from the appeal site. The development could be regarded as infilling, i.e infilling a small gap in an otherwise built up frontage, however, in this case, the appeal site has been specifically excluded from the limits to development and designated a Sensitive Area in the recently adopted plan, to which, I must give considerable weight. The site has several trees along the road frontage and there are fine views from Main Street across the site towards the rolling countryside in the direction of Packington and Ashby de la Zouch. This is the only substantial gap on the north-west side of Main Street and offers the only significant view of the countryside to the north. Outbuildings associated with farms and garages restrict the views between the existing dwellings. I therefore consider that this is an important vista to retain. I also consider that this open land contributes to the rural character of the village particularly due to its proximity to the designated Sensitive Area around the church on the opposite side of Main Street. Since 1984 it has been the aim of the Local Planning Authority to retain this area as open land within the village and I find no overriding reason to depart from this Policy. I conclude that this open land makes a significant contribution to the form and character of Normanton le

Heath and that the proposed development would harm the character and appearance of the village streetscene.' The appeal was dismissed.

The part of the site within the Sensitive Area forms part of a field that allows long and important open views from within the village of the wider countryside beyond, which contributes to the rural setting and character of the settlement. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore the Sensitive Area is considered to be an important vista that makes a positive contribution to the rural setting of the village.

The site of the proposed dwelling is separated from the wider field by a boundary of trees and vegetation and was and still is to some extent covered by areas of vegetation with mature trees/hedgerow on its southern boundary. As such there are no views through the site of the open countryside beyond. This part of the site therefore forms part of the backdrop to the wider field or foreground to nearby dwellings and makes a more limited contribution to the rural setting and character of the village than the field itself.

As such the proposed dwelling would not block views of the open countryside beyond. However the dwelling would form part of the backdrop to the adjacent field and Sensitive Area and part of the wider view towards the open countryside. The dwelling itself would not be subject to Policy E1 as it is not within the Sensitive Area. The dwelling would be of a large scale and the character of the view through the adjacent field would change with the introduction of development. However there would be no loss of the view of the countryside, the dwelling would be set back over 60 metres from the road, existing screening is available from trees and vegetation and it would be seen alongside existing dwellings. In views from the public footpath, the proposal would be more prominent than existing dwellings. However the character of this part of the footpath is less rural due to the presence of existing development, the dwelling would be seen in the foreground of existing dwellings and screening from trees/vegetation would be available. The route of the footpath (as shown on the Definitive Map and on the ground) also runs close to an existing dwelling.

Some of the vegetation on the northern part of the site would be removed and part of the northern boundary could be lost due to its proximity to the proposed dwelling, which would open up views of the site and the dwelling. However the trees/vegetation along the southern and remainder of the northern boundaries and on the western part of the site could be retained, therefore limiting views towards the open countryside and providing screening, which could be secured by condition.

The site is located to the rear of existing dwellings which is not a common feature of the village. Some 'backland' development has taken place at Highfields Close, on the site of a former farmyard, and whilst it is acknowledged that the nature of the application site is not comparable, the character of this part of the village is made up of development close to Main Street and set back at varying distances.

The majority of the driveway would lie within the Sensitive Area. However it would be located at its southern edge, adjacent to an existing dwelling, its width has been reduced to 2.75 metres and an appropriate surface could be secured by condition. Therefore it would not adversely affect or diminish the present open character of the Sensitive Area and the contribution it makes to the character, form and setting of the village, the streetscene and the relationship with adjoining countryside.

The proposal would result in a density of 14 dwellings per hectare, which is well below that

sought under Policy H6 of the adopted Local Plan (a minimum of 30 dwellings per hectare). The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances. This density is considered appropriate having regard to the nature of the settlement and character of the area.

It is therefore considered that the development would not be significantly detrimental to the rural setting and character of the village, and the wider field and views of the countryside and the Sensitive Area would still make a positive contribution to the form and character of the village. Therefore a finely balanced view is taken that the development would result in limited harm to the rural setting and character of the village and Sensitive Area.

Design:

The dwelling reflects, to some extent, the scale, proportions and design of the older and larger dwellings elsewhere in the village although it is recognised that it is not a complete reflection. The front element of the dwelling would have three floors of accommodation with the second floor provided in the roof and would incorporate traditional detailing. The side and parts of the rear are lower in height with the design of the side roofslope reducing the scale. There is also a mix in the scale and design of dwellings within the village. As such it is considered that the design of the dwelling complies with the provisions of Policies E4 and E7 of the adopted Local Plan.

Public Footpath

On site, public footpath O60 starts at the stile adjacent to the field gate (two-three metres from the site's southern boundary with The Laurels), and then crosses the site diagonally before leaving the site at the centre of its western boundary. However this does not appear to completely reflect the Definitive Map of Public Rights of Way, which shows the eastern stretch of the footpath's legal route running parallel with the site's southern boundary with The Laurels before turning to the north west towards the site's western boundary. The submitted plans appear to reflect the legal route of the footpath based on the Definitive Map and do not show the footpath to be diverted. An application for a Footpath Diversion Order would need to be made to divert the footpath. The County Council has provided advice regarding matters that need to be adhered to in respect of the footpath.

The dwelling would not affect the route of the footpath as it appears on the ground or based on the Definitive Map. The route of the footpath on the ground would be affected if the fencing was erected; however as noted above this route does not reflect the Definitive Map. The submitted plans show the legal route of the footpath to run alongside the proposed driveway. The County Footpaths Officer requested a holding objection to the original plans until matters relating to details of the footpath's relationship with the driveway and access were resolved. The amended plans show the legal route of the footpath to run alongside the proposed driveway, before crossing the driveway and through a gap in new post and rail fencing before continuing in a north westerly direction. The County Footpaths Officer sets out some further matters that need to be addressed which can be secured by condition and he has withdrawn his objection. As such a route for the public footpath would be provided within the site. Given that the legal route of the footpath would run alongside the proposed driveway which would serve one dwelling and that the County Footpaths Officer has no objections, it is considered that a reason for refusal on the basis of significant impact on the safety of users of the public right of way and not providing a safe and suitable access for all could not be justified in this case.

For the reasons set out earlier in this report in the section relating to 'Character of the Area' it is considered that the proposal would not significantly impact on the enjoyment of users of the footpath.

Highway Safety:

Concerns have been raised by the Parish Meeting and local residents in respect of highway safety matters, in particular the exacerbation of existing traffic and on-street parking problems and from traffic in particular associated with businesses. Concerns have also been raised by officers regarding the potential to accommodate appropriate parking spaces within the site, given the number of bedrooms proposed (six-seven), as well as adequate turning space. Amended plans showing four parking spaces which meet the required dimensions and useable turning space have been submitted. No businesses are proposed as part of the application, and the study could be used for home working. 2.4 metre by 43 metre visibility splays can be achieved in both directions. The County Highway Authority has not raised any objections in relation to highway safety matters and did not raise any objections in relation to the previous schemes for one and three dwellings. As such it is considered that a safe and suitable access could be provided and the proposal would not result in severe impacts on highway safety and would therefore comply with the advice in the NPPF and Policies T3 and T8 of the Local Plan.

Residential Amenities:

The proposal would result in traffic using the driveway which runs adjacent to The Laurels and its rear garden. However the situation would not be dissimilar to a development on a corner site with a side road running close to dwellings and their rear gardens, which was considered in an appeal decision to be a yardstick for an acceptable standard. As noted earlier in this report the line of the footpath shown on the submitted plans appears to follow the legal route of the footpath closer to the boundary with The Laurels rather than the route on the ground which is approximately 8 metres from this boundary.

The proposed dwelling would be located within 1.5 metres of what appears to be part of the rear garden to Knights House. However this dwelling has a large rear garden, mature trees are located on the boundary and the side windows are either at ground floor or serve a non-habitable room. The proposed dwelling would also be 29 metres from the rear of Knights House.

The first floor front elevation of the dwelling would contain three windows (two serving habitable rooms) facing towards The Laurels and its rear garden, although no front rooflights are proposed. The Council's Development Guidelines seek a 22 metre back to back distance between new and existing dwellings. Whilst it is noted that the front of the proposed dwelling would face the rear of The Laurels, it reflects the general relationship of back to back dwellings with windows facing towards windows. The distance between the proposed dwelling and the closest rear part of The Laurels would be 34 metres with the part of The Laurels containing the majority of its rear windows being 36 metres away. Both of these distances exceed the guideline distance noted above. There would be a distance of 16.5 metres between the proposed dwelling and The Laurels' rear garden. The Development Guidelines set out that a usual garden depth would be 11 metres and using the 22 metre distance referred to above, the distance between a new dwelling and an existing dwelling's garden would be 11 metres. As such it is considered that there is an appropriate distance between the proposed dwelling and The Laurels' garden. Whilst it is noted that there is currently an open aspect to the rear of The Laurels, it is not unusual to have dwellings located to the rear of dwellings. On this basis it is considered that a reason for refusal based on significant detriment to the amenities of occupiers of The Laurels from overshadowing, loss of privacy and an oppressive outlook could not be justified in this case.

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. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the NPPF stipulates that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The application site lies to the north west of the Grade II* listed Holy Trinity Church which is sited on the opposite side of Main Street. As the church dates from the 14th century and its spire is visible in views within the village and from longer distances due to its position on a higher ground, the church is considered to have significance due to its age, its local style, its relationship with the development of the village and its visibility in the landscape. The development site falls within the setting of church and, therefore, the impact of the development on the setting of the listed building should be given special regard as required by the 1990 Act. The proposed dwelling would be seen in views of the church spire from public footpath O60, from the stretch that runs through the western part of the adjacent field and from more westerly parts. The main body of the church is already screened by existing development on Main Street. The proposed dwelling would not completely obscure views of the church spire from the footpath due to its position on the application site and existing screening of the spire by trees on the site's boundaries and as views of the spire would change as walkers progress along the footpath. Whilst the dwelling would be seen in views alongside the spire and would be of a large scale, the spire is also seen alongside other development within the village and alongside existing trees within and close to the site. It is unlikely that the proposed dwelling would be prominent in views of the church from Ashby Road to the north of the village due to topography and screening from existing vegetation.

The Conservation Officer advises that elements of the proposal would affect the setting of the church although he does not raise concerns regarding the impact of the dwelling itself. The new driveway and post and rail fencing would be seen in the foreground of the church and in wider views from Main Street. However the driveway would be narrow in width and as it and the fencing would be located at the edge of the field, they would be seen alongside The Laurels and its close boarded fence. A post and rail fence would be an appropriate boundary treatment in such a location and reflects that to the front of the site and a gravel surface is considered to be appropriate in this location. The driveway would be served by an existing field access and details of its gates could be secured by condition.

It is therefore considered that the proposal would be harmful to the significance of the heritage asset but that this would not involve substantial harm or total loss of significance for the reasons set out above. Therefore the proposals amount to less than substantial harm to the significance of the heritage asset and would not result in significant detriment to the special architectural or historic interest, character or setting of the listed church, thereby sustaining its significance.

Paragraph 134 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal. The less than substantial harm to the heritage assets is in this case considered on balance to be outweighed by the erection of a dwelling which would be constructed to a high environmental standard.

The County Archaeologist advises that there is good potential for below ground archaeological

deposits to be present on site and therefore recommends the imposition of conditions relating to archaeological investigation, mitigation and recording.

River Mease 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 CIL Regulations and paragraph 204 of the NPPF.

Although the site lies within the catchment of the River Mease, Severn Trent Water has advised in respect of a previous application that waste water from the site would be pumped to Ravenstone Sewage Treatment Works which lies outside the River Mease catchment area. Therefore the proposal would not contribute additional wastewater within the River Mease catchment and would not be subject to the requirements of the DCS.

In terms of surface water run-off, the application advises that surface water would be dealt with by a sustainable drainage system which can be secured by condition. 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:

The proposal would result in the loss of agricultural land. However, when having regard to the size of the site, it is not considered that the proposal would result in a significant loss of agricultural land in the area. The County Ecologist raises no objections in relation to ecology and protected species. Whilst some trees and vegetation would be lost, there is other vegetation on the site and locality that could be used by bats and breeding birds. A relatively small area of grassland would be lost in the context of the wider area.

With regard to comments raised by local residents that have not already been covered above, the personal circumstances in terms of one of the applicants having previously lived in the village does not have any weight in this case and the Council cannot take into account whether previous attempts have been made by the applicants to live elsewhere in the village. It is considered that one dwelling is unlikely to have a significant impact on telecommunications provision. Impact on views and property values is not a planning matter that can be taken into account.

In respect of the concerns raised regarding inaccuracies and misleading information/photographs in the application submission, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application have allowed for the application to be fully and adequately assessed.

In terms of concern about the proposal setting a precedent, it is a fundamental principle of planning legislation that each application should be assessed on its own merits. Other sites will be affected by a different set of circumstances. The statutory period for consultation of local

residents and consultees was undertaken when the application was first submitted and further consultation has been undertaken in respect of the amended plans.

Conclusion

It is considered that on balance a reason for refusal on the grounds of that the proposal constitutes an unsustainable form of development could not be justified in this case. The development would result in limited harm to the rural setting and character of the village and Sensitive Area and the design of the dwelling complies with the provisions of Policies E4 and E7 of the adopted Local Plan. The legal route of the public footpath that crosses the field would be retained and the proposal would not significantly impact on the enjoyment of users of the footpath. It is considered that the proposal would not adversely impact on highway safety or protected species. A reason for refusal based on significant detriment to the amenities of occupiers of The Laurels from overshadowing, loss of privacy and an oppressive outlook could not be justified. The site proposal would result in less than substantial harm to the designated heritage asset and this harm can be outweighed by public benefit. Conditions relating to archaeology could be imposed. 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. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

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

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans) received by the Local Planning Authority on 15 January 2016 unless otherwise required by a condition of this permission:

Reason- To determine the scope of this permission.

- 3 No development shall commence on site until such time as precise details of the existing and finished ground levels on the site and the proposed floor levels of the dwelling and in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason- to ensure the development takes the form envisaged by the Local Planning Authority.

- 4 No building shall be erected on site above damp proof course until details/drawings/representative samples (as appropriate) of the:-

- (i) Bricks and brick bond;
- (ii) Roof tiles;
- (iii) Materials and paint finish for the windows and doors and their headers and cills;

- (iv) Drawings of the proposed door and window units and rooflights including headers and cills, to a scale of 1:10;
- (v) Eaves and corbelling details to a scale of 1:10;
- (vi) Chimney details to a scale of 1:10

have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason- to enable the Local Planning Authority to retain control over the external appearance in the interests of visual amenities, as precise details have not been submitted.

- 5 No development shall commence on site until details of the sustainability/low or zero carbon measures as set out in the Code for Sustainable Homes Achievement Plan and email from Gary Phillips received by the Authority on 12 January 2016 and the Energy and Sustainability Statement received by the Authority on 12 November 2015 have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and shall thereafter be so retained.

Reason- these measures form part of the assessment of the sustainability of the proposal.

- 6 The curtilage relating to the dwelling hereby approved shall be confined to the area hatched in black on the attached plan number LPA/15/01097/FUL.

Reason - To enable the Local Planning Authority to retain control over future development in view of the form of the development proposed and its location.

- 7 Notwithstanding the provisions of Part 1 (Classes A, B, C and E) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby permitted shall not be enlarged, improved or altered (excluding the installation of windows subject to the provisions of condition 9) nor shall any building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided within the curtilage of the dwelling, unless planning permission has first been granted by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over future development in view of the site's relationship with The Laurels and its rural location.

- 8 The first floor windows serving ensembles in the southern and eastern elevations of the dwelling shall be glazed with obscure glass (to at least Pilkington Level 3 or its equivalent), which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason- to avoid the possibility of overlooking in the interests of preserving the amenities of residents.

- 9 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) no window or opening (other than any that may be shown on the approved drawings) shall be formed in the first and second floors and roofslopes of the southern elevation and the roofslope of the eastern elevation

unless planning permission has first been granted by the Local Planning Authority.

Reason- to avoid the possibility of overlooking in the interests of preserving the amenities of residents.

- 10 The development hereby approved shall be occupied as one dwelling and each part of the dwelling shall not be severed from the principal house as a separate and unconnected dwelling.

Reason - the creation of additional dwellings is likely to be unacceptable in this location on sustainability and highway safety grounds.

- 11 Before the external materials to the roof are installed to the dwelling hereby approved:
 (i) the means of disposal of surface water from the dwelling to soakaways or other sustainable drainage system shall be installed on site and thereafter so retained; or
 (ii) evidence to demonstrate that these means of drainage are not suitable for the dwelling and alternative details of surface water discharge to mains sewer have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be provided before the external materials to the roof of the dwelling are installed and shall thereafter be so retained.

Reason- To prevent an adverse impact on the River Mease Special Area of Conservation.

- 12 Before first occupation of the dwelling hereby approved the following shall be provided:
 (i) one metre by one metre pedestrian visibility splays on the highway boundary on both sides of the access;
 (ii) 2.4 metre by 43 metre visibility splays at the junction of the access with Main Street on both sides of the access;
 (iii) the access drive in accordance with the details shown on Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans) and surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least five metres behind the highway boundary;
 (iv) four car parking spaces (which can include one garage space) and turning space in accordance with the details shown on Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans) and hard surfaced;

Once provided the access drive, parking and turning space and visibility splays shall thereafter be permanently retained. Nothing shall be allowed to grow within the visibility splays above a height of 0.6 metres above ground level.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety; in the interests of pedestrian safety; To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to ensure vehicles can leave the site in a forward direction.

- 13 Before first occupation of any dwelling hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 14 Before its first use and subject to the provisions of condition 12 the driveway shall be surfaced in gravel in accordance with the details shown on Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans) and the legal route of public footpath O60 shall be laid with grass, both of which shall thereafter be so retained.

Reason: in the interests of visual amenity and the setting of the listed church.

- 15 Notwithstanding the submitted plans, if any boundary treatment is erected to the northern/western boundary of the driveway then details of a gap, hand gate or kissing gate to the legal route of public footpath O60 shall be submitted to and agreed in writing by the Local Planning Authority. The gap or gate shall be provided in accordance with the agreed details, with the remainder of the boundary treatment provided in accordance with the details of post and rail fencing shown on Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans) and shall thereafter be so retained.

Reason: in the interests of visual amenity and the setting of the listed church and in the interests of users of the public footpath.

- 16 Before any gates are erected to the access, driveway, parking and turning area or to the junction of public footpath O60 with Main Street and before any boundary treatment is provided to separate public footpath O60 from the driveway then details of the gates and/or boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. The gates and/or boundary treatment shall be provided in accordance with the agreed details and thereafter be so retained.

Reason: in the interests of visual amenity and the setting of the listed church and in the interests of users of the public footpath.

- 17 Before the dwelling hereby approved is first occupied a soft and hard landscaping scheme and boundary treatment scheme for the dwelling and its garden, including retention of existing trees/vegetation, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed soft landscaping scheme shall be provided in full in the first planting and seeding season following the first occupation of the dwelling and the hard landscaping and boundary treatment schemes shall be provided before the dwelling is first occupied, unless alternative implementation programmes are first agreed in writing by the Local Planning Authority.

Reason- to ensure satisfactory landscaping is provided within a reasonable period and in the interests of visual amenity.

- 18 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason- to provide a reasonable period for the replacement of any trees.

- 19 No development shall commence until such time as a programme of archaeological work (strip, plan and record excavation), including a Written Scheme of Investigation, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
- o The programme and methodology of site investigation and recording;
 - o The programme for post-investigation assessment;
 - o Provision to be made for analysis of the site investigation and recording;
 - o Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - o Provision to be made for archive deposition of the analysis and records of the site investigation;
 - o Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall be undertaken in accordance with the approved Written Scheme of Investigation unless a variation is agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory archaeological investigation and recording.

- 20 The dwelling hereby approved shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Scheme of Investigation agreed under condition 19 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording.

- 21 No development shall commence on site until such time as protective fencing in accordance with Figure 2 of BS: 5837: 2012 (Trees in Relation to Design, Demolition and Construction) has been erected to the dashed/dotted line around the trees on the site and the retained section of vegetation to the immediate north of the dwelling as shown on Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans). The protective fencing shall remain in place until all construction works are complete unless an alternative timescale is first agreed in writing with the Local Planning Authority.

Reason - in the interest of health and safety and the amenity value of the trees/vegetation.

- 22 If any development will take place within the fenced areas to the trees/vegetation then no development shall commence on site in respect of these works until such time as a design and method statement for these works including details of changes to ground levels and arboricultural surface requirements have been submitted to and agreed in writing by the Local Planning Authority. All works within the fenced areas shall be carried out in accordance with the agreed design and method statement.

Reason - in the interest of health and safety and amenity value of the trees/vegetation.

- 23 There shall be no storage of materials, plant, skips, equipment and/or other items associated with the development hereby approved, mixing of materials, vehicular movements or fires or other ancillary works associated within the area bounded by the protective fencing to the trees/vegetation.

Reason - in the interest of health and safety and the amenity value of the trees/vegetation.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage and during the application process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 A public right of way crosses the site and must not be re-routed, encroached upon or obstructed in any way without proper authorisation. To do so may constitute an offence under the Highways Act 1980.
- 3 Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the public right of way, particular attention should be given to ensuring that no materials are stored on the lines of the rights of way and that no contractors' vehicles are parked either along or across them ensuring that free access can be exercised safely at all times.
- 4 Any damage caused to the surface of a Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- 5 No new gates, stiles, fences or other structures affecting the Right of Way, of either a temporary or permanent nature, or works to the surface of the Right of Way should be constructed without the written consent of the Highway Authority having been obtained. Unless a structure/works has been authorised, it constitutes an unlawful obstruction of a Right of Way and the County Council may be obliged to require its immediate removal.
- 6 If it is intended to change the boundary treatment currently separating the application site from the Public Right of Way, the Highway Authority's approval to the type of boundary treatment proposed should be obtained. Any new trees or shrubs which are proposed to be planted adjacent to a Public Right of Way should be set back by a minimum of 1 metre from the edge of the route and be species which do not spread. This will minimise the likelihood of the width of the Right of Way being encroached upon and reduced in width by overhanging vegetation in the future.
- 7 The continuation of the public footpath beyond the driveway must not be further enclosed in any way without further discussions with the Highway Authority (0116 305 0001). The signage currently located along the public footpath may need to be moved to construct the new access and if it is removed or damaged during works associated with the development, then the Highway Authority will require it to be replaced at the applicant's expense.
- 8 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
- 9 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk
- 10 The proposed development lies within an area which could be subject to current coal

mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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Erection of four detached dwellings with associated off street parking (Outline - matters of access and layout for approval)

Report Item No
A3

Land Off Lower Moor Road Coleorton Coalville Leicestershire

Application Reference
15/01148/OUT

Applicant:
Mrs S And J Kenyon And Henson

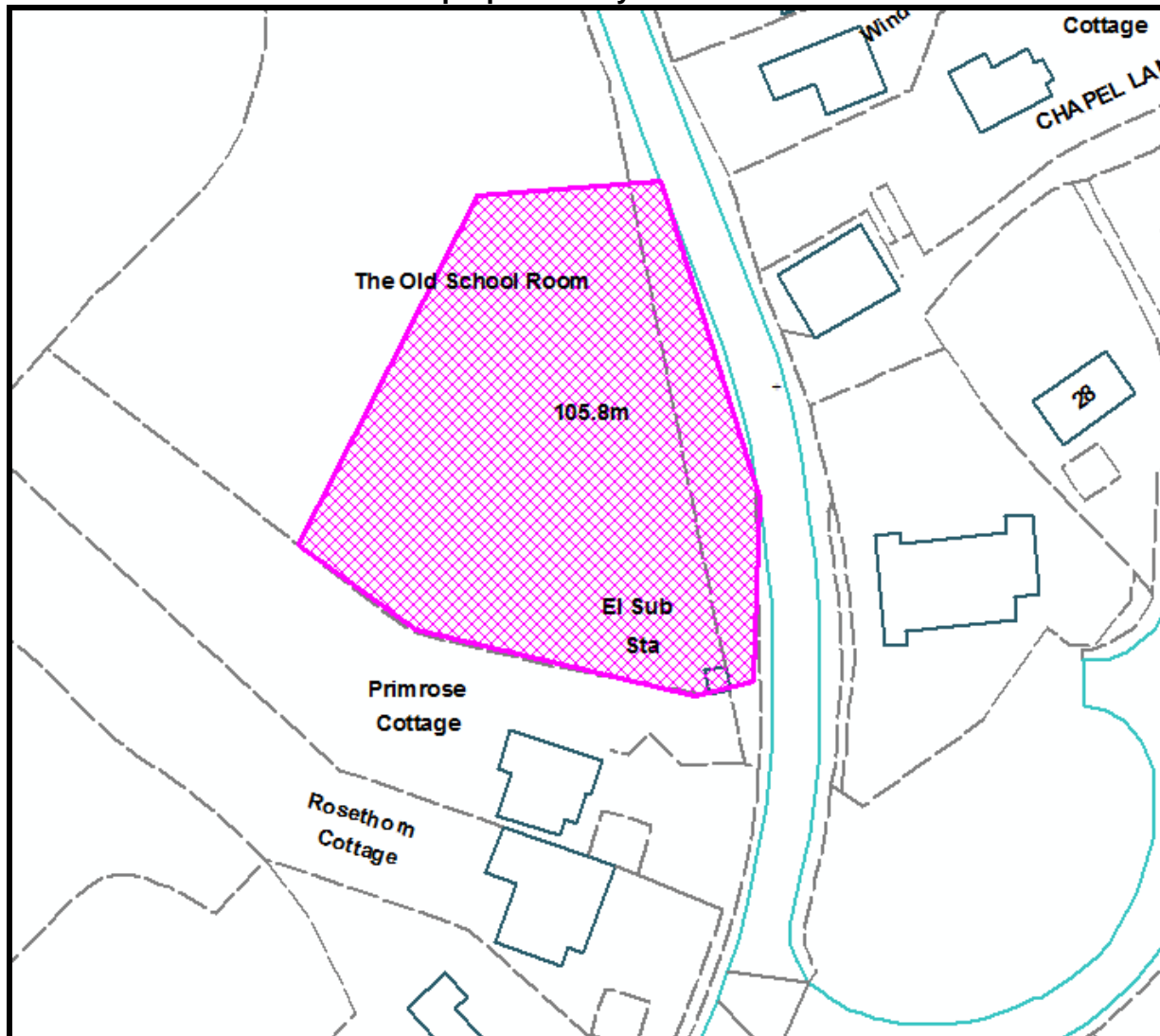
Date Registered
3 December 2015

Case Officer:
Adam Mellor

Target Decision Date
28 January 2016

Recommendation:
PERMIT

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 Boam due to concerns over highway safety and that the application site is outside the defined Limits to Development and upon land designated as a sensitive area.

Proposal

The application is in outline form and seeks approval for the erection of four detached dwellings on land to the west of Lower Moor Road, Coleorton. The 0.24 hectare site is on land outside the defined Limits to Development as well as upon land designated as a Sensitive Area under Policy E1. At this stage the access points into the site, a total of two separate access points serving two properties each, along with the layout are for approval.

Consultations

A total of 86 no. individual representations have been received with 40 of those representations opposed to the development and 46 in support of the development, Coleorton Parish Council have also objected to the development. All other statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

It is considered that the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the current, and draft emerging, North West Leicestershire Local Plan and other guidance.

Conclusion

Although the application site is a greenfield site and part of a sensitive area it is considered that the conflict with the environmental strand of sustainability, as well as Policy E1, would be outweighed by the positive social and economic sustainability credentials of the site particularly as the development would not be isolated from built forms and would not adversely impact on the openness of the rural environment. Consideration also needs to be given to the fact that the Local Authority is unable to demonstrate a five year housing land supply. Overall the development would be compliant with the key principles of the NPPF as well as Paragraphs 28 and 55.

The relationship between plot 1 and Primrose Cottage, to the south of the site, is considered to be acceptable and would ensure that there would be no undue overbearing or overshadowing impacts. It is also considered that the amenities of any future occupants would not be adversely affected and therefore the development is considered compliant with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

It is considered that the layout of development shown on the submitted plans shows that the site is capable of accommodating the four dwellings and would be in keeping with the characteristics of development in the surrounding area whereby properties front onto the highway. The proposed development is also considered to result in no harm to the significance of the setting

of heritage assets in the area (namely Coleorton Hall and its Associated Historic Gardens - Grade II* Listed) whilst also not adversely impacting on views to features of significance within the landscape from the public footpath network in the area. On this basis the development is considered to accord with Paragraphs 57, 60, 61, 75, 131, 132 and 134 of the NPPF, Section 66 of the 1990 Act as well as Policy E4 of the Local Plan.

In the circumstances that the County Highways Authority have raised no objections subject to the imposition of conditions, and notes to the applicant, on any consent granted it is considered that the proposed development would not result in severe detriment to pedestrian or highway safety. A sufficient level of off-street parking could also be secured at the reserved matter stage. In these circumstances the development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

In respect of other matters it is considered that subject to the imposition of relevant conditions, or notes to the applicant, the site could be developed so as not to cause harm to ecological species, would not lead to adverse implications to archaeology in the area, would result in the provision of additional landscaping whilst maintaining existing landscaping and would also not result in any implications to the legacy of coal mining in the area. On this basis the development would accord with Paragraphs 118, 120, 121 and 141 of the NPPF, Policies E7, E26, F1, F2 and F3 of the Local Plan and Circular 06/05.

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

Outline planning permission is sought for the erection of four detached dwellings with associated off-street parking with all matters except access and layout reserved for subsequent approval at land off Lower Moor Road, Coleorton. The 0.24 hectare site lies on the western side of Lower Moor Road directly to the north of Primrose Cottage and to the west of the former Methodist Chapel and former associated School Room. It is identified on the Proposals Map to the adopted North West Leicestershire Local Plan that the site is outside the defined Limits to Development with residential properties being to the east and south and open countryside to the direct north and west.

The land on which the dwellings would be located is identified as scrub land and the layout plan supplied shows that the proposed properties would be parallel to Lower Moor Road with plots 1 and 4 being in closer proximity to the highway than plots 2 and 3. Two separate vehicular accesses would be created off Lower Moor Road, with one being shared by plots 1 and 2 and the other shared by plots 3 and 4, with associated manoeuvring facilities and off-street parking also being supplied. An indicative elevation drawing supplied shows that the dwellings are proposed to be two-storey in nature.

A design and access statement, heritage statement and Coal Mining Report have been submitted in support of the application.

Following a site meeting with the County Council Ecologist the agent for the application has submitted a revised layout plan to highlight biodiversity enhancements which could be made to the land to the immediate north of the application site which is also within the ownership of the applicant. The County Council Ecologist has been reconsulted on this plan.

The planning history of the site is as follows: -

- 91/0312/P - Residential development (outline) - Refused 29th May 1991, Appeal Dismissed 4th February 1992.

2. Publicity

8 no neighbours have been notified (date last notified 24 December 2015)

Press Notice published 16 December 2015

Site Notice published 09 December 2015

3. Consultations

Coleorton Parish Council consulted 7 December 2015

County Highway Authority

LCC ecology

Severn Trent Water Limited

Head of Environmental Protection

County Archaeologist

NWLDC Conservation Officer

Historic England

LCC Flood Management

Coal Authority

The Gardens Trust

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Coal Authority has no objections subject to the inclusion of a note to applicant on any permission granted.

Coleorton Parish Council objects to the application as it is outside the Limits to Development and there are highway safety concerns given the steepness of the bend.

Historic England advises that the application should be determined on the basis of the Council's specialist conservation advice.

Leicestershire County Council - Archaeology has no objections subject to the imposition of conditions in order to safeguard any important archaeological remains which may be present.

Leicestershire County Council - Ecology initially had no objections subject to conditions associated with the restoration and management of the adjacent site for nature conservation and natural informal open space. Following receipt of amended plan showing biodiversity enhancements of the neighbouring land the County Council Ecologist maintains that no objections are raised subject to the imposition of a condition on any consent granted.

Leicestershire County Council - Highways has raised no objections to any of the submitted plans subject to conditions and relevant notes to the applicant being imposed on any permission granted.

Leicestershire County Council - Lead Local Flood Authority has no comment to make on the application and advises that their standing advice should be considered.

NWLDC - Conservation Officer has no comments to make.

NWLDC - Environmental Protection has no observations.

Third Party Representations

40 no. of individual representations objecting to the application have been received and the concerns raised are summarised as follows: -

- The principle of the proposed development is not supported by the Development Plan and would set an undesirable precedent for development in the countryside;
- Houses are located in an area of local historical and archaeological interest, namely part of the 'Historic Gardens' of Coleorton Hall with the grounds also forming part of the Mining Heritage Trail;
- The site leads down to a stream which forms a flood plain;
- The development would impact adversely on the sustainability of the village;
- New vehicular accesses onto Lower Moor Road would be unsuitable and would present a severe hazard to traffic and pedestrians alike;
- The proposed accesses would lack appropriate visibility given the nature of the highway, proximity to a bend and parking of vehicles in the highway visiting the Post Office/Shop;
- Proposal would adversely affect the beautiful, unspoilt rolling landscape which is

- synonymous with the village of Coleorton;
- Protected species would be adversely affected by the development given that foxes, badgers and deer have been present in the area as well as bats;
- Vehicles utilising the highway travel in excess of the speed limits in force;
- Consideration should be given to traffic calming measures such as speed humps, traffic islands or any other measure to slow traffic and avoid a serious accident;
- Views from our property would be adversely affected;
- The value of our property would be adversely impacted on;
- Development may result in implications to the integrity of the hedgerow retained to our boundary;
- Proposed development will impact on the residential amenities of neighbouring properties;
- Proposed development is on land identified as a Sensitive Area in the Development Plan;
- Approval of the development will compromise the aspirations of National Forest planting being provided in the area and conflict with the "Forest for the Nation" aims of the District Council;
- The site is not big enough to support the development proposal and therefore a more modest form of development should be sought with single storey properties provided;
- Development would be contrary to several policies within the Development Plan as well as PPG guidance;
- An orangery/sun room on the northern side elevation of Primrose Cottage is not highlighted on the plans and therefore Plot 1 would be closer to this property than anticipated on the supplied plans;
- The application site is a Coal Mining Risk Area;

46 no. of representations offering support to the development have also been received and the comments raised are summarised as follows: -

- A small number of well sited houses such as these would be welcomed;
- The site is at the centre of the village, very close to the Post Office and is on a bus route. Also it is less than half a mile from the school;
- The indicative designs show a high quality scheme in this sought after location;
- Could something proactive be done with the retained land;
- Inhabitants would contribute and help maintain the services in the village;
- The proposed design and layout matches that which exists elsewhere locally;
- I am a regularly user of Coleorton Post Office and it is important that such services are retained given the closure of Post Office's in Normanton Le Heath and Packington;
- The development would provide much needed family homes in the settlement;
- The land is currently an untidy field and small, well designed developments of this nature are acceptable additions to a rural village;
- Many rural villages in the area need to accept additional housing due to the very low numbers that are currently being constructed nationwide;
- Access to the site is fine at this point with low prevailing speeds and good visibility from both access points.

5. 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 Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire 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);
Paragraph 32 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 75 (Promoting healthy communities);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 121 (Conserving and enhancing the natural environment);
Paragraph 131 (Conserving and enhancing the historic environment);
Paragraph 132 (Conserving and enhancing the historic environment);
Paragraph 134 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 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 North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside;
Policy E1 - Sensitive Areas;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy E26 - Sites of County or District Ecological or Geological Interest;
Policy F1 - General Policy;
Policy F2 - Tree Planting;
Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;

Draft Consultation North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

- Policy S1 - Presumption in Favour of Sustainable Development;
- Policy S2 - Future Housing and Economic Development Needs;
- Policy S3 - Settlement Hierarchy;
- Policy S4 - Countryside;
- Policy S5 - Design of New Development;
- 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 - Sustainable Design and Construction;
- Policy Cc4 - 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 Guidance 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;

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they 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. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

6. Assessment

Principle of the Development

Insofar as the principle of development is concerned, and 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 (2002 (as amended)).

With regards to the application site it is noted that it 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. The site is also within a sensitive area, as highlighted under Policy E1 of the adopted Local Plan, where development should be resisted if it would adversely affect or diminish the present open character of such areas and the contribution they make to the character, form and setting of settlements, the streetscene generally or the relationship with the adjoining countryside.

The Inspector's decision concerning the recent Greenhill Road appeal (ref: APP/G2435/W/15/3005052) sets out that the Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" adopted Local Plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and accordingly 'weight' should not be afforded to them when determining planning applications. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicate that planning permission for new homes should normally be granted.

It is also important to bear in mind that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006). It is therefore considered inevitable that greenfield land will need to be released to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan. In this respect it is acknowledged that the site borders the Limits to Development on the western side of Lower Moor Road with the defined Limits extending further north on the eastern side of the highway (Brooklyn Cottage being the final property within the 'Limits').

In assessing and determining the application it is also needs to be accepted that the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development given the presumption in favour of such as set out in the NPPF.

With regards to the sustainability credentials of the site, it is noted that in previous assessments in applications reference has been given to the Department of Transport (DoT) statistics which outlined that the average trip length undertaken by foot would be 1000.0 metres. However, in a recent appeal decision relating to a residential development on Willesley Road in Ashby De La Zouch (ref: APP/G2435/W/15/3027396) the Inspector concluded that such a statistic does not take into account those people who would walk but are put off by such distances and choose to travel by alternative means. In the aforementioned appeal, reference was made to the Institute of Highways and Transportation document *'Providing for Journeys on Foot'* and in respect of a rural environment the acceptable walking distance to services would be 800 metres and 1000 metres for a school. On the basis of these distances a shop/post office (Lower Moor Road - 141.41 metres) and bus stops for two services (Robert Coaches Air Link Service 155 1 hourly between Coalville and East Midlands Airport Monday to Saturday - 359.50 metres on Lower Moor Road and Arriva Service 9 1 hourly between Burton on Trent to Loughborough via Ashby

De La Zouch Monday to Sunday (limited service on a Sunday) - 527.78 metres on Loughborough Road) would be within an acceptable walking distance with the Viscount Beaumont Church of England School on Ashby Road, Coleorton just being in excess of the threshold of 1000 metres (1095.29 metres). Walking to these services would also be carried out along maintained footpaths which are well lit.

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 by utilising the public transport options. In this circumstance it is considered that a scheme for four dwellings would score well against the social sustainability advice 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 point of view the land is recognised as agricultural scrub land, a greenfield site, with it being acknowledged above that the site borders the defined Limits to Development. For the avoidance of doubt the land is not greenbelt, as would be defined by the NPPF, as no such land exists within North West Leicestershire. The application site is also situated on land designated within the adopted Local Plan under Policy E1 as a Sensitive Area. Paragraph 4.7 of the adopted Local Plan states that:

"The need to protect open areas within or closely related to urban areas is widely recognised. There are many instances of important open areas within or adjoining settlements which contribute positively to the character of the settlement concerned, its streetscene or its setting or approaches. It is important that such areas are kept free from development in view of the contribution they make to local environmental quality."

As such sensitive areas of open land can include the following, as defined in Paragraph 4.8 of the adopted Local Plan:

- (a) Important open breaks in street frontages;
- (b) Important amenity or other open areas within settlements;
- (c) Important settings and approaches to settlements; and
- (d) Ends of sporadic or ribbon development.

In many respects this policy would be supported by the principles of Paragraphs 17 and 109 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.

Although this is the case it is unclear from the characteristics of the site precisely why this land has been designated as a Sensitive Area, as it does not appear to significantly differ from other open land in the immediate area, and an assumption is therefore made that its designation is to accord with criteria (d) of Paragraph 4.8 of Policy E1 of the adopted Local Plan (to prevent sporadic ribbon development). Whilst accepting that the development in itself would be a 'ribbon' form of development its implications to the character and appearance of the wider area and streetscape, as discussed in more detail below, would not be significantly adverse particularly as the scheme could be designed to act as a natural 'bookend' in terminating future development along the western side of Lower Moor Road (something which was not achieved when Primrose Cottage and Rosethorn Cottage were constructed in the 1990s) as well as the fact that biodiversity enhancements would be carried out on the remainder of the designated area to the north of the site. Therefore whilst the contribution of the designated site to the character of the area would change, as views across the site and out of the village would be

reduced, they would not be lost completely given that views could be gained across the northern parts of the designated site as well as the remaining open countryside beyond the application site boundaries (which is not designated as a sensitive area).

It is also important to note that even if the view is taken that the proposal would impact upon the Sensitive Area, Policy E1 of the Local Plan is a policy which restricts the development of housing. Paragraph 49 of the NPPF is clear that these policies will not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites (which on the basis of the Greenhill Road appeal decision it cannot at this present time).

In conclusion on this point it is considered that the application should not be refused in relation to Policy E1 of the adopted Local Plan, or the advice in Paragraphs 17 and 109 of the NPPF, given the status of the saved policy and the characteristics of the proposed development.

The particular site is also bounded by housing and garden land to the east and south with the layout proposing a development form which would not extend or encroach any further to the west of the settlement than existing housing on the western side of Lower Moor Road nor would it extend any further north than the existing housing on the eastern side of the highway. In this context it is considered that the provision of the dwellings would not have a significant impact on the 'openness' of the rural environment, given that it is sited in close proximity to the highway and the existing dwellings which comprise the 'built up' part of Lower Moor Road, and would not result in the provision of 'isolated' dwellings in the countryside given that any views established from the public domain would see the dwellings in association with existing built forms.

Overall whilst there would be some conflict with the environmental strand of sustainability, given the setting of the dwellings, this conflict would not be substantial given the proximity of the site to the defined Limits to Development and would be outweighed by the positive social and economic aspects of the proposal. As such the principle of the development would be acceptable.

Density

Policy H6 of the adopted Local Plan seeks to permit housing development which is of a type and design to achieve as high a net of density as possible taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the adopted Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per hectare elsewhere.

With a site area of 0.24 hectares, the proposed development would have a density of 16.67 dwellings per hectare. Whilst this density would fall significantly below that advised in Policy H6, this policy also identifies that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority values good design in its approach to residential development and there would be a need to retain and reinforce the landscaping of the site it is considered that the density proposed would represent an efficient use of the land in this instance. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

Accessibility

Objections have been received on the basis of the on-street parking of vehicles associated with the Post Office/shop, the speed vehicles travel along Lower Moor Road and the unsuitability of

the carriageway to provide adequate accesses for the development with necessary visibility splays.

The County Highways Authority has been consulted on the application and has raised no objections subject to the imposition of conditions on any consent granted, as well as relevant notes to the applicant, which will secure adequate visibility at the site accesses, sufficient off-street parking, manoeuvring space within the site to allow vehicles to exit in a forward direction and hard surfacing of the access drives. In terms of the objections received relating to vehicle speeds it is considered that this is a matter for the police to address should vehicles exceed an enforced speed. There are also no restrictions in place in the highway to prevent the existing on-street parking situation and should this be considered a particular issue it would be the duty of the County Highways Authority to address such a matter by potentially providing restrictions such as double yellow lines.

Paragraph 32 of the NPPF identifies that applications should only be refused on highway grounds where the cumulative impacts of the development are severe and as no objections are raised by the County Highways Authority, subject to conditions, it is considered that the development is compliant with the aims of this Paragraph as well as Policy T3 of the Local Plan.

The amount of off-street parking required for each dwelling would be dictated by the overall amount of bedrooms proposed and as such this matter would be addressed and assessed during the consideration of any subsequent reserved matters application submission. Whilst this is the case it is considered that the proposed layout shows each dwelling could be served by an appropriate level of off-street parking and as such the scheme would be compliant with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

Although it has been suggested that the development should provide speed restrictions on Lower Moor Road the County Highways Authority do not consider this to be necessary and in any event it is considered that it would be unreasonable for a small scale development, such as this, to fund highway improvements which would be to benefit of all highway users. Such improvements should be funded and undertaken by the County Highways Authority should they be considered necessary.

Neighbours and Future Occupants' Amenities

The proposed layout is for approval at this stage and it is considered that the property most immediately affected by the proposed works would be Primrose Cottage, a two-storey detached dwelling, located to the south of the site.

It is shown on the layout plan that the northern side elevation of Primrose Cottage is set around 6.0 metres from the shared boundary (including single storey porch on northern (side) elevation) with plot 1 of the development being set around 11.0 metres from this elevation. The indicative street elevation drawing identifies that the dwellings are likely to be two-storey in height, although the scale of the dwellings would be agreed under a subsequent reserved matters permission should outline permission be gained, and given the distance from the northern (side) elevation of Primrose Cottage which contains no habitable room windows as well as the orientation of the plot 1 to Primrose Cottage it is considered that no significantly adverse overbearing or overshadowing impacts would arise. With regards to overlooking impacts it is considered that the position of habitable room windows on plot 1 are not known at this stage, these are a matter which would be agreed at reserved matters stage, but in the event that plot 1 was a two-storey dwelling and habitable room windows were proposed in the south-western (rear) elevation of this plot it is considered that no significantly adverse overlooking impacts

would arise given that direct views would be towards the latter part of the rear amenity area.

In respect of the amenities of any future occupants it is considered that any views from the windows on the northern (side) elevation of Primrose Cottage would not result in a direct overlooking impact onto the immediate rear amenity area to plot 1 particularly given the scale of the first floor window. The relationship between the plots themselves would also be adequately protected by the layout shown subject to the position of windows being carefully considered at the reserved matters stage.

The Council's Environmental Protection team have raised no objections and as such no adverse noise implications are considered to be associated with the proposed development.

Overall, therefore, the development is considered compliant with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

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

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that *"although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

The application site slopes downwards from south to north as well as from east to west with low level vegetation currently defining the roadside boundary of the site. Residential properties lie to the immediate south and east on Lower Moor Road with land to the west and north being predominately open countryside although to the north this countryside is occasionally punctuated by individual residential properties on Lower Moor Road as well as Outwoods Lane. Properties within the surrounding area are predominately a mix of single and two-storey detached types.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later stage although the layout is for approval under this application. Properties on both the eastern and western sides of Lower Moor Road largely front onto the principle highway, the exception being White Gables, although their proximity to the road varies. The layout and indicative street elevation highlight that the proposed dwellings would front onto Lower Moor Road although their proximity to this highway would vary due to the provision of manoeuvring facilities and off-street parking to the frontage of plots 2 and 3. Whilst plots 2 and 3 would be set further back than plots 1 and 4 it is considered that such a relationship with the highway is not uncommon in the immediate area and therefore the layout is considered acceptable and would not detract from the character of the area. It is also considered that a layout which proposes a detached garage to the frontage of plot 1 would not detract from the character of the streetscape given that both Primrose Cottage and Rosethorn Cottage, to the immediate south of plot 1, have detached structures to their frontages.

Whilst concerns have been raised that allowing this development would lead to further development along the western side of Lower Moor Road it is considered that the layout has tried to address such an issue by the positioning of plot 4 which would act as a natural terminus and define the built and natural environments. In agreeing the appearance and scale of the dwelling on plot 4 under any subsequent reserved matters scheme it could be ensured that this

ideal is realised with the design characteristics and position of windows attempting to preclude further development to the north (i.e. the provision of habitable room windows which face onto this land). In any case further development would likely be resisted by a need to comply with the requests of the County Council Ecologist, as discussed in more detail in the Ecology section of this report, who has identified that biodiversity enhancements should be made on the land to the immediate north of the application site.

In respect of the implications to the significance of the setting of heritage assets (namely Coleorton Hall a Grade II* Listed Building and associated Grade II* Registered Park and Gardens to the west) both the Council's Conservation Officer and Historic England have raised no objections and as such it is considered that the development would result in no harm to the significance of these setting's given the intervening vegetation and topography of the land as well as the relationship these setting's have with existing residential properties bordering the site.

Public footpaths M47 (to the north-west), M72 (to the south-west) and M73 (to the east) are in close proximity to the application site and whilst views of the development would be gained from these footpaths it is considered that the development would not impact significantly on any established view to features of significance beyond the site given that built forms would already be present in such views as well as the landscaping and topography of the land to the west.

The appearance of the dwellings 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 by responding to the positive characteristics of the dwellings within the immediate area as well as having a National Forest identity. The indicative street elevation drawing submitted shows dwellings with design characteristics which the Local Authority would likely be supportive of.

Overall the development is considered to be compliant with Paragraphs 57, 60, 61, 75, 131, 132 and 134 of the NPPF, Section 66 of the 1990 Act as well as Policy E4 of the Local Plan. The specific requirements of Policies F1 and H7 of the Local Plan would be met under any subsequent reserved matters application.

Landscaping

As the application site is situated within the National Forest a strong landscaping scheme would be a necessity for the development with Policies E7 and F2 of the Local Plan seeking to ensure that existing vegetation is retained and enhanced. The vast majority of the existing vegetation is located to the boundaries of the site, in the form of hedgerows and trees, and it is considered that the proposed layout demonstrates that the dwellings would be situated a sufficient distance from the mature vegetation which contributes positively to the visual amenity of the area which is mainly outside the confines of the application site boundary. Additional landscaping to supplement the existing vegetation would be secured under any subsequent reserved matters application.

Overall the development would accord with the aims of Policies E7, F1, F2 and F3 of the Local Plan.

Ecology

The County Council Ecologist has raised no objections and advises that the application site once had value as species rich grassland although this value has been lost through lack of

management. It is, however, identified that the adjacent site of unimproved grassland has the potential to be enhanced and improved for the benefit of nature conservation and biodiversity. This could be achieved by hedgerow planting (locally native species), hedgerow restoration, management of former species-rich grassland, creation of wetland habitats and management of willows along the brook. An amended plan has been supplied to identify how this could be provided, with the land in question being in the ownership of the applicant, and the County Council Ecologist accepts the principles identified and advises that these be conditioned accordingly should permission be granted.

Subject to such a scheme being secured it is considered that the development would be compliant with Paragraph 118 of the NPPF and Circular 06/05 and would not result in any conflict with Policy E26 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has advised that the application site lies within the projected extent of the medieval and post-medieval historic settlement of Coleorton with it being immediately to the east of the Designated Grade II* Registered Gardens of Coleorton Hall, to the west of designated earthworks and crop marks associated with medieval and post-medieval coal workings and to the south-west of a large dam and bypass channel which represent the site of a medieval mill. Given the proximity to such sites the County Council Archaeologist considers it to be important that the developer records and advances the understanding of the significance of any heritage assets to potentially be lost should development occur on the land. Subject to the imposition of conditions to ensure that suitable archaeological investigations are carried out on the site it is considered that the development would accord with Paragraph 141 of the NPPF.

Other Matters

The Coal Authority has commented on the application and has advised that the siting of the dwellings would be outside the Development High Risk Area where it would be necessary for intrusive site investigations to be undertaken. In these circumstances the Coal Authority has no objections subject to the inclusion of a note to applicant on any permission granted. Given this position it is considered that the development of the site would not result in any land stability issues and therefore it would comply with the aims of Paragraphs 120 and 121 of the NPPF.

The impacts of development on property values and the loss of a view are not a material planning consideration which could be taken into account in the assessment of the application.

Numerous objections have been raised objecting to the application on the basis of guidance contained within Planning Policy Statements/Guidance 7 and 15 as well as Local Plan policies E18 and H2 of the adopted Local Plan. It is noted, however, that none of these policies would have any weight in the decision making process given that Planning Policy Statements and Guidance were superseded by the NPPF as well as the fact that policies E18 and H2 are not saved policies of the adopted Local Plan.

Summary Reasons for Granting Outline Planning Permission

Although the application site is a greenfield site and part of a sensitive area it is considered that the conflict with the environmental strand of sustainability, as well as Policy E1, would be outweighed by the positive social and economic sustainability credentials of the site particularly as the development would not be isolated from built forms and would not adversely impact on

the openness of the rural environment. Consideration also needs to be given to the fact that the Local Authority is unable to demonstrate a five year housing land supply. Overall the development would be compliant with the key principles of the NPPF as well as Paragraphs 28 and 55.

The relationship between plot 1 and Primrose Cottage, to the south of the site, is considered to be acceptable and would ensure that there would be no undue overbearing or overshadowing impacts. It is also considered that the amenities of any future occupants would not be adversely affected and therefore the development is considered compliant with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

It is considered that the layout of development shown on the submitted plans shows that the site is capable of accommodating the four dwellings and would be in keeping with the characteristics of development in the surrounding area whereby properties front onto the highway. The proposed development is also considered to result in no harm to the significance of the setting of heritage assets in the area (namely Coleorton Hall and its Associated Historic Gardens - Grade II* Listed) whilst also not adversely impacting on views to features of significance within the landscape from the public footpath network in the area. On this basis the development is considered to accord with Paragraphs 57, 60, 61, 75, 131, 132 and 134 of the NPPF, Section 66 of the 1990 Act as well as Policy E4 of the Local Plan.

In the circumstances that the County Highways Authority have raised no objections subject to the imposition of conditions, and notes to the applicant, on any consent granted it is considered that the proposed development would not result in severe detriment to pedestrian or highway safety. A sufficient level of off-street parking could also be secured at the reserved matter stage. In these circumstances the development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

In respect of other matters it is considered that subject to the imposition of relevant conditions, or notes to the applicant, the site could be developed so as not to cause harm to ecological species, would not lead to adverse implications to archaeology in the area, would result in the provision of additional landscaping whilst maintaining existing landscaping and would also not result in any implications to the legacy of coal mining in the area. On this basis the development would accord with Paragraphs 118, 120, 121 and 141 of the NPPF, Policies E7, E26, F1, F2 and F3 of the Local Plan and Circular 06/05.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans:

- site location plan (1:1250) deposited with the Local Planning Authority on 3rd December 2015;
- drawing no. LRC.LAY.002 Revision D (Indicative Site Layout) deposited with the Local Authority on 21st January 2016;

unless otherwise required by another condition of this permission.

Reason - to determine the scope of this permission.

- 3 Approval of the details of the scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason - this permission is in outline only.

- 4 The reserved matters application shall include details of existing and finished ground levels and the proposed floor levels of the dwellings which shall relate to an existing fixed datum point off the site.

Reason - to enable the Local Planning Authority to fully assess the development in light of the topography of the site.

- 5 Notwithstanding the details shown on the approved plans before occupation/use of the dwellings, hereby permitted, a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings, and other means of enclosure) shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation/use of the dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Notwithstanding the provisions of Class A, of Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gate, wall or fence shall be erected on land forward of any wall of the dwelling(s) which front onto a highway (which shall include any private highway) other than any that are agreed under this Condition or other then in accordance with a comprehensive and unified scheme of enclosure which has first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to preserve the visual amenities of the locality and in the interests of highway safety.

- 6 Prior to the occupation of the first dwelling, the Applicant shall at no expense to the Highway Authority carry out the off-site highway works on Lower Moor Road being the provision of a 2.0 metre wide footway from the proposed access to serve plots 3 and 4, to the south of the site frontage, as shown on drawing number LRC.LAY.002 Revision D, received by the Local Authority on the 21st January 2016, shall be completed.

Reason - to enable pedestrians to safely access an existing footway on the west side of Lower Moor Road.

- 7 Before first occupation/use of the dwellings, hereby permitted, the following shall be provided: -

- Visibility splays of 2.4 metres by 47.0 metres shall be provided at the junction of the accesses with Lower Moor Road. These shall be in accordance with the standards contained in the current Highway Authority design guide and shall thereafter be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.6 metres within the visibility splays;
- 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of each access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway, in accordance with the current standards of the Highway Authority;
- Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway;
NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides;
- Off-street car parking shall be provided, hard surfaced and made available for use to serve the dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with up to four bedrooms and 4 spaces for dwelling with up to five bedrooms;
- Turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction;
- The access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary;
- Drainage shall be provided within the site such that surface water does not drain into the public highway;

Once provided the above shall thereafter be so permanently maintained (including internal car parking spaces within garages should these be provided at the reserved matters stage) with any relevant turning area also not being obstructed.

Reasons - to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety; in the interests of pedestrian safety; to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway; to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area; to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 8 The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the highway boundary.

Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 9 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking

facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason - to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 10 No development shall commence until all the existing trees to be retained have been securely fenced off by the erection, to coincide with canopy of the tree where possible, of a 1.4 metre high protective barrier in accordance with BS 5837:2012. In addition all hedgerows that are to be retained shall be protected by a 1.2 metre high protective barrier which shall be erected at least 1.0 metre from the hedgerow. Within the fenced off areas there shall be no alteration to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand.

Reason - to ensure that existing landscaping is adequately protected during construction in the interests of the visual amenities of the area.

- 11 Prior to the occupation of any dwelling a landscape/ecological management plan for the land identified in blue on the site location plan, received by the Local Authority on the 3rd December 2015, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the County Council Ecologist. The supplied scheme shall provide biodiversity enhancements in accordance with the principles highlighted on drawing number LRC.LAY.002 Revision D, received by the Local Planning Authority on the 21st January 2016, notably hedgerow planting with locally native species, hedgerow restoration, management of former species-rich grassland, creation of wetland habitat and management of willows along the brook. The supplied scheme shall also include a timetable for implementation, management responsibilities and maintenance schedules. Once approved the landscape/ecological management plan shall be implemented in accordance with the approved details and timetable, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

Reason - to secure opportunities for the enhancement of nature conservation in the area and to ensure the protection of wildlife.

- 12 No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in consultation with the County Council Archaeologist. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording;
 - The programme for post investigation assessment;
 - Provision to be made for analysis of the site investigation and recording;
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - Provision to be made for archive deposition of the analysis and records of the site investigation;

- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

No development shall take place other than in accordance with the Written Scheme of Investigation.

Reason - to ensure a satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss.

- 13 No development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 12.

Reason - to ensure a satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss.

- 14 The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 12 (above) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - to ensure satisfactory completion of the archaeological investigation and recording, including submission of reports and deposition of the project archive.

Notes to applicant

- 1 Outline planning permission has been granted for this proposal. The Local Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 On the basis of the submitted plans, the details of visibility splays, and the width and radii of the accesses are not in accordance with the guidance contained in the 6Cs Design Guide - www.leics.gov.uk/6csdg. Before development commences, an amended plan should be submitted to and approved by the Local Planning Authority in consultation with the County Highways Authority.
- 4 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
- 5 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 6 On the basis of available records, the proposed hedge at the site frontage is partly positioned in the highway. Before development commences an amended plan should be

submitted to and approved by the Local Planning Authority in consultation with the County Highways Authority showing that no part of the development will be positioned in the highway. For information regarding the extent of the highway, please contact the County Council's 'Highway Records and Searches' team at hre@leics.gov.uk. This is to avoid any legal problems in the future associated with establishing vegetation on land owned by the County Highways Authority.

- 7 You will be required to enter into a suitable legal agreement with the County Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted to and approved in writing by the County Highways Authority. The agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 8 C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to the development commencing in order to ascertain road construction requirements. No works shall commence on site without prior notice being given to the County Highways Manager.
- 9 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor. The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.
- 10 1The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com.

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Erection of one new dwelling (Outline - access, layout and scale)

Report Item No
A4

Land Adjoining Mill Hill Farm Station Road Ibstock Coalville
Leicestershire LE67 6JL

Application Reference
15/01062/OUT

Applicant:
Mr & Mrs J McMinn

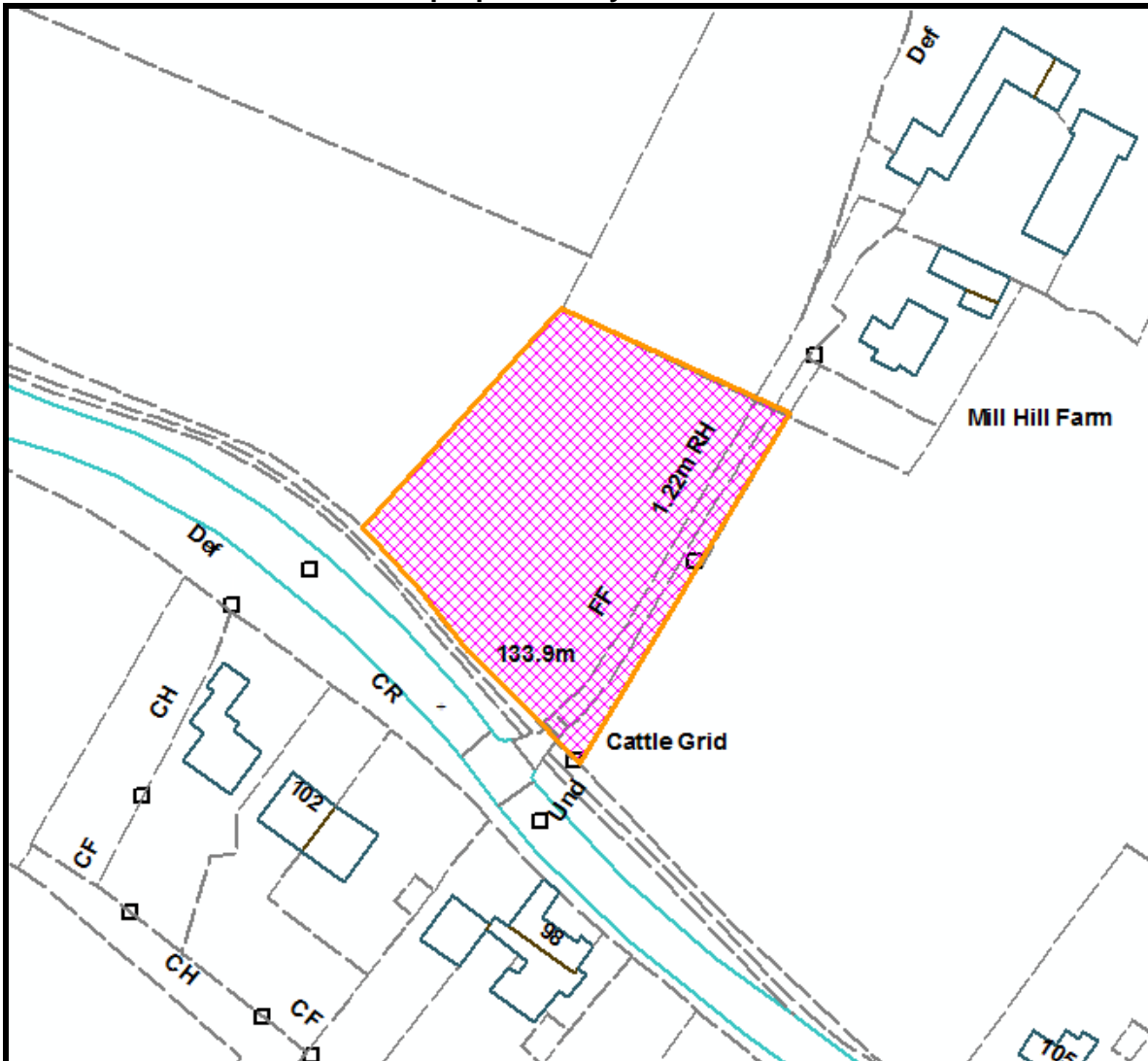
Date Registered
5 November 2015

Case Officer:
Robert McKillop

Target Decision Date
31 December 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application is brought to the Planning Committee at the request of Councillor Clarke due to local concern in relation to the sight line to Heather Church.

Proposal

Outline planning permission is sought for the erection of one new dwelling at land adjoining Mill Hill Farm, Station Road, Ibstock. The site is within an area of separation between Ibstock and Heather as designated on the Proposals Map to the Local Plan.

Consultations

Members will see from the report below that one neighbour letter of objection has been received in respect of the scale of the dwelling, location outside limits to development, and impact on views in the surrounding area.

Ibstock Parish Council has also stated an objection to the application on the basis that the site is outside the limits to development, it would impact on views in the area and that there is insufficient infrastructure to support the development in this area.

Planning Policy

Whilst the development would be within an Area of Separation as defined by Policy E21 of the Local Plan, it would not result in a significant reduction in the physical area separating Ibstock and Heather. The development is therefore considered not to conflict significantly with Policy E21 and would accord with all other Policies within the North West Leicestershire Local Plan as well as relevant Paragraphs of the National Planning Policy Framework (NPPF).

Conclusion

The proposed development is considered to score well against the sustainability guidance contained within the NPPF. The site is of sufficient size to accommodate a new dwelling of the proposed scale without adversely affecting the character of the area or neighbouring residential amenities. The scheme is acceptable in terms of its indicative layout, scale, impact on highway safety, parking and residential amenity. Therefore, taking all of the above into account, it is considered that the application accords with relevant policies of the North West Leicestershire Local Plan, 2002 and the National Planning Policy Framework, 2012 and should be granted outline planning permission.

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 recommended conditions, 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 details of access, layout and scale included at this stage is sought for the erection of one new dwelling at land adjoining Mill Hill Farm, Station Road, Ibstock. The application site is located on the settlement edge and lies within an Area of Separation between Ibstock and Heather as designated on the Proposals Map to the Local Plan.

Vehicular access to the proposed dwelling would be gained from the existing access track serving Mill Hill Farm running from the north side of Station Road. The application includes an indicative site layout plan.

Amended plans have been provided during the application to show an alternative design for the proposed dwelling.

No relevant planning history was found for this site. It is, however, noted that the development of 191 residential units, known as Bellway Phase II (land south of Ashby Road) has substantially been constructed which is located to the north east of the site.

2. Publicity

6 no. Neighbours have been notified (Date of last notification 12 November 2015)

Site Notice displayed 12 November 2015

3. Consultations

Ibstock Parish Council consulted 10 November 2015
 County Highway Authority
 Severn Trent Water Limited
 Head of Environmental Protection
 LCC ecology

4. Summary of Representations Received

One public letter of representation was received which states the following objections to the scheme:

- The dwelling would be of a large scale;
- The site is outside the limits to development;
- The development would reduce channelled views along Station Road towards Heather Church;
- There are a numerous other new build homes available in Ibstock.

Ibstock Parish Council objects to this application on the basis that the site is outside the limits to development and would impact on the line of sight to Heather Church. It also raises that there is insufficient infrastructure to support the development in this area.

Leicestershire County Council - Highways has no objections subject to conditions.

Leicestershire County Council - Ecology has no objections in relation to this application.

NWLDC Environmental Protection has no environmental observations in relation to this

application.

Severn Trent Water has not responded during the course of the application.

5. 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 Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire 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 14 (Presumption in favour of sustainable development)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)
- Paragraph 49 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 118 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2002)

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

- Policy H4/1 Housing Land Release
- Policy H6 Housing Density
- Policy H7 Housing Design
- Policy E3 Residential Amenities
- Policy E4 Design
- Policy E7 Landscaping
- Policy E21 Separation of Settlements
- Policy F1 National Forest General Policy
- Policy F2 Tree planting
- Policy T3 Highway Standards
- Policy T8 Parking

Other Policies

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.

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development

Policy S2 - Future Housing and Economic Development Needs

Policy S3 - Settlement Hierarchy

Policy S5 - Design of New Development

Policy IF7 - Parking Provision and New Development

6. Assessment

Principle of Development

Insofar as the principle of development is concerned, 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 (2002 (as amended)).

The Proposals Map to the Local Plan shows that the site lies within an Area of Separation. Policy E21 states that development will not be permitted which would result in the physical separation between built up areas of adjoining settlements. This matter is considered in more detail below.

The Planning Inspector's decision concerning the recent Greenhill Road appeal sets out that the Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" adopted Local Plan policies that are concerned with housing supply must be considered to be out of date, and accordingly 'weight' should not be afforded to them when determining planning applications. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicate that planning permission for new homes should normally be granted.

It is also important to bear in mind that settlement boundaries and other designations within the adopted Local Plan (such as Areas of Separation) were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006). It is therefore considered inevitable that greenfield land will need to be released to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

It is also necessary to consider whether the proposal constitutes 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 economic and social benefits, the concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Ibstock benefits from a range of local services and is readily accessible via walking, cycling and public transport. Given the good accessibility of the site, the proposal for the erection of a new residential dwelling is considered to be socially sustainable. Additionally, although there is only likely to be a relatively small impact in terms of job creation and support of existing services, it is considered there would still be some limited economic benefit to the proposed development. As such, the proposed development would score well in terms of social and economic sustainability when assessed against advice in the NPPF.

In terms of environmental considerations, the site is a Greenfield site and due to its location, the development is likely to result in a marginal reduction in the physical area between Ibstock and Heather. However, given the single storey nature of the proposed dwelling and the level of landscaping also proposed, the development would not result in a significant physical reduction in the aforementioned Area of Separation between the settlements of Ibstock and Heather. There are several existing residential dwellings on the opposite side of Station Road and it is also noted that the development of 191 residential units, known as Bellway Phase II (land south of Ashby Road) has substantially been constructed which is located to the north east of the site. As such the proposal would not represent an isolated development in the countryside and would not result in significant visual impacts upon the countryside (discussed in more detail in the 'Design and Visual Impact' section below).

On the basis of the above, given the development would score well in terms of its sustainability credentials and would accord with guidance within the NPPF, the application is deemed to be acceptable in principle, subject to other materials considerations.

Residential Amenity

Consideration has been given to the impact on surrounding neighbours. Although one letter of objection has been received, the concerns do not relate to the impact on neighbours. The proposed dwelling would be approximately 40 metres away from the nearest neighbouring dwellings, located on the opposite side of Station Road. It is noted that the dwelling is also a similar distance away from Mill Hill Farm to the north of the site. Given these intervening distances and the fact that the proposed dwelling would be of a single storey, it is deemed that the application would not lead to any detrimental impacts on surrounding neighbours. It is noted that the Council's Environmental Protection Section has no objections and overall it is considered that the proposal would not result in significant adverse impacts on health or quality of life. Accordingly, the proposal would not conflict with Policy E3 of Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policy H7, but also paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

Appearance and landscaping are included as matters to be considered at a later stage. However, it is necessary to consider details of the layout, access and scale supplied to determine whether the proposed new dwelling would have an acceptable relationship with the surrounding area. It is noted that the letter received from a neighbour and observations from Ibstock Parish Council comment that the proposed dwelling would be of a large scale and would impact on views towards Heather Church.

In assessment of the design impact of the proposed dwelling, it is noted that Mill Hill Farm, the detached dwelling to the north of the site is set back significantly from Station Road, and the dwellings on the southern side of Station Road are of differing scales and designs. It is also noted that planning permission for 191 dwellings was granted under permission 12/00453/FULM on land to the east and north east of the site. Given the mixture of dwellings and house types in

the surrounding area, it is deemed that the proposed dwelling would not look out of keeping in terms of appearance, and would be sufficiently well related to the built form and appearance of the surrounding area. Although the dwelling would have a relatively large floor area, as the development would be of a single storey design, it is considered that the scale would be acceptable in relation to the surrounding area. Given the low overall height and level of landscaping proposed, the property would not feature significantly in views within the surrounding area, including along Station Road towards Heather Church. It is also noted that there is a mature hedgerow along the front boundary of the site that measures approximately 2.0 metres in height and would provide significant screening from views along Station Road.

Overall, the layout, scale and access details are considered acceptable and would be sufficiently in keeping with the character and appearance of the surrounding area. The application is therefore considered to accord with Policy E4 and H7 of the Local Plan and the design advice in the NPPF.

Highway Safety

Access into the site would be provided via the existing access drive leading to Mill Hill Farm on the northern side of Station Road. The existing access width would be widened to 4.25 metres and the access into the site would be created approximately 5 metres along this existing access route. Leicestershire County Highways were consulted on this application and has not raised any objections to the scheme although has indicated that car parking and turning facilities should be considered under the standing advice procedure. As there would be room for at least three parking spaces and ample turning area within the site curtilage, it is considered that the scheme would be acceptable in relation to highway safety and would accord with Policy T3 and T8 of the Local Plan and the advice in the 6Cs Design Guide.

Impact upon the Area of Separation

The site is within an Area of Separation as defined by Policy E21 of the Local Plan. Given the application relates to a single dwelling and only a small portion of the defined Area of Separation would be developed, it is deemed that the application would have an acceptable impact and the physical gap between the existing built up area of Ibstock and Heather would only be marginally reduced.

Other Matters

Leicestershire County Ecologist has indicated that there is no need for an ecological survey to be submitted and there are no objections to the proposed development. As such it is deemed that the development would have an acceptable impact on ecological features. A detailed scheme of landscaping would be agreed at reserved matters stage and it is deemed that the application would have an acceptable impact given the limited impact on trees and vegetation.

In relation to the Parish Council's concern about insufficient infrastructure to support the proposed development, the development of one dwelling would not require contributions in relation to local services.

Conclusion

The principle of residential development on the site is considered to be acceptable. The site is of sufficient size to accommodate a new dwelling of the proposed scale without adversely affecting the character of the area or neighbouring residential amenities. The scheme is acceptable in terms of its layout, scale, impact on highway safety, parking and residential amenity. There would be no significant reduction in the physical area separating Ibstock and Heather. Therefore, taking all of the above into account, it is considered that the application complies with relevant policies of the North West Leicestershire Local Plan, 2002 and the

National Planning Policy Framework, 2012 and should be granted outline planning permission.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The access, layout and scale of the development hereby permitted shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission or details agreed as part of a subsequent reserved matters approval on the site:

- Drawing No.15.3156.03C, received by the Local Planning Authority on the 24th December 2015
- Drawing No.15.3156.04C, received by the Local Planning Authority on the 24th December 2015.

Reason - To determine the scope of this permission.

- 3 Approval of the details of the appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason- this permission is in outline only.

- 4 Before first occupation of the new dwelling the car parking for the proposed property shall be provided as shown on the submitted plan and once provided shall thereafter be so maintained.

Reason- to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 5 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason - To enable vehicles to clear the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 6 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

- 7 Before first occupation of the new dwelling, its access drive shall be surfaced with

tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary (back of footway) and shall thereafter be so maintained.

Reason - To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

Notes to applicant

- 1 Outline planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

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