

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 7 June 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 10 May 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	<p>16/00070/FULM: Erection of 28 dwellings together with public open space, national forest planting, landscaping, drainage infrastructure and vehicular access</p> <p>Land at Loughborough Road Whitwick Coalville Leicestershire LE67 5AQ</p>	REFUSE	15 - 34
A2	<p>16/00352/FUL: Erection of three dwellings with associated off-street parking and garages</p> <p>Land At Lower Moor Road Coleorton Coalville Leicestershire LE67 8FN</p>	PERMIT	35 - 52
A3	<p>16/00428/FUL: Erection of a two storey detached dwelling</p> <p>Land To The Rear Of Lobourne Nottingham Road Lount Ashby De La Zouch Leicestershire LE65 1SD</p>	PERMIT , subject to a Section 106 Agreement	53 - 72
A4	<p>16/00372/FUL: Erection of three terraced dwellings and a triple garage block</p> <p>Private Road Standard Hill Coalville Leicestershire LE67 3HH</p>	PERMIT	73 - 82
A5	<p>16/00287/FUL: Formation of slurry lagoon and earth bund</p> <p>Springwood Farm Melbourne Road Staunton Harold Derby Leicestershire DE73 8BJ</p>	REFUSE	83 - 92
A6	<p>16/00413/VCI: Variation of condition 4 of planning permission 15/00387/FUL for the change of use to a timber yard and construction of offices and storage building in order to allow for the display of sheds on the site</p> <p>Former Depot Site Main Street Swannington Leicestershire LE67 8QP</p>	PERMIT	93 - 100

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 10 MAY 2016

Present: Councillor D J Stevenson (Chairman)

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

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

120. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G A Allman, J Legrys and M Specht.

121. DECLARATION OF INTERESTS

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

Councillor J Bridges declared a non pecuniary disclosable interest in item A3, application number 16/00198/OUT as the applicant was a sitting Councillor but he had come to the meeting with an open mind.

Councillor D Harrison declared a non pecuniary disclosable interest in items A3, application number 16/00198/OUT and A9, application number 16/00322/FUL as the applicants were sitting Councillors but he had come to the meeting with an open mind.

Councillor R Johnson declared a pecuniary disclosable interest in items A1, application number 13/00802/FULM and A2, application number 15/00641/FULM as his property was in close proximity to the proposed development sites and he would leave the meeting and take no part in the consideration and voting thereon.

Councillor N Smith declared a non pecuniary disclosable interest in item A3, application number 16/00198/OUT as the applicant was a sitting Councillor but he had come to the meeting with an open mind and a pecuniary disclosable interest in item A9, application number 16/00322/FUL as he was the applicant and he would leave the meeting and take no part in the consideration and voting thereon.

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

Item A1, application number 13/00802/FULM
Councillors R Adams, D Everitt and J Geary

Item A3, application number 16/00198/OUT
Councillors R Adams, R Boam, R Canny D Everitt, J Geary and R Johnson

Item A4, application number 16/00311/OUT
Councillor R Boam

122. MINUTES

Consideration was given to the minutes of the meeting held on 6 April 2016.

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

RESOLVED THAT:

The minutes of the meeting held on 6 April 2016 be approved and signed by the Chairman as a correct record.

123. 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.

Having declared a pecuniary interest in items A1 and A2 Councillor R Johnson left the meeting and took no part in the consideration and voting thereon.

124. A1

13/00802/FULM: RESIDENTIAL DEVELOPMENT OF 78 DWELLINGS WITH ASSOCIATED ROAD AND SERVICE INFRASTRUCTURE, DRAINAGE PONDS AND FEATURES, LANDSCAPING AND OPEN SPACE

Land To The North Wainwright Road Hugglescote

Officer's Recommendation: Permit subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

Mr S Lewis-Roberts, Agent, addressed the Committee. He advised the Members that the two sites that were to be considered were part of the wider South East Coalville scheme for which there was a resolution to grant outline permission had been granted. He highlighted that the developments would contribute around half a million pounds towards education and £16,000 towards bringing the playing field at Newbridge High School into use. He reminded Members that there were no technical objections and that two public consultations had been held to assist in resolving any concerns. Mr S Lewis-Roberts added that the Urban Designer had commented that the scheme was a good standard of design and urged Members to grant the permission.

Councillor J Bridges stated that the site was to be part of the wider South East Coalville development and officers had worked hard to ensure that the Section 106 contributions were right for the town. He moved the officer's recommendation as amended by the update sheet, but subject to the outline planning permission having been issued for the wider scheme. This was seconded by Councillor G Jones.

Councillor J Geary stated that in principle he had no problem with the development however he raised concerns over the size of the play areas.

The Principal Planning Officer and the Head of Planning and Regeneration advised Members that the size of the play area proposed across the two applications in front of them was in accordance with the play area proposals across the wider South East Coalville scheme.

Councillor J Geary expressed concerns that there was to be only 7.6% affordable housing on the sites, which equated to 21 out of 275 homes and the Council had a policy of 20% affordable homes. He insisted that in future the Council ensured that the 20% was upheld, adding that housing requirement was need not greed.

Councillor M B Wyatt stated that as the highways infrastructure was not adequate he would not be supporting the application.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration as amended by the update sheet and subject to the outline planning permission having been issued for the wider South East Coalville site.

125. A2
15/00641/FULM: RESIDENTIAL DEVELOPMENT OF 197 DWELLINGS WITH ASSOCIATED ROAD AND SERVICE INFRASTRUCTURE, DRAINAGE PONDS AND FEATURES, LANDSCAPING AND OPEN SPACE, TOGETHER WITH DEMOLITION OF 104 FOREST ROAD

Land To The North Wainwright Road Hugglescote

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

The Principal Planning Officer presented the report to Members.

Ms M Adams, on behalf of Newbridge School, objector, addressed the Committee. She advised Members that the School had no objections to the development in principle, but expressed concerns over the lack of an additional access to the school to take into consideration future development in the area. She stated that even though the applications before them would have an estimated 28 additional pupils, the wider scheme would have a greater number, Forest Road was already busy and urged Members to support provision for the access.

Mr R Walkuski, objector, addressed the Committee. He advised Members that Forest Road was already under a lot of strain and was used as a rat run, highlighting that the road was the main route for both infant and high schools and the emergency services. He expressed concerns that the access to the development would be on what was already a dangerous bend where drivers did not slow down and there had been numerous accidents.

Mr S Lewis-Roberts, agent, addressed the Committee. He advised the Members that the additional access had been deemed not necessary by the Highways Authority and that it would also put additional pressure on Leicestershire County Council to provide an extra crossing patrol. He reminded Members that there had been no technical objection from the Highways Authority and that the developments would contribute £1.32million to the highways network improvement.

The officer's recommendation as amended by the update sheet and subject to the outline planning permission having been issued for the wider site was moved by Councillor J Bridges and seconded by Councillor G Jones.

Councillor M B Wyatt stated that due to the increase in traffic and danger along Forest Road he would not be supporting the application.

R Canny stated that she was happy to support the first application but was unable to support the second due to the lack of green space, the close density of the dwellings and the need for more affordable housing on the site.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration as amended by the update sheet and subject to the outline planning permission having been issued for the wider South East Coalville site.

Councillor R Johnson returned to the meeting.

126. A3
16/00198/OUT: ERECTION OF THREE DETACHED DWELLINGS WITH GARAGES
(OUTLINE - PART ACCESS FOR APPROVAL)
 Land Adjacent To 67 Loughborough Road Coleorton Coalville

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members.

Mrs S Burton, objector, addressed the Committee. She highlighted to Members that previous applications on the site had been refused and to permit the application in front of them would be wholly unacceptable. She advised Members that just because an inspector stated that the Authority could not demonstrate a housing land supply did not mean that an application in an unsustainable area should be granted. She informed Members that as local policies were out of date their hands were not tied and that consistency should be shown as the next application, which was located up the road, was recommended for refusal.

Mr A Large, agent, addressed the Committee. He advised Members that he was aware how important the Green Wedge was but felt that permitting the application in front of them would not set a precedent as there was development on either side of the site and the views would not be affected. He informed Members that the plots would be for self build homes and there had been no objections from the Highways Authority. He urged Members to support the recommendation.

The officer recommendation was moved by Councillor N Smith and seconded by Councillor G Jones.

Councillor N Smith stated that even though the Committee had heard a passionate speech from the objector, as the new Local Plan progressed, the Green wedge would have less weight, the site was not isolated, there had been no objections from statutory consultees and therefore considered that there were no valid reasons for refusal.

Councillor D Everitt stated that he could not see how the application could be permitted as nothing had changed from previous applications and that the Council needed to be seen as being consistent. He stated that the site was still Green Wedge, that drivers had to have their wits about them along the stretch of road, it was outside the Limits to Development and that the site would be infill that would affect the views of current residents. He highlighted that the garage shop was not a shop that catered for residents' day to day shopping needs, and that the Committee should listen to the views of the residents.

Councillor R Adams stated that as the site was on the Green Wedge and was unsustainable he would not be supporting the application.

Councillor G Jones stated that he had supported applications on the site before and would continue to do so and that self build sites were desperately needed.

Councillor R Johnson stated that he agreed with Councillor G Jones that self build sites were needed, but could not support the development as applications had been refused previously for the site and it would be unsustainable as the local shop did not sell the essentials, adding that planning policies should be stuck to.

Councillor V Richichi stated that he felt that the site was a lot safer than the application that they had just considered and he was happy to support.

Councillor D Harrison stated that he supported the application and in perspective the site was surrounded with other properties and there were no technical objections to the application, adding that the proposal of self build plots was ideal.

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

For the motion:

Councillors J Bridges, J Cotterill, J G Coxon, D Harrison, J Hault, G Jones, V Richichi, N Smith and D J Stevenson(9).

Against the motion:

Councillors R Adams, D Everitt, J Geary, R Johnson, and M B Wyatt(5).

Abstentions:

Councillors R Boam and R Canny(2).

RESOLVED THAT:

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

127. A4
16/00311/OUT: ERECTION OF TWO DETACHED DWELLINGS AND GARAGES
(OUTLINE - ACCESS AND LAYOUT INCLUDED)

Land Adjacent To Wilford House Loughborough Road Coleorton

Officer's Recommendation: Refuse

The Senior Planning Officer presented the report to Members.

Mr A Dennison, on behalf of the agent, addressed the Committee. He stated that the sole reason for refusal was the objection from County Highways that the site was unsustainable and advised Members that speed survey reports stated that the site met the required standards and the vehicle movements would be minimal. Adequate visibility could be provided and there would be less vehicle movements than from The George Public House opposite. There were already numerous access points onto Loughborough Road. The applicant would also accept a condition requiring a gateway feature in the highway close to the proposed access to slow traffic down if permission was to be granted.

Councillor R Boam moved that the application be deferred to allow the applicant more time to liaise with the County Highways in relation to its objection. It was seconded by Councillor G Jones.

RESOLVED THAT:

The application be deferred to allow the applicant more time to liaise with County Highways over its objection.

**128. A5
16/00183/FUL: ERECTION OF DETACHED DWELLING WITH ASSOCIATED OFF-STREET PARKING**

Land Adjacent To 29 Main Street Osgathorpe Loughborough

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members.

Mr M Fairlamb, representing Osgathorpe Parish Council addressed the Committee. He advised Members that the Parish Council objected to the development as it felt that the village was already increasing by 25% following applications that had already been approved and that the site was on a road that was already restricted and emergency services struggled to get passed parked vehicles. He highlighted to Members that the village had been identified as a flood risk and that earlier in the year water was near to entering properties in the area of the site. He added that there would be a higher risk of flooding to neighbours if the development was permitted and the Environment Agency had underestimated the flood risk. He urged Members to refuse the application.

Mr R Whyard, objector, addressed the Committee. He advised Members that the proposal would in flooding of properties downstream that the site was on a narrow road which already had an issue with on-street parking and the piece of land had become a haven for wildlife. He asked Members that, should they be minded to approve the application, could the applicant retain the verge and hedgerow, look at the gable ends, orientation and ensure the rendering was in keeping with the rest of the village.

Mr S Tivey, supporter, addressed the Committee. He informed the Members that he had known the site for 15 years and owning the brook further up stream was able to advise that the water levels receded just as quickly as they rose. He stated that issues had arisen due to poor maintenance of the brook and cattle pushing down the banks when drinking from it however this would be solved once the development had taken place and that the cows now had water troughs to drink from. He added that the house would add to a sustainable village.

Mr A Large, agent, addressed the Committee. He advised Members that he owned a beef and sheep farm on the other side of the brook and that due to poor management of the brook the land had been prone to flooding. He advised Members that the property would sit higher than the water levels, include a water harvester and was to be a modest development. He urged the Committee to support the development.

The officer's recommendation was moved by Councillor J G Coxon and seconded by Councillor G Jones.

Councillor J G Coxon stated that it was a nice development and all villages needed such applications to survive, adding that if the brook was maintained correctly there would be no flooding.

Councillor D Everitt stated that he felt that the village had taken its share of development which could increase the risk of flooding as now places that had not been classed as a flood risk ten years ago were now experiencing issues.

Councillor G Jones stated that he was happy to support the application as it was in a nice location and would enhance the village and he liked the plan to harvest the water.

In response to a comment from Councillor N Smith, the Head of Planning and Regeneration stated that there would be a condition included in the permission in relation to maintenance of the brook.

Councillor D J Stevenson stated that having listened to Mr R Whyard, it would be prudent for the applicant, should the application be granted, to consider some of the requests that were put forward.

RESOLVED THAT:

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

- 129. A6**
16/00199/FUL: ADDITIONAL USE FOR CAR SERVICING, REPAIR AND POLISHING AND STORAGE FOR 10 CARS
 Petrol Filling Station Ashby Road Boundary

Officer's Recommendation: Permit

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

The officer's recommendation was moved by Councillor J Bridges with the condition that the hours of opening were Monday to Saturday 10.00 – 18.00 and Sunday and Bank Holidays 10.00 – 13.00. It was seconded by Councillor R Adams.

Following a question from Councillor J Bridges, the Planning and Development Team Manager advised Members that following advice from the County Petroleum Officer there was no requirement for a condition in relation to the old fuel tanks as it was car servicing and repair workshops often ran side by side with petrol stations.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration with the inclusion of the condition of operating hours.

- 130. A7**
16/00371/VCI: VARIATION OF CONDITION 1 AND REMOVAL OF CONDITION 2 ASSOCIATED WITH PLANNING PERMISSION REFERENCE 15/00648/VCI TO ALLOW FOR THE REMOVAL OF PART OF BOUNDARY WALL (RETROSPECTIVE) AND FORMATION OF A VEHICULAR AND PEDESTRIAN ACCESS OFF THE DELPH WITH ASSOCIATED BRICK PIERS AND GATES.
 Breedon Hall Main Street Breedon On The Hill

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members

The officer's recommendation was moved by Councillor J Hault and seconded by Councillor J Bridges.

RESOLVED THAT:

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

- 131. A8**
16/00370/LBC: REMOVAL OF PART OF BOUNDARY WALL (RETROSPECTIVE) AND FORMATION OF NEW GATES AND GATE PIERS FOR ACCESS TO AND FROM THE DELPH (FOR VEHICLES AND PEDESTRIANS) (LISTED BUILDING CONSENT)
Breedon Hall Main Street Breedon On The Hill

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members

The officer's recommendation was moved by Councillor J Hoult and seconded by Councillor J Bridges.

RESOLVED THAT:

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

Having declared a pecuniary interest in item A9 Councillor N Smith left the meeting and took no part in the consideration and voting thereon.

- 132. A9**
16/00322/FUL: ERECTION OF A FIRST FLOOR EXTENSION, NEW CHIMNEY AND A 6 METRE FLAG POLE WITHIN THE FRONT GARDEN AREA
5 Main Street Ravenstone Coalville

Officer's Recommendation: Permit

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

The officer's recommendation was moved by Councillor J Bridges and seconded by Councillor M B Wyatt.

RESOLVED THAT:

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

Councillor N Smith returned to the meeting.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.00 pm

APPENDIX B

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

7 June 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.

Erection of 28 dwellings together with public open space,
national forest planting, landscaping, drainage infrastructure
and vehicular access

Report Item No
A1

Land At Loughborough Road Whitwick Coalville
Leicestershire LE67 5AQ

Application Reference
16/00070/FULM

Applicant:
Gayle And Philip Baker And Verity Cave

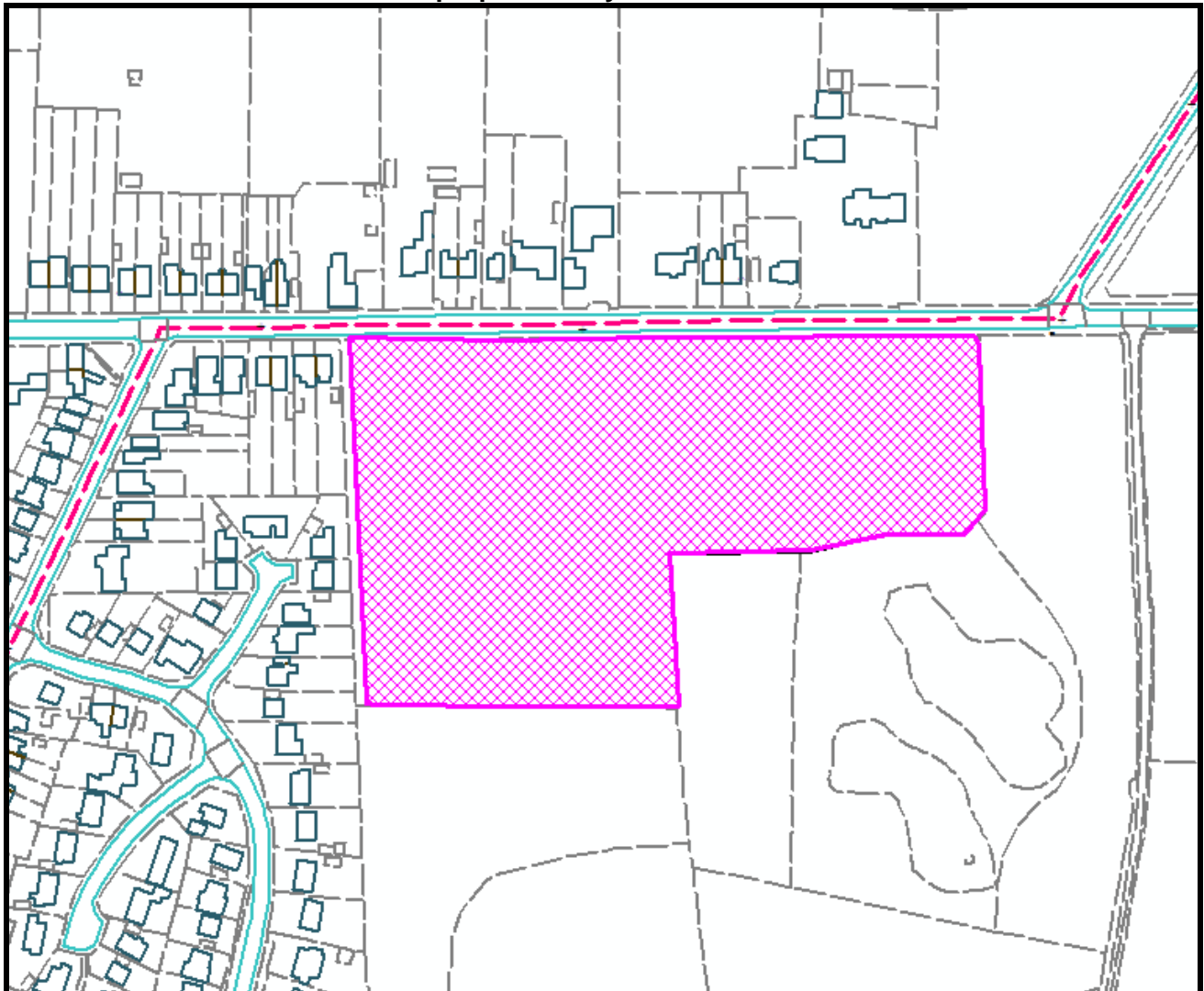
Date Registered
18 January 2016

Case Officer:
James Mattley

Target Decision Date
18 April 2016

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

Planning permission is sought for the erection of 28 dwellings together with public open space, national forest planting, landscaping, drainage infrastructure and vehicular access at Loughborough Road, Whitwick.

Consultations

Members will see from the report below that a significant number of objections have been received from surrounding neighbours, Whitwick Parish Council and Leicestershire and Rutland Wildlife Trust but no objections have been received from any other statutory consultees. The application has also resulted in some letters of support.

Planning Policy

The application site lies outside the Limits to Development and in an area designated as an Area of Particularly Attractive Countryside. However, also material to the determination of the application is the supply of housing in the context of the National Planning Policy Framework (NPPF) and whether the scheme represents sustainable development.

Conclusion

As set out in the main report, the site is outside Limits to Development as defined in the adopted Local Plan and constitutes greenfield land. The site is located in an Area of Particularly Attractive Countryside and is also identified as being in the countryside in the Council's draft Local Plan. Lying outside the limits to development, in both the adopted Local Plan and the draft local plan, the development would not be in accordance with these plans. The site is located adjacent to the existing settlement and it is considered that the scheme would have some level of accessibility to local services. However, at the current time, the District Council is unable to demonstrate a five year housing land supply, although it is anticipated that this position will change once the proposed publication version of the Local Plan is considered by Council on 28th June 2016. Whilst it is accepted that there are some social and economic benefits associated with the development, on balance, when taking into account the impacts of developing a particularly attractive greenfield site in a highly visible location at the semi-rural entrance to the settlement, the view is taken that the proposed development would result in significant environmental harm, which is not outweighed by the lack of a demonstrated five year housing land supply. Overall the proposal would not represent sustainable development, contrary to the policies and intentions of the NPPF.

Therefore, it is recommended that the application be refused for these reasons.

RECOMMENDATION:- REFUSE

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and 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 28 dwellings, together with public open space, national forest planting, landscaping, drainage, infrastructure and vehicular access off Loughborough Road, Land Adjacent to 86, Loughborough Road, Whitwick, Leicestershire. The application site, which measures 2.58 ha is 'L' shaped and is located to the south of Loughborough Road. The site is maintained as a privately owned pasture that is part used for grazing horses. The site is located outside of the Limits to Development and also within an Area of Particularly Attractive Countryside as defined by the adopted North West Leicestershire Local Plan.

This application forms a re-submission of a previously refused application for the erection of 28 dwellings. That application, which is nearly identical to the one now been considered, had a reference number of 14/00916/FULM and was refused in October 2015 under delegated powers for the following reason:

In addition to being located outside of the Limits to Development as defined in the adopted North West Leicestershire Local Plan, the site also falls within an Area of Particularly Attractive Countryside. Policy E22 of the adopted North West Leicestershire Local Plan presumes against development within Areas of Particularly Attractive Countryside which would, amongst others, adversely affect or diminish their present open character. By virtue of the site's development for housing, the present open character of that part of the Area of Particularly Attractive Countryside forming the application site would inevitably be diminished, to the detriment of this part of the Area of Particularly Attractive Countryside and the character of the Area as a whole. In terms of the environmental strand of sustainable development the scheme is considered to result in significant harm and overall would not represent sustainable development, contrary to the policies and intentions of the NPPF and Policy E22 of the North West Leicestershire Local Plan.

The scheme proposes 3 x 1 bed dwellings, 2 x 2 bed dwellings, 2 x 3 bed dwellings, 17 x 4 bed dwellings and 4 x 5 bed dwellings. Plots 4-8 would be provided as affordable dwellings. The eastern field that makes up the application site would not be built upon and would be used as informal open space.

Access to the site would be formed from a new vehicular access off Loughborough Road.

The application is accompanied by a design and access statement, planning statement, statement of community involvement, affordable housing statement, transport assessment, flood risk assessment, landscape and visual assessment, tree survey and report, phase 1 habitat survey and protected species report, archaeological desk based assessment and housing character assessment, views and vistas plan.

The application is also accompanied by a letter from Jeremy Cahill QC which sets out the relevant planning issues and concludes that the proposed scheme constitutes sustainable development and should be approved without delay.

Relevant Planning History:

05/01686/FUL - Change of use of land for keeping of horses and the erection of a stable and menage - refused.

06/01960/FUL - Change of use of land for keeping of horses and the erection of a stable and menage - refused.

14/00916/FULM - Erection of 28 dwellings, together with public open space, national forest planting, landscaping, drainage, infrastructure and vehicular access off Loughborough Road - refused.

2. Publicity

62 neighbours have been notified (Date of last notification 21 January 2016)

Site Notice displayed 21 January 2016

Press Notice published 27 January 2016

3. Consultations

Whitwick Community Office, consulted 21 January 2016

Head of Environmental Protection

County Highway Authority

Environment Agency

Severn Trent Water Limited

Natural England-

NWLDC Tree Officer

County Archaeologist

LCC ecology

NWLDC Urban Designer

National Forest Company

LCC Development Contributions

NHS Leicester, Leicestershire And Rutland Facilities Management

Manager Of Housing North West Leicestershire District Council

Police Architectural Liaison Officer

LCC Flood Management

Head of Street Management North West Leicestershire District Council

4. Summary of Representations Received

Statutory Consultees

Whitwick Parish Council object to the application on grounds of unsustainability, unsuitable housing mix, outside Limits to Development, contrary to planning policies in respect of areas of particularly attractive countryside, highway safety, lack of public transport, increased flooding risks, detrimental to air quality and lack of adequate public service infrastructure. The Parish Council have indicated that if planning permission were to be granted that traffic calming should be included, that the existing 30mph speed limit is extended and that green buffer zones are transferred into public ownership in order to guarantee against further expansion.

Environment Agency does not wish to comment and advises the Local Planning Authority to consider any comments made by the Lead Local Flood Authority.

Leicestershire and Rutland Wildlife Trust objects to the application.

Leicestershire County Archaeologist does not consider that any archaeological work is required as part of the scheme.

Leicestershire County Civic Amenity Team requests a developer contribution of £1,831.

Leicestershire County Ecologist has no objections to the proposal subject to the inclusion of conditions in respect of habitat protection and protected species.

Leicestershire County Education Department requests a developer contribution of £44,690.43.

Leicestershire County Highway Authority raises no objection to the scheme subject to the inclusion of relevant planning conditions and obligations.

Leicestershire County Library Service Team requests a developer contribution of £800.

Leicestershire Lead Local Flood Authority (LLFA) originally objected to the proposed scheme as the Flood Risk Assessment did not assess the greenfield runoff rate and further ground investigation works and modelling were required. Following the submission of an amended Flood Risk Assessment the LLFA now consider that the proposed scheme is acceptable subject to the inclusion of relevant planning conditions.

National Forest Company raises no objection to the proposed scheme subject to the inclusion of landscaping conditions and a suitable management plan for the whole site.

Natural England has no objections to the proposed scheme although notes to applicant are provided.

NHS England has not responded at the time of writing this report.

North West Leicestershire Contaminated Land Officer raises no objection subject to the inclusion of relevant planning conditions.

North West Leicestershire Environmental Protection Section has no environmental observations to make regarding the scheme.

Severn Trent Water has no objection to the proposal subject to the imposition of conditions.

Third Party Representations

A total of 19 letters of support have been received raising the following points:

- Housing would blend in given the amount of landscaping proposed;
- Small scale and low density of the development would be acceptable;
- There has been significant local interest in the proposed houses;
- More housing is required in the local area;
- Site is located in a good location;
- Access would be acceptable;
- Would represent controlled growth of Whitwick;
- Sustainable location near to local schools;
- Would allow existing residents of Whitwick to stay in the village rather than move out;

- Will bring more money into the local economy.

A total of 28 individual letters of objection have been received raising the following points:

- Previous objections still apply as there has been no change;
- The proposal would not constitute sustainable development;
- There is no local bus service and shops in the surrounding area;
- Impact of the proposal upon the APAC;
- There is a sufficient level of housing and this proposal is not needed;
- Highway safety issues;
- Increased congestion;
- Limited industry in Whitwick means that people commute using cars;
- Brownfield sites should be developed;
- Flooding and drainage concerns;
- Impact upon ecology and protected species;
- Lack of infrastructure in the surrounding area;
- Site is outside the Limits to Development;
- Inappropriate housing mix;
- Would set a precedent for further unacceptable development;
- Previous proposals on the site have been refused;
- Private views across the land would be lost;
- Ecology survey is out of date;
- Overlooking issues.

703 letters of representation have been received from local residents and visitors from further afield. The representations have been received on a number of different types of pro forma letters: 388 of one letter; 2 of another; 83 of another and 230 of another. All representations are objections to the proposal, and the concerns raised can be summarised as follows:

- The Council previously refused a residential development on the site and urges a similar stance on this application;
- Development should not be considered until the new local plan is adopted;
- Development would impact upon the APAC and The National Forest;
- Application site is not located in a sustainable location;
- Surrounding roads are congested and proposal would be unsafe;
- There is no bus route and local people rely extensively on the motor car;
- Loss of openness and visual and landscape impact of the proposal;
- Derelict sites should be developed first;
- Would contravene policies E1 and E22 of the adopted Local Plan;
- There is sufficient housing in the local area;
- Increased risk of flooding;
- Lack of social infrastructure;
- Would not address the national affordable housing crisis.

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

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

Paragraph 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 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 60 (Requiring good design)
Paragraph 61 (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 123 (Conserving and enhancing the natural environment)
Paragraph 124 (Conserving and enhancing the natural environment)
Paragraph 203 (Planning conditions and obligations)
Paragraph 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002)

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

Policy S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E6 - Comprehensive Development
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy E22 - Areas of Particularly Attractive Countryside
Policy F1 - National Forest General Policy
Policy F2 - National Forest Tree Planting
Policy F3 - National Forest 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

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Greater Coalville Area.

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable housing within the Greater Coalville area.

North West Leicestershire District Council Play Area Design 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.

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, as the proposed publication version of the Local Plan is to be considered by Council on 28th June with a view to its submission for examination in September, more weight can now 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

H4 - Affordable Housing

H6 - House types and mix

IF1 - Development and Infrastructure

IF4 - Transport Infrastructure and new development

IF7 - Parking provision and new development

En1 - Nature Conservation

En3 - The National Forest

En4 - Charnwood Forest

Cc2 - Sustainable design and construction

Cc3 - Flood risk

Cc4 - Sustainable Drainage Systems

6. Assessment

Principle of 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 an Area of Particularly Attractive Countryside, as highlighted under Policy E22 of the adopted Local Plan, which is considered to represent the most significant and important rural landscape locally.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The 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 constrain housing supply, such as S3, H4/1 and E22, must be considered to be out of date, and the weight afforded to them when determining planning applications should be reduced accordingly. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicates that planning permission for new homes should normally be granted in sustainable locations.

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.

In addition, notwithstanding the principles contained in Paragraph 17 of the NPPF which highlights the need to recognise the intrinsic character and beauty of the countryside, 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 (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set below.

With regards to the sustainability credentials of the site, Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF (and Policy H4/1 could not be relied upon as an up to date policy given the lack of a 5 year supply of housing), the sustainability credentials of the scheme would still 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 at paragraph 39. In terms of accessibility generally, it is accepted that the site is located within Greater Coalville although the actual application site is located on the edge of the settlement of Whitwick and any non-vehicular trips to services in Whitwick and the wider area would involve navigating significant gradients on Loughborough Road and/or Parsonwood Hill. It is also noted that there is no regular bus service operating in the immediate area with the nearest bus stop only providing a Demand Responsive Transport Service on Mondays to Wednesdays and a limited bus service on Thursdays to Saturday. These services do not operate at late hours or at all on Sundays.

The proposal would result in a development in which residents would be fairly dependant on their cars and where opportunities for non-car modes would be limited. However, the wider sustainability credentials of Whitwick and Greater Coalville are noted and this would ensure that the length of trips for many purposes would be limited. Overall, the accessibility of the application site is not considered to be so severe as to warrant a refusal of the application on this matter alone. It is also noted that the previous planning application on the site and a residential application over the road (14/00219/FUL) was not refused on sustainability grounds.

Having regard to the three dimensions of sustainable development, it is accepted that the

development has the potential to make a positive contribution to the economic dimension by virtue of the growth associated with the proposed development. Socially the development would benefit from the provision of 28 dwellings which would include five affordable properties with a mix of 1, 2, 3, 4 and 5 bedroom properties being supported and contributing to the housing needs of different groups in the community. Subject to the inclusion of appropriate contributions to local services as detailed below and the inclusion of affordable housing, the scheme has the potential to sit well in terms of the economic and social dimensions.

From an environmental sustainability point of view it is noted that the site is located within an Area of Particularly Attractive Countryside (APAC) which the adopted Local Plan confirms is considered to represent the most significant and important rural landscape area locally. This designation is subject to saved Policy E22 which states the following:-

"Development will not be permitted which would adversely affect or diminish the present open character and attractive rural landscape and/or be detrimental to natural habitats and scientific interest of the following Areas of Particularly Countryside, identified on the Proposals Map:

- (a) *Land to the east of Greenhill, Thringstone, Whitwick and Worthington, including part of Charnwood Forest;*
- (b) *Land in the vicinity of Staunton Harold; and*
- (c) *Land at Gospall's Wharf, Snarestone.*

Built development will be permitted only where it is appropriate to the established character of the designated area in terms of scale, siting, detailed design and materials of construction.

In addition the District Council will seek to:

- (a) *Undertake or encourage measures to protect and enhance the landscape, wildlife, habitat, archaeological and scientific interest of the designated area, including planting, nature conservation measures and the provision of nature interpretation and appreciation facilities;*
- (b) *Secure the positive management of land within the designated areas to enhance and maintain its wildlife habitat and features of scientific and archaeological interest;*
- (c) *Protect and conserve particular features which contribute to the special character of the designated areas, such as dry stone walls in the Charnwood Forest."*

In many respects this policy would be supported by the principles of Paragraph 17 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.

When the Local Planning Authority considered the previous application on the site in October 2015 it was considered that the scheme would adversely affect and diminish the present open character and attractive rural landscape in this area which would not be in accordance with Policy E22 of the adopted Local Plan. However, in the Greenhill Road appeal decision the Inspector concluded that Policy E22 of the adopted Local Plan was out of date due to it not being consistent with Paragraphs 109 and 113 of the NPPF. In addition, a more recent Court of Appeal Judgement (Richborough Estates v Cheshire East Borough Council & Secretary of State) has concluded that those environmental policies which seek to resist the delivery of housing should not be considered up-to-date if the Council cannot demonstrate a five-year supply of housing sites (which on the basis of the Greenhill Road appeal decision the Council cannot at this present time) as they would be inconsistent with the aims of Paragraph 49 of the NPPF (albeit it is acknowledged that this decision is currently subject of a challenge to the

Supreme Court). On the basis of the Greenhill Road appeal decision and the Court of Appeal Judgement, full weight cannot be attributed to Policy E22 of the adopted Local Plan.

Paragraph 17 of the NPPF highlights that planning decisions should seek to *"recognise the intrinsic character and beauty of the countryside."* The environmental role should also contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, help to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

In terms of the built development being proposed, the landscape and visual impacts are dealt with in more detail below, although it is considered that the site makes a positive contribution to the character and appearance of the countryside and the surrounding landscape. The proposed development would urbanise the site and result in the loss of this area of countryside. It is clear that the development would result in a significant physical intrusion into the rural environment and would not be in keeping with the character and appearance of the surrounding area.

The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits. Accordingly, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable in relation to the NPPF.

Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application is set out in more detail below.

Landscape and Visual Impact

A Landscape Visual Impact Assessment (LVIA) has been submitted in respect of both the previous and current planning application on the site. . The LVIA considers the site's context in relation to surrounding development / landscape, and considers the impact upon a total of 14 viewpoints within the vicinity of the application site. In terms of the impacts upon these 14 viewpoints, the assessment indicates the following:

View	Magnitude of Change	Level of Impact	Impact after Landscape Proposals
1 (Loughborough Road - east)	Low	Adverse effect of minor significance	Adverse impact of minimal significance
2 (Loughborough Road - east)	High	Adverse effect of major significance	Adverse impact of moderate significance
3 (Loughborough Road - east)	High	Adverse effect of major significance	Adverse impact of moderate significance
4 (Loughborough Road - west)	High	Adverse effect of major significance	Adverse impact of moderate significance
5 (Loughborough Road - west)	Medium to Low	Adverse effect of moderate significance	Adverse impact of minor significance
6 (King Richard's Hill)	Low	Adverse effect of minor significance	Adverse impact of minimal significance
7 (Eastern boundary of site)	Moderate	Adverse effect of major significance	Adverse impact of moderate significance
8 (South of site)	Medium	Adverse effect of major significance	Adverse impact of moderate significance

9 (South of site)	Medium	Adverse effect of major significance
		Adverse impact of moderate significance
10 (South of site)	Medium	Adverse effect of major significance
		Adverse impact of moderate significance
11 (North Street)	Low	Adverse effect of minor/minimal significance
		Adverse impact of minimal significance
12 (PROW to west of site)	Low	Adverse effect of moderate significance
		Adverse impact of minor significance
13 (PROW to west of site)	Low	Adverse effect of moderate significance
		Adverse impact of minor significance
14 (PROW to west of site)	Low	Adverse effect of moderate significance
		Adverse impact of minor significance

Overall, the LVIA concludes that the development proposals are unlikely to result in any adverse effects of significance to the character of the wider Charley Landscape Character Area in which it is situated, and also notes that the proposal secures a number of the landscape recommendations set out in the published landscape character assessment. In terms of the visual impacts, the assessment states that short-term adverse effects of significance to the visual setting of the site would be limited to the immediate boundaries of the site which would not be uncommon. Beyond the immediate boundaries of the site the appraisal has demonstrated that the development would have an extremely limited effect. Overall, the LVIA concludes that it is unlikely to result in any long-term adverse effects that would make the proposal unacceptable in landscape and visual terms.

The LVIA accompanying the current application was assessed on the Council's behalf by a landscape consultant (Jon Etchells Consulting) as part of the previous application on the site. He expressed a number of concerns regarding the revised LVIA document including, an overstating of the influence/relevance of the adjoining Bardon Landscape character area and an understated importance of the Charley character area. The claim in the LVIA that the proposals would secure a number of the landscape recommendations for the Charley character area are also considered to be exaggerated by the landscape consultant and he considers that the scheme would not have the key characteristic of '*small hamlets and individual farmsteads nestled into the well wooded landscape*' and would not meet the recommendation that '*built form should also retain its scattered and small form*'.

On this basis the Local Planning Authority concluded the following as part of planning application 14/00916/FULM:

Local Plan Policy E22 presumes against development which would adversely affect or diminish the present open character and attractive rural landscape and / or be detrimental to natural habitats and scientific interest of the relevant Area of Particularly Attractive Countryside. The proposals would, inevitably, diminish the open character of that part of the Area of Particularly Attractive Countryside upon which the development would be sited. Whilst it needs to nevertheless be considered whether other material considerations can outweigh this departure from the Development Plan (and, not least, the NPPF's requirements in respect of housing land supply and the presumption in favour of sustainable development), having regard to the Local Planning Authority's current position in respect of housing land supply, it is not considered that there is any overriding need to release the most sensitive areas of countryside within the District for housing. Whilst, in order to maintain a five year supply, it would seem likely that some areas of land outside Limits to Development would need to be released, any such release should, it is considered, be limited to areas wherein the adverse environmental effects of so doing would not be such that, overall, they would not constitute sustainable development. In this case, it is

considered that there would be no overriding reason to release this part of the Area of Particularly Attractive Countryside for housing and that, on balance, any economic or social benefits of the scheme could not reasonably be concluded to outweigh the significant adverse environmental impacts in this regard.

In conclusion on the landscape and visual impact issues, the proposals would, inevitably, diminish the open character of that part of the Area of Particularly Attractive Countryside upon which the development would be sited and, therefore, would not be in accordance with Local Plan Policy E22.

The current application is accompanied by a landscape update note (January 2016) which takes into account the recent appeal decision at Greenhill Road (APP/G2435/W/15/3005052) which is relevant in landscape terms to this site as that too was located in an APAC. The landscape update note concludes that in the previously refused scheme there is an overreliance on the findings of the Charley LCA and this has been applied incorrectly to the site. The Local Planning Authority has had regard to the Greenhill Road appeal decision (although it is noted that this is located in the Bardon LCA and not the Charley LCA) and this concluded that as the Local Planning Authority could not demonstrate an adequate level of housing supply, that 'little weight' could be attributed to Policy E22. Whilst the Local Planning Authority could no longer attach full weight to Policy E22 of the adopted Local Plan it is still necessary to have regard to the landscape and visual impacts of the proposal. The previous advice of the Council's landscape consultant is still considered to be relevant as the proposed scheme is almost identical to that which was previously considered and the site is still located in the same character area as when that advice was provided. There have been no significant on-site changes between the receipt of that previous advice and the writing of this report.

Therefore, it can be concluded that the landscape and visual impact of this proposal would be significantly harmful and the proposed development would not be in keeping with the character and appearance of the surrounding area.

Loss of Agricultural Land

The site is currently being used for the grazing of horses which is an agricultural use and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use. The extent of the loss would be in the region of 2.5 hectares although it is noted that the eastern part of the site would not include built development and would be used as informal open space..

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the need to maintain a five year housing land supply position, it would seem inevitable that land outside Limits to Development (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The application site falls within Grade 3 of the ALC but it has not been established whether the land is Grade 3a or Grade 3b and, therefore, whether any BMV would be affected.

However, even if the site does fall within the 3a classification, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in a loss of between 20 and 50ha, and those of 50ha and above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to

have regard to the extent of the loss in the decision making process. A loss of 2.5 hectares of agricultural land is not considered to represent a significant loss and would not be so severe to warrant refusal of the application on this matter alone.

Means of Access and Transportation

In respect of the access arrangements, the scheme proposes a new priority junction off Loughborough Road that would be located across the road from No.153/155 Loughborough Road. The submitted drawing shows a 5.5 metre wide junction, with 6 metre corner radii and a 2 metre wide footway on either side. Visibility splays of 2.4 metres x 65 metres are shown to the east and the west.

The County Highway Authority (CHA) has been consulted on the application in order to assess the highway safety impacts of the proposed scheme. The CHA raise no objections subject to the inclusion of relevant planning conditions and obligations (the obligations are discussed in more detail in the relevant section below). The conditions recommended by the County Highway Authority includes for, amongst other things, off-site highway works including the relocation of the existing 30 mph limit and the provision of a 2 metre wide footway at the site frontage on Loughborough Road.

With regard to car parking, the adopted Local Plan includes parking standards in the Annex (based on Leicestershire County Council parking standards) that seeks to ensure that no more than an average of 1.5 off-street car parking spaces are provided per dwelling, and were based on the advice contained in PPG3. PPG3 has now been superseded by the advice in the NPPF which is less prescriptive in terms of parking standards. The advice in the NPPF is that Local Planning Authorities should, amongst other things, take account of expected levels of car ownership, the type, mix, accessibility and use of the development and the opportunities for public transport.

In terms of car parking on the site, a total of 82 car parking spaces would be provided (double garage spaces have been discounted as they are not in accordance with the internal dimensions required by the County Council's 6Cs document). The proposed parking arrangements provide an average of 2.92 car parking spaces per dwelling which is above the required level of 1.5 spaces per dwelling in the adopted Local Plan. Whilst this level of car parking is above the level required by the adopted Local Plan, it is noted the County Highway Authority raises no objections to the level of car parking nor are any objections raised in terms of the level of car parking impacting upon the design of the scheme. On this basis, the level of car parking is considered to be acceptable.

At one stage the CHA had stated that consideration should be given to the provision of children's play equipment on the site or for consideration to be given to the provision of a safe route to existing play areas. Following clarification that the applicant intends to pay a contribution towards improving an existing facility adjacent to the Primary School on Parsonwood Hill / Loughborough Road, the CHA has confirmed that no further contribution or conditions are required in this respect.

The CHA recommends that details of the routing of construction traffic should be included if planning permission is granted. This could be secured in the Section 106 agreement.

Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the adopted Local Plan, the advice in the NPPF or the advice contained in the County Council's 6Cs document.

Ecology

The application is accompanied by an ecology report which has been assessed by the County Ecologist. The County Ecologist's original comments submitted as part of 14/00916/FULM indicated that the whole of the eastern field should remain undeveloped as it is of Local Wildlife Site quality due to the presence of species rich grassland. The County Ecologist indicated that she would oppose any planting of trees and shrubs in this field as this would destroy some of the grassland which is a high conservation priority. In addition to the comments in respect of habitats, the County Ecologist also stated that badger and reptile surveys would be required.

Following a fundamental re-design of the site layout as part of the previous application, the whole of the eastern field is now proposed to be undeveloped. The County Ecologist now raises no objection in principle to the development subject to a planning condition requiring management of the grassland. In terms of protected species surveys the County Ecologist confirms that these matters could be covered by planning conditions now that the eastern field is proposed to remain undeveloped.

Therefore, subject to suitable planning conditions, it is considered that the scheme would be acceptable in terms of ecological considerations.

Trees

In terms of the proposed planting, the original scheme submitted as part of 14/00916/FULM included for National Forest Planting in the eastern field. This part of the site was previously amended during the course of the application due to the ecological significance contained in the eastern field. The plans show for a scheme which includes for pedestrian links to adjacent woodland planting, tree lined roads, woodland belt planting and a SUDS balancing facility with National Forest planting. The National Forest Company raise no objection in principle to the scheme but request further details regarding the amount of forest planting within the open space and that a woodland belt should be included along the eastern part of the application site. These matters could be dealt with through suitably worded planning conditions although it is recognised that any additional planting would need to have regard to the important habitat that exists.

Insofar as existing trees are concerned, the application is supported by an Arboricultural Implication Study assessing existing trees and hedges on the site, all of which are located on the site's periphery. Based on the layout submitted, no existing trees would be impacted upon and the majority of the hedgerows on the site would be retained. Therefore, the scheme is considered to have an acceptable impact upon existing trees and hedgerows within the site and is considered to be acceptable in relation to Policy E7 of the adopted Local Plan.

Design

The need for good housing design in new residential development is outlined not only in adopted 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.

The scheme has been the subject of discussions and negotiations with the Council's Urban Designer during the course of the previous application, and was amended in order to address previously expressed concerns regarding the design quality of the scheme. The main area of concern was in relation to whether the scheme would accord with question 5 and 6 of Building for Life which require developments to have a locally inspired or distinctive character and whether the scheme takes advantage of existing topography, landscape features and habitats. The initial response from the Council's Urban Designer was that the application should be refused as the scheme would not accord with these questions principally due to the character of the area being open and rural and the proposals being more urban in nature.

The scheme was subsequently amended in order to provide for a reduced number of dwellings on the site and provide additional landscaping in order to overcome the concerns raised by the Council's Urban Designer. The Urban Designer completed a full Building for Life Assessment on the revised application and considered that it could not be supported as it scored three red indicators. The red indicators are in respect of public transport, local housing and working with the site and its context. In terms of public transport and site accessibility this matter has already been assessed above and with regards to local housing the Council's Affordable Housing Officer has confirmed that no objections are raised in this respect. Therefore, two of the three red indicators are deemed to be acceptable. The remaining issue is in respect of the character of the area and it is noted that the scheme has been amended in order to be more respectful to the character of its surroundings and further improvements could be secured through the use of conditions in respect of boundary treatments, landscaping and materials. On this basis, a reason for refusal on this matter alone would not be justified and it is noted that the previous application on the site was not refused for this reason.

Residential Amenity

In terms of the impact upon existing residential properties the main area of concern would be in respect of the 10 new properties along the western boundary and the impact that these would have upon No.86 Loughborough Road and properties off King John's Road (No's 4, 6, 8, 10 and 12). The two storey elements of the proposed dwellings would all be located at least 12 metres from the boundary with existing properties to the east and at this distance it is not considered that any significant overlooking, overbearing or overshadowing impacts would arise. The Council's former development guidelines indicate that there should be at least a 22 metre back to back distance and the scheme would be in accordance with this guide.

The Council's Environmental Protection Team has not raised any objections in relation to noise, blasting and dust from Whitwick Quarry or any concerns in respect of the impact of the development upon air quality. The site is not located in an Air Quality Management Area.

In terms of the objections raised over construction noise it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance given that only 28 dwellings would be constructed on the site, it is considered that the imposition of an hours condition would not be necessary.

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

E3 of the adopted Local Plan.

Developer Contributions

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:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- 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.

The relevant developer contributions are listed below.

Affordable Housing

The Affordable Housing Supplementary Planning Document (AHSPD) indicates that all sites yielding 15 or more properties within Whitwick trigger an affordable housing requirement for a minimum of 20% affordable housing. The overall number of properties planned for the site is 28 which to be fully policy compliant equates to 6 affordable homes. The application seeks to provide 5 affordable homes which amounts to almost 18% which would be acceptable to the Strategic Housing Team.

With regard to the tenure split, the Strategic Housing Team would be seeking 79% to be provided as rented (4 properties) and 21% provided as intermediate housing (1 property).

These matters would need to be secured through the Section 106 legal agreement.

Transportation Contributions

The County Highway Authority has requested the following developer contributions, required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

- 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).
- 6 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 (can be supplied through LCC at (average) £350.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display.

- Contribution towards equipping the nearest bus stop with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. 3 line display £5000.

The applicants are agreeable to making these contributions.

Education

In respect of the proposed education contributions, Leicestershire County Council comments as follows:

Primary School Requirements:

The site falls within the catchment area of Whitwick St John the Baptist CE Primary School. The School has a net capacity of 419 and 355 pupils are projected on roll should this development proceed; a surplus of 64 pupil places after taking into account the 6 pupils generated by this development. There are 2 other primary schools within a 2 mile walking distance of the development and the result of this is that there is an overall surplus in this sector of 63 pupil places. Therefore, an education contribution will not be requested for this sector.

High School Requirements:

The site falls within the catchment area of Coalville Castle Rock High School. The School has a net capacity of 600 and 623 pupils are projected on roll should this development proceed; a deficit of 23 pupil places after taking into account the 3 pupils generated by this development.

There are no other high schools within a 3 mile walking distance of the site. A claim for an education contribution in this sector is therefore justified. In order to provide the additional high school places anticipated by the proposed development, the County Council requests a contribution for the high school sector of £44,690.43. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Castle Rock High School.

Upper School Requirements:

The site falls within the catchment area of Coalville King Edward VII College. The College has a net capacity of 1193 and 1232 pupils are projected on roll should this development proceed; a deficit of 39 pupil places after taking into account the 3 pupils generated by this development.

There is one other upper schools within a 3 mile walking distance of the development and the result of this is that there is an overall surplus in this sector of 159 pupil places. Therefore, an education contribution will not be requested for this sector.

Play and Public Open Space

Under the District Council's Play Area Design Guidance Supplementary Planning Guidance (SPG), on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 28 dwellings are proposed, this would require a play area of not less than 560 square metres. No on-site children's play area is proposed as part of this proposal although the applicant's agent has confirmed that they are willing to make a contribution towards an existing facility adjacent to the school off Parsonwood Hill.

It appears in this case that the distance to the proposed site is around 450 metres and,

therefore, the existing area of land would be in excess of the 400 metres walking distance as suggested by adopted Local Plan Policy L21 (as well as that set out in the District Council's SPG). However, guidance in Building for Life indicates that a point should be awarded for community facilities (such as play areas) being within a short distance (defined as 800 metres), and the proposals would satisfy this criterion. In terms of the lack of existing play equipment on the site on Parsonwood Hill this is not considered to be an issue as the applicant would need to fully equip the area.

Given that the children's play area would only be located marginally past the 400 metres suggested by adopted Local Plan Policy L21 and taking into account the alternative distance recommended under Building for Life (which the Council has adopted as a design quality indicator), it is considered that a commuted sum towards upgrading and improving the existing informal area adjacent to the school off Parsonwood Hill would be acceptable in this instance.

National Forest Planting

As discussed under the relevant section above, the scheme includes for on-site National Forest Planting. Whilst it is unclear whether this would result in 20% of the site area the Section 106 agreement could be worded flexibly in order to provide for an off-site commuted sum should the scheme be unable to provide the sufficient level of planting on the site.

Civic Amenity

A contribution of £1,831 is proposed to be made by the developer for Civic Amenity facilities in accordance with the requirements of Leicestershire County Council.

Library Services

A contribution of £800 is proposed to be made by the developer for library services in accordance with the requirements of Leicestershire County Council.

Insofar as the various developer contributions are concerned, the view is taken that, save where indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in Circular 05/2005 and the CIL Regulations.

Conclusion

As set out in the main report above, the site is outside Limits to Development as defined in the adopted Local Plan and constitutes greenfield land. The site is located in an Area of Particularly Attractive Countryside and is also identified as being in the countryside in the Council's draft Local Plan. Lying outside the limits to development, in both the adopted Local Plan and the draft local plan, the development would not be in accordance with these plans. The site is located adjacent to the existing settlement and it is considered that the scheme would have some level of accessibility to local services. However, at the current time, the District Council is unable to demonstrate a five year housing land supply, although it is anticipated that this position will change once the proposed publication version of the Local Plan is considered by Council on 28th June 2016. Whilst it is accepted that there are some social and economic benefits associated with the development, on balance, when taking into account the impacts of developing a particularly attractive greenfield site in a highly visible location at the semi-rural entrance to the settlement, the view is taken that the proposed development would result in significant environmental harm, which is not outweighed by the lack of a demonstrated five year

housing land supply. Overall the proposal would not represent sustainable development, contrary to the policies and intentions of the NPPF.

Therefore, it is recommended that the application be refused for these reasons.

RECOMMENDATION - REFUSE

- 1 The site is located outside of the Limits to Development as defined in the adopted North West Leicestershire Local Plan and is located in an Area of Particularly Attractive Countryside. The site is also identified as being in the countryside in the Council's draft Local Plan. The NPPF recognises the intrinsic character and beauty of the countryside. By virtue of the site's development for housing, the present open character and rural appearance of this site would inevitably be diminished. The extent of the impact on the proposals upon the character and appearance of the landscape would be significantly harmful and the proposed development would not be in keeping with the character and appearance of the surrounding area which would be contrary to Policy E4 of the Local Plan. Whilst there would be some economic and social benefits associated with the development, in terms of the environmental strand of sustainable development, the scheme is considered to result in significant harm and overall would not represent sustainable development, contrary to the policies and intentions of the NPPF.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Local Planning Authority has therefore acted pro-actively 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 (as amended).

Erection of three dwellings with associated off-street parking and garages

Report Item No
A2

Land At Lower Moor Road Coleorton Coalville Leicestershire
LE67 8FN

Application Reference
16/00352/FUL

Applicant:
Mr Paul Harrington

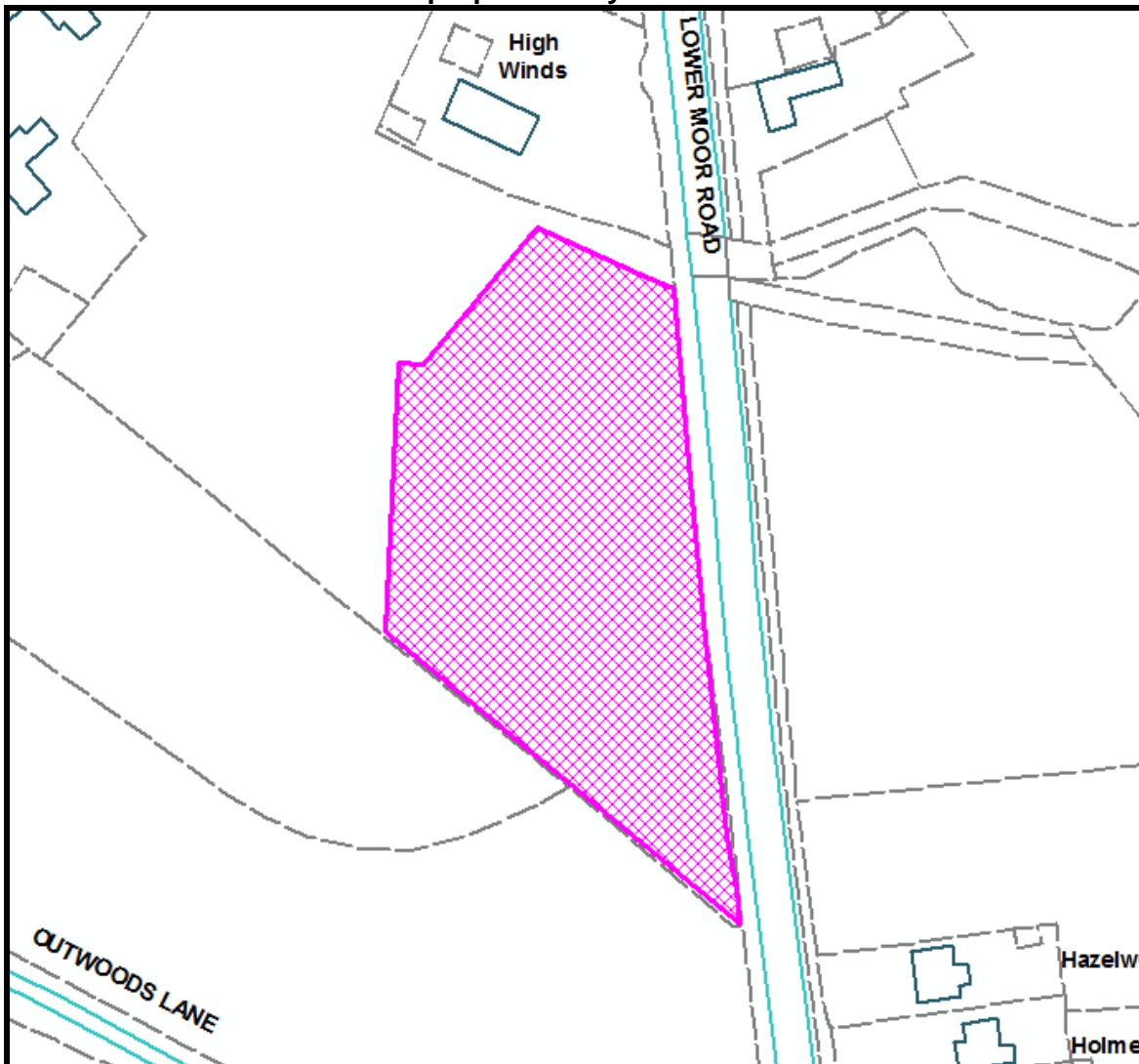
Date Registered
8 April 2016

Case Officer:
Adam Mellor

Target Decision Date
3 June 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 as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Planning permission is sought for the erection of three two-storey detached dwellings with associated off-street parking and vehicular accesses at land off Lower Moor Road, Coleorton. The application site is situated on the western side of the highway to the immediate south of Highwinds and is outside the defined Limits to Development.

Consultations

A total of 15 representations have been received with 7 of those representations opposed to the development and 8 in support of the development. A consultation response from Worthington Parish Council, the Coal Authority and the County Council Ecologist are currently outstanding and will be reported to Members on the Update Sheet. 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 consultation, North West Leicestershire Local Plan and other guidance.

Conclusion

Although the application site is a greenfield site outside the defined Limits to Development it is considered that the conflict with the environmental strand of sustainability 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 agricultural land upon which the development would be constructed is also grade 4 land which is not the best or most versatile agricultural land, as per the Agricultural Land Classification, and as such the development would not conflict with Paragraph 112 of the NPPF.

Whilst the density of development would be below the 30 dwellings per hectare threshold outlined in Policy H6 of the adopted Local Plan, taking into account the need to achieve a good standard of design and landscaping, the proposed density would be an efficient use of the land in this instance and therefore would not conflict with Policy H6 of the adopted Local Plan.

The dwellings have been positioned so as to ensure an acceptable level of amenity is maintained for Highwinds, the existing residential dwelling to the north, with the position and orientation of this dwelling also ensuring future amenities would be adequately protected. Given

the nature of the development there would also be no adverse noise impacts. Overall, therefore, the proposal accords with Paragraph 123 of the NPPF as well as Policy E3 of the adopted Local Plan.

Given the concentration of development at the northern end of Lower Moor Road, it is considered that a development of three dwellings would integrate into the character of the streetscape whilst respecting the linear nature of development consistent with the settlement of Coleorton as a whole. The close association of the dwellings with other properties would also ensure that the development would not impact adversely on the openness of the rural environment with the design of the dwellings being acceptable given the differing design characteristics prevalent in the area. On this basis the development is compliant with Paragraphs 59, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the adopted Local Plan.

As part of the consideration of the application it has been determined that the formation of three vehicular access points would be acceptable with appropriate levels of off-street parking and manoeuvring facilities being accommodated within the site. On this basis the scheme would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

Subject to the imposition of conditions, archaeology would not act as a constraint on the development and therefore compliance with Paragraph 141 of the NPPF would be met. Should no objections be received from the County Council Ecologist and Coal Authority to the application it is also considered that the proposal would accord with Paragraphs 118, 120 and 121 of the NPPF as well as 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

Planning permission is sought for the erection of three detached dwellings with associated off-street parking and garages at land at Lower Moor Road, Coleorton. The 0.37 hectare site is located on the western side of Lower Moor Road to the immediate south of Highwinds and is outside the defined Limits to Development as identified on the Proposals Map to the adopted North West Leicestershire Local Plan. The surrounding area is predominately open countryside with residential properties being clustered and concentrated on the eastern side of the highway opposite the site.

In respect of the scale of the properties these would be as follows: -

Plot 1 - four bed detached dwelling covering a ground area of 158.8 square metres and use of a pitched gable ended roof with a ridge height of 8.6 metres.

Plot 2 - four bed detached dwelling covering a ground area of 141.34 square metres and use of a pitched gable ended roof with a ridge height of 8.6 metres.

Plot 3 - four bed detached dwelling covering a ground area of 150.87 square metres and use of a pitched gable ended roof with a ridge height of 8.6 metres.

Three new vehicular accesses onto Lower Moor Road would be formed which each plot being served by a detached double garage covering a ground area of 40.96 square metres and utilising a pitched gable ended roof with a ridge height of 5.9 metres. The plans also highlight that air source heat pumps, rainwater/grey water harvesting systems and solar hot water panels would be integrated into each plot.

A design and access statement, coal mining risk assessment and ecological survey have been submitted in support of the application.

No recent planning history was found.

2. Publicity

10 No neighbours have been notified (date of last notification 12 April 2016)

Site Notice displayed 18 April 2016

Press Notice published 20 April 2016

3. Consultations

Clerk To Worthington Parish Council consulted 12 April 2016

Coal Authority

LCC ecology

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

County Archaeologist

LCC ecology

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 no representation received to date, any consultation comment received will be reported to Members on the Update Sheet.

Leicestershire County Council - Archaeology has no objections subject to the imposition of conditions on any consent granted.

Leicestershire County Council - Ecology has advised that protected species would not be adversely impacted by the development but a Phase 1 Habitat Survey is required in support of the application given the existing agricultural use of the land.

Leicestershire County Council - Highways Authority has no objections subject to the imposition of conditions on any consent granted.

NWLDC - Environmental Protection has no objections.

Severn Trent Water no representation received to date, any consultation comment received will be reported to Members on the Update Sheet.

Worthington Parish Council no representation received to date, any consultation comment received will be reported to Members on the Update Sheet.

Third Party Representations

Seven representations objecting to the application have been received with the comments raised being summarised as follows: -

- Coleorton is a dispersed settlement and infilling development such as this would ruin the character of the village;
- Design of dwellings are out of character with neighbouring properties in terms of appearance and scale;
- Design does not improve the quality of the area;
- Increase in traffic is detrimental to highway safety;
- Traffic increases leads to noise and disturbance;
- Development would be on a greenfield site;
- Proposal represents ribbon development which should be resisted;
- Proposals do not address the need for affordable houses in the settlement;
- No guarantee that service provision in settlement will survive;
- Proposal will impact on rural amenity enjoyed by the residents;
- Development impacts on the archaeological and historic significance of the greenfield site;
- In determining application reference 15/01148/OUT it was clearly highlighted that this would act as a 'bookend' in terminating development on the western side of Lower Moor Road, as such this proposal goes against that statement;

Eight representations in support of the application have been received with the comments raised being summarised as follows: -

- Proposals provide a very attractive high quality scheme that fits with the surrounding

- area;
- Dwellings are in a sustainable location;
- Residents will help support local services;
- Scheme has good environmental credentials with the inclusion of rainwater harvesting and air source heat pumps;
- Local employment in the building trade to construct the dwellings should be supported;
- There is a shortage of houses in the district and a small scale scheme such as this should be supported.

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 adopted 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 112 (Conserving and enhancing the natural environment);
- 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 141 (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 E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
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, as the proposed publication version of the Local Plan is to be considered by Council on 28th June with a view to its submission for examination in September, more weight can now 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 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;

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 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, indicates that planning permission for new homes should normally be granted in sustainable locations.

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 Limits to Development terminate at Hazelwood on the eastern side of Lower Moor Road to the south-east of the site.

In assessing and determining the application it 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 of 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 - 624.0 metres), bus stop for one service (Robert Coaches Air Link Service 155 one hourly between Coalville and East Midlands Airport Monday to Saturday - 149.43 metres on Lower Moor Road), public house (Gelsmoor Inn, Rempstone Road - 499.34 metres) and school (Newbold Church of England Primary School, School Lane - 846.41 metres) would be within an acceptable walking distance. A recreation ground (School Lane, Newbold) would also only be

slightly in excess of the 800 metre threshold being 923.31 metres from the site. The walk to these services could largely 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 option. In this circumstance it is considered that a scheme for three 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 environmentally sustainable point of view the site is outside the defined Limits to Development, assessed in the context of Policy S3 of the adopted Local Plan, with it being acknowledged that the site is slightly detached from the Limits to Development which terminates at Hazelwood. In terms of the site topography it slopes gently downwards from north to south.

As identified above no weight can be afforded to Policy S3 in the determination of the application, given the absence of a five year housing land supply, and therefore a determination would need to be made as to whether the proposed development would be 'isolated' or impact adversely on the 'openness' of the rural environment in the context of Paragraph 55 of the NPPF. The proposed development is positioned in close proximity to the highway and would be closely associated with Highwinds and would be visually integrated with the single storey properties fronting onto Lower Moor Road and Wordsworth Cottage. In this context it is considered that the dwellings would not be 'isolated.' Although having some impact on the 'openness' of the rural environment, due to a greenfield site being built upon, it is proposed that the dwellings would be constructed in close proximity to the highway and when viewed from the public domain, in both close and distant views, they would be viewed in connection with existing built forms. The linear nature of the development avoids the development projecting significantly into the open field, with it being noted that the dwellings are closer to Lower Moor Road than Highwinds, and their associated gardens would be consistent with that of Highwinds.

Whilst accepting that in the determination of application reference 15/01148/OUT (land at Lower Moor Road, Coleorton, opposite Chapel Lane) it was highlighted that an approval of that development would act as bookend in terminating development on the western side of Lower Moor Road, it is considered that when reviewing the context and character of Lower Moor Road as a whole, as outlined in the 'Impact on the Character and Appearance of the Rural Environment and Streetscape' section of this report, such a form of development now proposed would not have such an adverse impact as to conclude that it would be detrimental to the rural amenity of Coleorton, given the settlement as a whole is linear in nature with development sited in close association to the highway and existing built forms. The 'bookend' in many respects was seen as a way of preventing further development between the site opposite Chapel Lane (15/01148/OUT) and the junction with Outwoods Lane as the land between these points is more sparse and less developed, and sits on higher ground which would lead to any development being more prominent. As the character changes at the northern part of Lower Moor Road, with development and dwellings becoming more concentrated, the proposal would not detract from the visual amenity of the wider area. In conclusion it is a fundamental principle of the planning system that each application should be assessed on its own merits, and on balance the impact on the 'openness' of the rural environment would not be significantly detrimental as to suggest that the development should be resisted. In order to try and assist in screening the dwellings, the plans have been amended to highlight that a tree screen would be provided to the southern boundary of the site.

Although the development would be constructed on agricultural land this land is Grade 4 Agricultural Land and as such would not be considered the best and most versatile agricultural land (defined as Grades 1, 2 and 3a of the Agricultural Land Classification) in the context of Paragraph 112 of the NPPF.

Overall, whilst there would be some conflict with the environmental strand of sustainability given the setting of the dwellings, this conflict would not be of such consequence as to suggest that the development should be resisted given that the dwellings have been positioned so that they are closely associated with existing built forms and follow a pattern of development consistent with the settlement. It is also of relevance that the Council does not have a five year housing land supply. This conflict would also be outweighed by the positive economic and social benefits associated with the development and 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 that achieves 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 0.37 hectares, the proposed development would have a density of 8.11 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 whilst there is conflict with Policy H6, it is not considered a suitable reason, in itself, to warrant a refusal of the application.

Impact on Existing and Future Residential Amenities

It is considered that the property most immediately affected by the proposed development would be Highwinds a two-storey detached dwelling situated to the north of the site.

Highwinds would be set 10.5 metres from plot 1 with the proposed dwellings being set closer to Lower Moor Road than this property. It is also noted that Highwinds is orientated so that its rear elevation faces in a south-western direction and therefore 'turns away' from the proposed dwellings. Given the separation distance and orientation of Highwinds it is considered that no adverse overbearing or overshadowing impacts would arise. With regards to overlooking impacts it is considered that no direct view would be established into or onto the private amenity space associated with Highwinds and as such the occupants' amenities in this respect would also be preserved.

An acceptable separation distance between each of the plots within the site would be established, in order to avoid any adverse overbearing or overshadowing impacts, with the positioning of windows also ensuring that no adverse overlooking impacts would arise. In terms of plot 1 it is considered that the relationship with Highwinds would be acceptable due to the position of habitable room windows on this property, as well as its orientation and the separation distance.

In respect of noise implications to neighbouring properties it is considered that the level of vehicular activity associated with each plot would be no different to that associated with existing residential properties in the area, which do not result in adverse impacts to neighbours. As a consequence such an impact would not be sufficiently detrimental as to suggest permission should be resisted. It is also noted that Lower Moor Road is not subject to any restrictions on the amount of vehicular movements which could occur and the Council's Environmental Protection team has not raised any concerns on noise grounds.

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

Impact on the Character and Appearance of the Rural Environment 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 marginally upwards from south to north with the western side of Lower Moor Road being largely undeveloped with Highwinds being the only property between Outwoods Lane and Rempstone Road. A total of nine properties (taking into account permissions granted), however, do exist on the eastern side of Lower Moor Road between Aqueduct Road and Rempstone Road which are located at differing distances, and which have differing orientations, to the highway. Taking the character of Lower Moor Road as a whole into account, it is considered that it is highly concentrated at its southern end before becoming more sparse between the brook and the crossroad junction of Lower Moor Road, Outwoods Lane and Aqueduct Road and then re-concentrating at its northern end, although not to the same density level as the southern part. Having regard to this context, it is considered that the low density of the scheme proposed, being less than 10 dwellings per hectare, and its linear nature in addressing the highway, would ensure that it would be closely associated with existing and proposed built forms on this part of Lower Moor Road, and as a consequence would be consistent with the character of the streetscape. The close association and visual integration with existing built forms would also ensure that the development would not be detrimental to the amenity of the wider rural landscape, with the provision of a tree barrier to the southern boundary providing a defensible barrier in resisting further ribbon forms of development.

There is no set design character prevalent in the area with all dwellings exhibiting differing features, given this context it is considered that the design of dwellings proposed would be acceptable and would include features which the Local Authority consider desirable (chimneys, eaves and verge detailing, dentil courses and timber framed canopies). Such features would be consistent and in keeping with properties in the immediate area which make a positive contribution to the visual amenity of the area (such as Highwinds and The Firs on Lower Moor Road, Wordsworth Cottage and The Cottage on Rempstone Road and Glenesk on Aqueduct Road). Concerns have also been raised about the scale of the dwellings. However, whilst smaller single storey properties do exist to the south-east the majority of the dwellings in the area have footprints consistent with those dwellings within the street scene drawing which show that the overall heights of the dwellings would not be significantly greater than Highwinds which is located adjacent to the site. On this basis the design and scale of the properties would not have a significantly adverse impact on the character of the area as to warrant a refusal of the

application.

It is highlighted on the plans that the dwellings would be constructed from bricks and clay tiles, however, given that the prevalent material used in the immediate area is render it is considered reasonable to impose a condition on any consent granted for the external materials to be agreed. This would allow for consideration to be given to the use of render in the discharge of condition process.

Overall the layout, design and scale of the dwellings are considered to be appropriate and as such the development would accord with Paragraphs 57, 60 and 61 of the NPPF as well as Policies E4, F1 and H7 of the adopted Local Plan.

Highway Safety

The County Highways Authority have been consulted on the application and have raised no objections subject to the imposition of conditions on any consent granted.

It is proposed that each property will be served by its own vehicular access onto Lower Moor Road which is subject to a 40mph speed limit at this point. Whilst the submitted plans do not highlight the visibility splays at the site accesses, the County Highways Authority identify that visibility splays of 2.4 metres by 120.0 metres would be sufficient and that a condition on any consent granted could secure such splays. It is considered that the formation of additional vehicular accesses onto this part of Lower Moor Road has been deemed to be acceptable due to the approval of an access to serve a dwelling to the immediate south-east of the site (land at Cherry Tree Cottage - 15/00316/FUL) as well as an access serving Moor End Cottage and its associated stables (15/01024/FUL and 15/01026/FUL), on this basis the movement of vehicles onto and off Lower Moor Road would not be severely detrimental to highway safety as to suggest the development should be resisted. Within each site it would also be possible for an area to be provided to allow vehicles to manoeuvre so that they exit in a forward direction, which again would be conditioned on any consent granted, and overall the proposals would be compliant with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

The plans highlight that each property would be served by a detached double garage which would have sufficient internal dimensions to be utilised for the parking of two vehicles, with external space also being available for additional off-street parking. On the basis that a planning condition could secure the provision of this car parking, as well as its future retention, it is considered that the scheme would accord with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

Ecology

The County Council Ecologist has identified that the land is currently grassland in agricultural use and therefore a potentially species-rich habitat which requires the submission of a Phase 1 Habitat Survey. Whilst a Phase 1 Habitat Survey is required, the County Council Ecologist has advised that protected species would not act as a constraint on the development.

A Phase 1 Habitat Survey has been received and the County Council Ecologist consulted accordingly. Any comments received from the County Council Ecologist, as well as any suggested conditions, will be reported to Members on the Update Sheet and subject to no objections being raised it is considered that the development would be compliant with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

The site is bounded by mature hedgerows with the majority of trees situated off the site, although one tree does exist in the south-eastern corner of the site which would be set away from plot 3. Whilst the existing roadside hedge would be punctured by the formation of individual access points, the relevant gaps to be created would be kept to the minimum necessary to accord with highway standards and could be mitigated by the provision of replacement planting as part of a landscaping scheme. It could also be secured on the landscaping scheme that tree planting be provided along the southern boundary of the site, in order to frame the end of the development and provide some natural screening, as well as within the gardens of the individual plots. Subject to such a condition being imposed on any consent granted it is considered that the proposal would accord with Policies E7, F1, F2 and F3 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has stated that in 1992 a series of earthworks were surveyed within the parcel of land contained by Outwoods Lane and Lower Moor Road which related to the coal and iron ore works undertaken around 1300 by Isabella de Hastings. Such earthworks did not have any particular complexity or coherence in their distribution pattern and therefore there is a strong likelihood that on the application site evidence may be found in relation to activity conducted in the area during the medieval period. On this basis it is considered important that the developer records and advances the understanding of the significance of any heritage assets which may potentially be lost should development proceed on the land. It is therefore recommended that conditions be imposed on any consent granted for archaeological investigations to be carried out in order to ensure the development accords with Paragraph 141 of the NPPF.

Other Matters

Although a consultation response from the Coal Authority is outstanding, it is considered that on several applications within the immediate area no objections have been raised by the Coal Authority in respect of land instability issues subject to the imposition of conditions on any consent granted. On this basis it can be reasonably assumed that no objections will be raised to this application, given the conclusions of the Coal Mining Risk Assessment, although any comments which are received, along with any suggested conditions, will be reported to Members on the Update Sheet. Subject to no adverse comments being received it is considered that the development would accord with Paragraphs 120 and 121 of the NPPF.

The development would not meet a threshold whereby affordable properties would be a requirement of the development in the context of National Guidance or Policy H8 of the adopted Local Plan.

Summary Reasons for Granting Planning Permission

Although the application site is a greenfield site outside the defined Limits to Development it is considered that the conflict with the environmental strand of sustainability 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 agricultural land upon which the development would be constructed is also grade 4

land which is not the best or most versatile agricultural land, as per the Agricultural Land Classification, and as such the development would not conflict with Paragraph 112 of the NPPF.

Whilst the density of development would be below the 30 dwellings per hectare threshold outlined in Policy H6 of the adopted Local Plan, taking into account the need to achieve a good standard of design and landscaping, the proposed density would be an efficient use of the land in this instance and therefore would not conflict with Policy H6 of the adopted Local Plan.

The dwellings have been positioned so as to ensure an acceptable level of amenity is maintained for Highwinds, the existing residential dwelling to the north, with the position and orientation of this dwelling also ensuring future amenities would be adequately protected. Given the nature of the development there would also be no adverse noise impacts. Overall, therefore, the proposal accords with Paragraph 123 of the NPPF as well as Policy E3 of the adopted Local Plan.

Given the concentration of development at the northern end of Lower Moor Road, it is considered that a development of three dwellings would integrate into the character of the streetscape whilst respecting the linear nature of development consistent with the settlement of Coleorton as a whole. The close association of the dwellings with other properties would also ensure that the development would not impact adversely on the openness of the rural environment with the design of the dwellings being acceptable given the differing design characteristics prevalent in the area. On this basis the development is compliant with Paragraphs 59, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the adopted Local Plan.

As part of the consideration of the application it has been determined that the formation of three vehicular access points would be acceptable with appropriate levels of off-street parking and manoeuvring facilities being accommodated within the site. On this basis the scheme would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

Subject to the imposition of conditions, archaeology would not act as a constraint on the development and therefore compliance with Paragraph 141 of the NPPF would be met. Should no objections be received from the County Council Ecologist and Coal Authority to the application it is also considered that the proposal would accord with Paragraphs 118, 120 and 121 of the NPPF as well as Circular 06/05.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 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 numbers HAR.SCP.011 (Site Context Plan Lower Moor Road), HAR.P3P.003 Revision A (Proposed Floor Plans Plot 3), HAR.P3E.004 Revision A (Proposed Elevations Plot 3), HAR.P2P.005 Revision B (Proposed Floor Plans Plot 2), HAR.P2E.006 Revision B (Proposed Elevations Plot 2), HAR.P1P.007 Revision A (Proposed Floor Plans Plot 1),

HAR.P1E.008 Revision A (Proposed Elevations Plot 1) and HAR.GAR.010 (Proposed Garage), received by the Local Authority on the 8th April 2016, as well as drawing number HAR.SBR.002 Revision E (Proposed Site-Block-Roof Plan), received by the Local Authority on the 25th May 2016, unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

3 Notwithstanding the details shown on the approved plans, none of the dwellings shall be built above damp proof course level until the following have been submitted to and agreed in writing by the Local Planning Authority: -

- Details of the materials to be utilised in all external surfaces (including the construction material of windows and doors);
- The proposed colour/stain finish for all joinery;
- Details of the brick bond (which shall not be a stretcher bond);
- Details of the rainwater goods;
- Position and finish of the meter boxes (if external);
- Construction material of the cills and lintels;
- Precise details of the dentilation, corbelling and verge finish to the dwellings;

The development shall then be carried out in accordance with the approved details unless alternative materials are first submitted to and agreed in writing by the Local Planning Authority.

Reason - to enable the Local Planning Authority to retain control over the external appearance in the interests of the amenities of the area.

4 The dwellings, hereby permitted, shall not be built above damp proof course level until the precise details and appearance of the solar photovoltaic panels, solar hot water panels, air source heat pump and grey water harvesting system has first been submitted to and agreed in writing by the Local Planning Authority. The dwellings shall then be constructed in accordance with the approved details which shall thereafter be retained.

Reason - to ensure the environmental integrity of the scheme is secured.

5 Notwithstanding the details shown on the approved plans before first occupation/use of any of the dwellings, hereby permitted, a scheme of soft and hard landscaping (including for retention and any works to existing trees and hedgerows) shall be submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of any of the dwellings unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The approved hard landscaping scheme shall be provided in full prior to the occupation of any of the dwellings unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be so retained.

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

6 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 vegetation.

- 7 Notwithstanding the provisions of Part 1 (Classes A - E) of 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) the dwellings hereby permitted shall not be enlarged, improved or altered 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 maintaining the overall appearance of the scheme and in the interests of preserving the amenities of neighbours as well as the visual amenity of the rural environment.

- 8 Notwithstanding the details shown on the approved plans before first occupation/use of any of the dwellings, hereby approved, 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 of any of the dwellings hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Reason - to preserve the amenities of the locality, in the interests of highway safety and because insufficient information has been submitted as part of the application.

- 9 No development shall commence until all hedgerows to be retained are protected by a 1.2 metre high protective barrier which shall be erected at least 1.0 metre from the hedgerow, where possible. Within the fenced off area there shall be no alterations to the ground levels, no compaction of the soil, no stacking or storing of materials and any service trenches shall be dug and back-filled by hand.

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

- 10 Before first occupation of any of the dwellings, hereby permitted, the following shall be provided: -
- Visibility splays of 2.4 metres by 120.0 metres shall be provided at each vehicular access with Lower Moor Road. These shall be in accordance with the standards contained in the current County Council design guide;
 - The off-street parking and turning facilities as shown on drawing numbers HAR.SBR.002 Revision E, received by the Local Authority on the 25th May 2016, and HAR.GAR.010, received by the Local Authority on the 8th April 2016;
 - The access drive and turning areas shall be surfaced in accordance with the details agreed under Condition 5 of this consent;

Once provided the above shall thereafter be so maintained with nothing being positioned, or allowed to grow, above a height of 0.6 metres above the level of the adjacent footway within the visibility splays.

Reasons - to afford adequate visibility at each access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway 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 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.).

- 11 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5.0 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason - to enable vehicles to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 12 No development shall commence on site until such time as details of the proposed finished floor levels of the dwellings and finished ground levels of the development, which shall be related to a fixed datum point off the site, have first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to determine the scope of the permission and in the interests of residential amenity.

- 13 No development shall commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, which shall first be submitted to and agreed in writing 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 (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
- 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.

Reason - to ensure satisfactory archaeological investigation and recording.

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

Reason - to ensure satisfactory archaeological investigation and recording.

- 15 No dwelling shall 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 conditions 13 and 14 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.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning 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 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 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 applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.
- 6 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.

Erection of a two storey detached dwelling

Report Item No
A3

Land To The Rear Of Lobourne Nottingham Road Lount Ashby
De La Zouch Leicestershire LE65 1SD

Application Reference
16/00428/FUL

Applicant:
Mr B Dalton

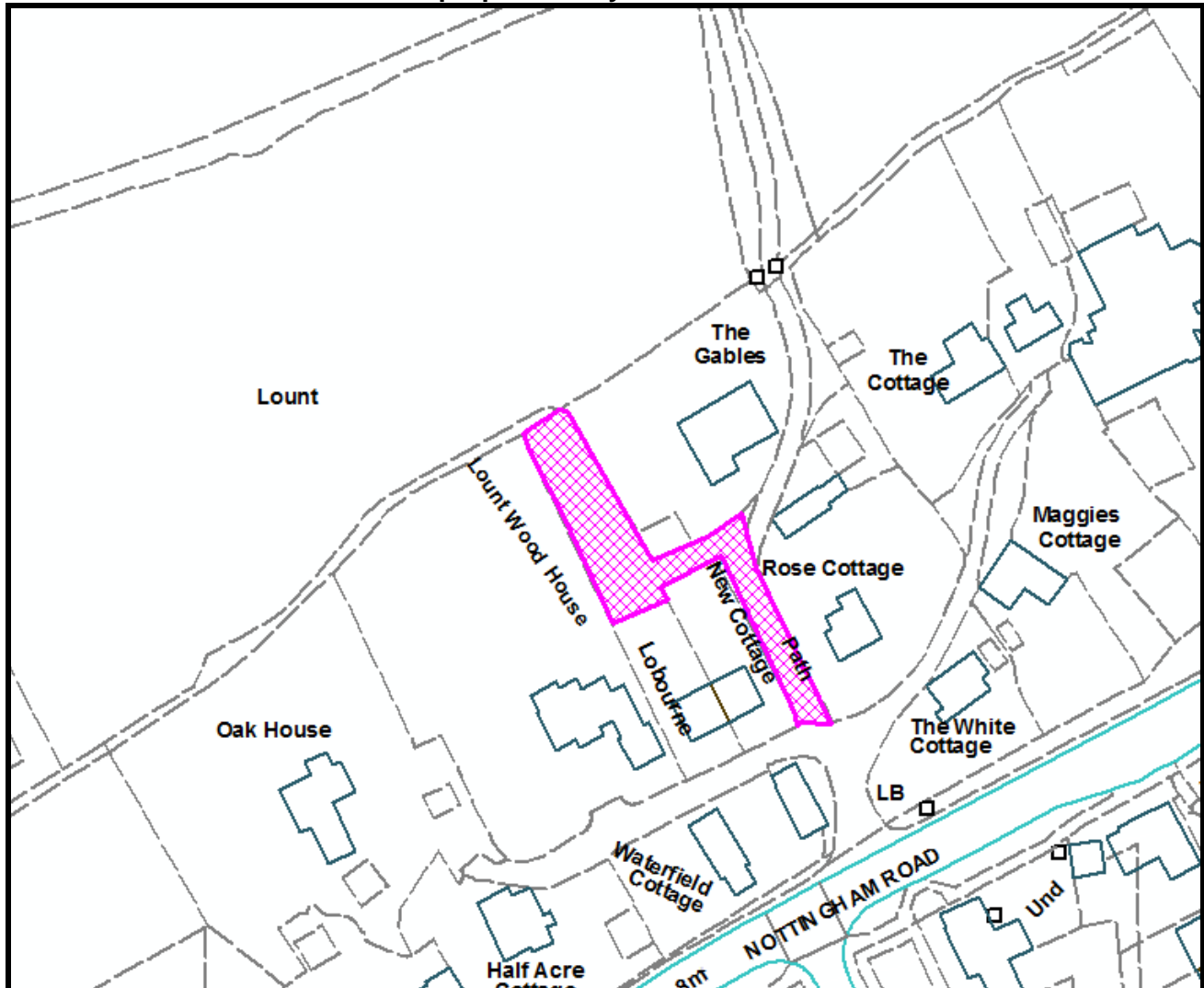
Date Registered
14 April 2016

Case Officer:
Adam Mellor

Target Decision Date
9 June 2016

Recommendation:
PERMIT , subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

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

Proposal

The application seeks permission for the erection of a two-storey detached dwelling with associated off-street parking at land to the rear of Lobourne, Nottingham Road, Lount. The application site is situated on the north-western side of Nottingham Road and is within the defined Limits to Development. The Grade II Listed Rose Cottage is situated to the south-east of the site.

Consultations

A total of five individual representations have been received opposing the development along with the Staunton Parish Meeting also objecting to the proposals. 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 consultation, North West Leicestershire Local Plan and other guidance.

Conclusion

In conclusion, the site lies within Limits to Development where there is a presumption in favour of development subject to all other matters in respect of the development being addressed.

The settlement of Lount does not contain a wide range of services and facilities, the proposal is for one dwelling to meet a 'local employment need' which would assist in off-setting the carbon emission caused by a heavy reliance on the private car as the occupant would reside close to their place of employment. It is also noted that planning permissions have recently been granted for other local need dwellings in locations considered to be unsustainable. Taking this into account along with the economic benefits and limited implications to the environment, as the site is within the Limits to Development and closely associated with existing built forms, it is considered that the development would be compliant with the overall sustainability aims of the NPPF and therefore its principle would be accepted.

The position and orientation of the dwelling to neighbouring properties, as well its overall scale and location of habitable room windows, would ensure no substantially adverse impacts would arise towards existing residential amenities. Future amenities would also be adequately protected due to the separation distances to existing dwellings and amount of private amenity garden associated with the new property. Overall the scheme would be compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Given the differing proximity of dwellings on the lane to Nottingham Road, as well as their dispersed positions, it is considered that the location of the dwelling to the rear of existing

properties would not impact adversely on the character of the area or result in harm to the appearance of the wider environment. The design and scale of the dwelling would also be consistent with the character of neighbouring dwellings with their being no harm to the setting of the heritage asset given the context of its setting. On this basis the proposal would be consistent with Paragraphs 57, 60, 61, 131, 132 and 134 of the NPPF, Policies E4 and H7 of the adopted Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is considered that the junction of the lane onto Nottingham Road has the necessary width and level of visibility so as to ensure that there is no detriment to highway safety, with the overall level of vehicular movements associated with the new dwelling not comprising the free and safe passage of vehicles on the lane which is not subject to any restrictions on the total number of movements. On this basis the development accords with Paragraph 32 of the NPPF as well as Policy T3 of the adopted Local Plan. There would be no adverse impacts on the safe usage of the public footpath given that its route is along a lane already associated with vehicular movements, as such the proposal complies with Paragraph 75 of the NPPF.

A landscaping scheme would be secured as part of the conditions on any planning consent granted and this would seek to secure suitable planting for the application site, as well as a reinforcement of the south-western boundary hedge with Lountwood House. The development itself would also not impact adversely on any trees which are protected or considered worthy of protection. On this basis the proposal would be compliant with Policies E7, F1, F2 and F3 of the adopted Local Plan.

The County Council Ecologist has confirmed that there is no requirement for protected species reports to be carried out, with the legacy of coal in the area also not compromising the stability of the proposed dwelling. On this basis the development would accord with Paragraphs 118, 120 and 122 of the NPPF as well as Circular 06/05. Subject to the imposition of conditions archaeology would also not act as a constraint on the development which would ensure compliance with Paragraph 141 of the NPPF.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions and completion of a Section 106 Agreement.

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of a two-storey detached dwelling at land to the rear of Lobourne, Nottingham Road, Lount. The 0.045 hectare site is situated on the north-western side of Nottingham Road, directly to the north-west of Lobourne, and would be accessed off a lane serving 11 no. dwellings. It is identified on the Proposals Map to the Local Plan that the site is within the defined Limits to Development with the surrounding area consisting of residential properties, which vary in their size and scale, as well as open countryside to the north. The Grade II Listed Rose Cottage is to the south-east of the site.

The proposed dwelling would be a three bed detached type which would cover a ground area of 89.74 square metres and utilise a pitched gable ended roof with a ridge height of 7.90 metres. Vehicular access and the off-street parking serving the dwelling would be accommodated on an existing gap between the boundaries of New Cottage and Gables.

It is highlighted in the supporting information that the dwelling would be to meet a local employment need given the applicant is also employed at the Staunton Harold Estate. A legal agreement to secure such an occupancy restriction, as well as the general 'local need' criteria (i.e. someone who has resided in the parish, or nearby parishes, for a set number of years), would be secured on any consent granted.

A design and access statement, heritage statement and quantitative environmental risk assessment have been submitted in support of the application.

No recent planning history was found.

2. Publicity

4 no neighbours have been notified (date of last notification 15 April 2016)

Site Notice displayed 5 May 2016

3. Consultations

Staunton Harold Parish Meeting consulted 15 April 2016

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

NWLDC Tree Officer

County Archaeologist

LCC ecology

NWLDC Conservation Officer

LCC/Footpaths

NWLDC Footpaths Officer

Coal Authority

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 initially objected to the application due to the lack of a coal mining risk assessment however following receipt of the Quantitative Environmental Risk Assessment this objection has been removed.

Leicestershire County Council - Archaeology has no objections subject to the imposition of conditions on any consent granted.

Leicestershire County Council - Ecology has no objections.

Leicestershire County Council - Footpaths has no objections subject to the imposition of conditions and notes to the applicant on any consent granted.

Leicestershire County Council - Highways Authority has no objections subject to their standing advice being considered in respect of off-street car parking.

NWLDC - Conservation Officer has no objections.

NWLDC - Environmental Protection has no objections.

Severn Trent Water no representation received, any comments received will be reported to Members on the Update Sheet.

Staunton Harold Parish Meeting objects to the application with the objections raised summarised as follows: -

- The existing lane is not appropriate for additional vehicles;
- No additional parking is being provided only existing parking will be rearranged;
- The new property will impede the view of residents;
- Removal of part of the hedge to New Cottage would detract from the visual aesthetic of the lane;
- Parking spaces are unsuitable as they are on top of a septic tank;
- Increased wear and tear on lane will lead to it not being suitable for future use;
- The proposal will result in upheaval to residents during its construction;
- The lane is too small and number of vehicles owned by residents is already at a maximum;
- All residents near the site oppose the development.

Third Party Representations

Five letters of representation to the application have been received objecting to the application with the comments raised summarised as follows: -

- Unadopted lane is not suitable for additional vehicular movements;
- Unadopted lane is too narrow for emergency vehicles;
- All lanes in Lount are maintained by residents and therefore more traffic will lead to more maintenance;
- Windows will result in overlooking impacts;
- Parking area for adjacent property would be lost with the lane not being able to accommodate parking;
- Providing utilities will result in further damage to the road;
- Market price of the dwelling would not lead to it being affordable;
- Only four wheel drive vehicles can access the Staunton Harold Estate via the back lane and vehicle movements on this lane will lead to mud being deposited on the lane;

- Septic tank will be put under pressure trying to accommodate an additional dwelling and does not have the capacity;
- Service vehicles have difficulty utilising the lane;
- Disruption of construction will impact on amenities;
- Utilisation of lane to Staunton Harold will impact on the usage of the public footpath network;
- Property will impact on views of open countryside and National Forest planting areas;
- Development will impact adversely on trees to the boundary which has not been assessed in the tree survey;
- Backland development will impact negatively on the character of the area which is of dispersed housing;
- Development will impact negatively on the setting of the Grade II Listed Building;
- Height of dwelling will lead to it being dominant in relation to the neighbouring dwellings.

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

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

Paragraph 10 (Achieving sustainable development);
 Paragraph 14 (Presumption in favour of sustainable development);
 Paragraph 17 (Core planning principles);
 Paragraph 28 (Supporting a prosperous rural economy);
 Paragraph 32 (Promoting sustainable transport);
 Paragraph 39 (Promoting sustainable transport);
 Paragraph 49 (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 123 (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 141 (Conserving and enhancing the historic environment);
 Paragraph 203 (Planning conditions and obligations);
 Paragraph 204 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

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

- Policy S2 - Limits to Development;
- Policy E3 - Residential Amenities;
- Policy E4 - Design;
- Policy E7 - Landscaping;
- 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, as the proposed publication version of the Local Plan is to be considered by Council on 28th June with a view to its submission for examination in September, more weight can now 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 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 Cc3 - Water - Flood Risk;
- 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;

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;

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.

6. Assessment

Principle of the Development

The site is currently used as garden land, which is excluded from the definition of previously developed land set out in the NPPF, and therefore effectively constitutes a greenfield site. The NPPF states that decisions should encourage the effective use of land by re-using land that has been previously developed and that local planning authorities should consider the use of policies to resist inappropriate development of residential gardens. The background to this issue is that in January 2010 the Government's Chief Planner wrote to local planning authorities (dated 19 January 2010) to advise that garden land would no longer be considered previously developed land. This included an annex which stated, amongst other things that, "where the clear strategy to deliver housing on preferred sites is demonstrably working, then authorities may consider a policy to prevent development on gardens. Alternatively authorities could consider a policy which would set out clearly the circumstances in which garden development will be acceptable". The Council at the present time cannot demonstrate a 5 year supply of deliverable housing land and does not have a specific policy that prevents development on gardens. As such a reason for refusal on the basis of the loss of part of the residential garden could not be justified in this instance.

The site is located within the Limits to Development where the principle of residential development is considered acceptable, subject to compliance with the relevant policies of the adopted Local Plan and other material considerations. Within the NPPF there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole, or if specific policies in the NPPF indicate development should be restricted.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF. It is acknowledged that Policy H4/1 is out of date as the District Council cannot demonstrate a five year housing land supply.

In respect of Lount, it is a settlement which is only served by a public house (The Ferrers Arms), a play area and a two-hourly bus service, therefore any future resident would be socially isolated from facilities and services which would meet their 'day to day' needs. It is, however, noted that the dwelling proposed is to meet a local employment need which is outlined in the

Proposals and Background section of this report, and which is further elaborated on as follows: -

"The applicant has strong employment connections with the local area. He has run the Staunton Harold Estate Shoot for the last 25 years. He has worked as an electrician on the Staunton Harold Estate on a self employed basis for the past 28 years. The proposal would reduce his travelling significantly with him currently living and commuting from Derby every day. The pheasant release pens and areas of woodland and game cover feed up can and would be accessed from the application site and without the need to go on the public highway, using the network of private estate roads. This will all result in a decrease in vehicular movements when compared to his current journeys."

The supporting information specifies that the 'need' for a dwelling of a similar scale cannot be met from the existing housing stock and in this regard it is stated by the agent that *"a search of local housing stock reveals 2 houses currently advertised for sale which are £400,000 each and both 4 bed within Lount. Based on land registry results the lowest sale price for a property in Lount in the past two years was £226,500 from March 2014."* An internet search on Right Move on the 20th May 2016 reveals that there are no three bed detached houses within 0.5 miles of the post code of the application site with four 4 bed detached dwellings within 0.5 miles of the post code ranging in price from £415,000 (Henry Dane Way, Newbold) to £325,000 (Chapel Rise, Worthington).

Using build cost figures of 2016 (www.homebuilding.co.uk) the District Council finds that build costs for a two-storey three bed detached dwelling, in the area using the most expensive build route (Main Contractor) and building to an Excellent specification, which would take into account better materials and improved building regulations standard (as well as VAT), would amount to £210,007.00. Using subcontractors would reduce the price to £189,674.00. Given these figures it would appear that the costs associated with building a new dwelling would be substantially less than any of the properties within the immediate area which would meet the 'needs' of the applicant.

With regards to social sustainability the benefit of the scheme is that it would provide a dwelling stated to meet a 'local employment need' which could also be used in the future to meet a 'local need' for any person with a connection to the settlement of Lount. The resolution to secure such an obligation on the dwelling would make the property more affordable to local residents, or anyone meeting the local employment need (limiting to a set area), in the future with the completion of a Section 106 Agreement ensuring that such a dwelling would be permanently available for such purposes (i.e. meeting a local need criteria - (a) a person or persons and their dependents residing permanently in the parish or adjoining parish, for at least 5 years or more in the previous 20 years; or (b) a person or persons required to live close to another person who satisfies criterion (a) and is in essential need of frequent attention and/or care due to age, ill health, disability and/or infirmity).

Whilst no policy exists to support such a development proposal, particularly in a socially unsustainable location, it is noted that planning permissions have recently been granted for other dwellings subject to a local need restriction in settlements considered to be unsustainable. Taking this point into account, along with the economic benefits and limited environmental impact as the site is within the Limits to Development and travel to work distances would be significantly reduced, it is considered that the development would be compliant with the overall aims of the NPPF, from a sustainability perspective, and its principle would therefore be accepted.

Implications to Existing and Future Residential Amenities

It is considered that the properties most immediately affected by the proposed development would be Lountwood House, to the south, Lobourne and New Cottage to the south-east and Gables to the north-east.

In terms of distances between the new property and these dwellings it would be set 23.0 metres from the north-western (rear) elevations of Lobourne and New Cottage, 14.5 metres from the north-western (rear) elevation of Lountwood House and 16.5 metres from the south-western (rear) elevation of Gables. Such distances are considered satisfactory in ensuring that no substantially adverse overbearing or overshadowing impacts would arise particularly given the orientation to Lobourne and Lountwood House, the fact that it would not be directly behind Lountwood House and that it would not dominate the shared boundaries with Gables or Lountwood House.

With regards to overlooking impacts it is considered that an oblique angle of view would be established onto the rear amenity areas of Lountwood House and Gables from windows in the south-eastern (front) and north-western (rear) elevations, which would not be significantly adverse, and a condition would be imposed to provide an obscure glazed, restricted opening window at first floor level in the north-eastern (side) elevation of the new dwelling serving the dressing room to prevent overlooking onto Gables. Any views from the ground floor window serving the kitchen in the south-western (side) elevation would be prevented by the provision of a suitable boundary treatment. With a distance of 23.0 metres between elevations and a distance of 10.0 metres to the shared boundary, with land levels becoming lower from the rear elevation of Lobourne to the rear boundary of the application site, it is considered that any direct overlooking impact would not be sufficiently detrimental as to warrant a refusal of the application.

Given that the relationship with existing residential properties is acceptable it is also considered that the future amenities of any occupants would be adequately protected by such relationships particularly given the separation distances.

In terms of the objections raised over construction noise it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but it should be noted that, in this case, Environmental Health has not raised any issues in this regard and so it is considered unnecessary to impose an hours condition.

When this is the case, a planning condition restricting hours is often applied but in this instance as Environmental Health has raised no issues to the development in this regard, it is considered that the imposition of an hours condition would be unreasonable.

Overall the proposal would accord with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Impact on the Character and Appearance of the Historic Environment 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 and inclusive 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."

Land levels on the site slope downwards from south-east to north-west, with the boundaries currently being defined by 1.8 metre fencing to the boundary with Gables and 1.0 metre high post and rail fencing and hedging to the boundary with Lountwood House. A 1.8 metre high close boarded timber fence also defines the extent of land which would be associated with Lobourne should permission be granted for the development. A mix of dwellings exists in the area with both two-storey and single storey types, which are either detached or semi-detached, and which are constructed from a range of external materials.

Whilst the proposed dwelling would be positioned behind an existing property, this would not result in sufficient detriment to the character of the area as to suggest that the development should be resisted given the dispersed nature in which dwellings are positioned in relation to Nottingham Road, as well as the way in which properties are orientated to address this principle highway (the majority face towards Nottingham Road but some do present a gable end). The proposed development would also not result in significant adverse implications to the appearance of the wider area given that the proposed dwelling would be viewed in the context of its relationship with existing properties particularly from the public footpaths in the vicinity. A site section supplied in support of the application also highlights that the proposal would not be dominant in views from the immediate access onto the lane from Nottingham Road, or dominant in relation to neighbouring properties, particularly given the ridge height is lower than those dwellings to its south-east (Lobourne and New Cottage).

Rose Cottage is a Grade II Listed Building whose setting is characterised by residential properties of differing designs and types. Paragraph 134 of the NPPF advises that any development which results in less than substantial harm to the significance of a heritage asset should be assessed on the basis of the public benefits associated with the proposal. In respect of this development it is noted that the dwelling would be set 18.5 metres from the boundary with Rose Cottage and given the context of the setting it is considered that the proposed dwelling would result in no harm to the significance of this setting and as such an assessment in the context of Paragraph 134 of the NPPF is not required. This view is supported by the Council's Conservation Officer who has raised no objections.

In terms of the individual design characteristics of the property it is considered that it exhibits features which the Local Authority consider desirable (i.e. chimney, brick arches and cills, dentil course detail, verge detailing and timber framed canopy) and would therefore respond positively to the appearance of the environment in which it would be set. The overall footprint and height of the dwelling would also be consistent with those in the immediate vicinity which would maintain the character of the area. It is highlighted on the drawings that red bricks, clay tiles and timber joinery would be used in the construction of the dwelling, which would be consistent with materials used on neighbouring properties, with a condition being imposed on any consent granted for the precise materials to be agreed.

Overall the layout, design and scale of the dwelling is considered to be appropriate, with there being no harm to the significance of the setting of a heritage asset, and therefore the development would accord with Paragraphs 57, 60, 61, 131, 132 and 134 of the NPPF as well as Policies E4 and H7 of the adopted Local Plan and Section 66 of the Planning (Listed Buildings and Conservation) Areas Act 1990.

Highway Safety

The County Highways Authority have been consulted on the application and have raised no objections subject to their standing advice in respect of off-street parking being considered.

It is considered that the long established junction of the lane onto Nottingham Road is of a sufficient width to enable vehicles to pull clear of the highway whilst another vehicle exits, and also has adequate visibility splays to enable a vehicle to enter the highway at a controlled speed when factoring into account the speed of traffic on this part of the highway (40 mph). In this circumstance additional vehicular movements at this junction would not impact severely on the safe movement of vehicles on Nottingham Road.

Objections have been raised in respect of additional movements on the lane and that this will result in further 'wear and tear' which would lead to maintenance or repairs being carried out more frequently. There is no restriction on the amount of vehicular movements which can occur on this lane with the access road beyond Gables allowing vehicular traffic to enter the Staunton Harold Estate, albeit this access is restricted to private movements. In these circumstances any issues associated with maintenance of the lane would not be of such consequence as to refuse the application as any potential agreement requiring the applicant to provide funds for the upkeep of the lane would constitute a private matter between the affected individuals, as opposed to a material planning consideration. In addition, difficulties associated with service vehicles accessing the new property, due to the narrow nature of the lane between Rose Cottage and New Cottage, would not justify a refusal of the application given the limited infrequency of such vehicle movements as well as the fact that Gables is also served off this narrow section of the highway. As there would be less than 45.0 metres between the site and the point where an emergency vehicle could park, which is the recommended distance for emergency access, there would also be no issue associated with emergency vehicles having the ability to access the dwelling.

The additional vehicular movements associated with the new property on the lane would also not disrupt the free and safe passage of traffic on the narrow part of the lane, particularly as two properties (New Cottage and Gables) already conduct vehicular movements on this part of the highway, as well as the fact that private vehicles could also enter the Staunton Harold Estate via this lane. The lack of a restriction on the amount of private vehicular movements on the estate road to the Staunton Harold Estate could also lead to mud being deposited on the highway, with or without the development, and therefore this matter would also not justify a refusal of the application on highway safety grounds. In respect of vehicular manoeuvres it is considered that whilst these would be partially conducted within the lane the speed and frequency of vehicular traffic at this point would ensure that such movements would not impact adversely upon the safety of pedestrian or vehicular traffic. Overall the proposed development would not impact 'severely' on pedestrian or highway safety and would therefore be compliant with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

The County Council Rights of Way Officer has raised no objections to the application and given that the public footpath follows the route of the lane, it is considered that pedestrian and vehicular movements already coexist. In this circumstance the minor increase in vehicular movements associated with the new property would not compromise pedestrians' enjoyment of this footpath and therefore the proposal accords with Paragraph 75 of the NPPF.

A total of two off-street parking spaces would need to be provided to serve a dwelling with three bedrooms, in order to accord with the 6Cs Design Guide, and the submitted layout identifies that sufficient off-street parking with satisfactory external dimensions could be provided to serve the

new property. One off-street parking space would be provided for New Cottage to the rear of the property, with the proposed dwelling also having the ability to provide further off-street parking to its frontage in the same manner as Lobourne. On this basis sufficient off-street parking would be available for the existing property and proposed dwelling in order to accord with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

Landscaping

There are no trees on the application site which would be adversely affected by the development although the submitted tree survey does highlight the presence of a Kanzan Cherry tree within the garden area of The Gables, as well as semi-mature un-protected Rowan and Mountain Ash trees within the garden of Lountwood House. A beech hedge also lies along the boundary with Lountwood House set at around 1.0 metre from the proposed dwelling.

The dwelling is set away from the boundary with Lountwood House and this would allow for protective fencing to be provided whilst the dwelling was under construction. Given that the hedge contains a number of gaps, there is also the possibility that any landscaping scheme agreed between the developer and Council could seek to reinforce and provide new hedgerow planting to this boundary. Whilst there are trees in close proximity to the boundary of the site they are not protected trees, nor would they be worthy of protection given that they do not contribute significantly to the visual amenity of the wider area, and as a consequence should not act as a constraint in resisting development on the application site. In any event any impacts the footings of the dwelling may have on the root system of the trees and hedge would be no different to that which may occur should a substantial outbuilding be erected in the rear garden of Lobourne without planning permission as a form of 'permitted development' under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015. The tree within the garden of The Gables which may be affected is also impacted on by its relationship with the detached garage to The Gables.

On this basis it is considered that the scheme would not conflict with the principles of Policies E7, F1, F2 and F3 of the adopted Local Plan and that the development should not be resisted provided that a condition be imposed on any consent granted for a soft landscaping scheme to be agreed.

Any impact the development would have on the long term health of trees on third party land would be a private matter between the affected individuals and not a material planning consideration given that the trees would not warrant protection. There is also no indication that the existing hedgerow to the north-eastern boundary of New Cottage is to be removed but in any event planning permission would not be required should this hedge be taken out.

Ecology

The County Council Ecologist has been consulted and has identified that there is no requirement for ecological surveys to be carried out given that the development site is on an existing garden. In the circumstances that no objection has been raised it is considered that protected species would not act as a constraint on the development and as such it would accord with Paragraph 118 of the NPPF and Circular 06/05.

Archaeology

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located within the medieval

and post-medieval historic settlement core of Lount and immediately to the south of earthwork and cropmark remains of medieval to early post-medieval coal mining works have been noted. Historic mapping and aerial photographs of the site indicate that the area has not previously been subject to significant ground disturbance and as such any archaeological deposits present are likely to be close to the ground surface.

Given the opportunities which exist for archaeological remains to be present on the site, the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a programme of archaeological work (including professional archaeological attendance for inspection during groundworks with a contingency provision for emergency recording and detailed excavation), written scheme of investigation and programme of archaeological mitigation to be provided, in advance of the development commencing, in order to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the possibility of archaeological remains being present on the site and their inclusion therefore ensures the development complies with Paragraph 141 of the NPPF.

Other Matters

The Coal Authority, following reconsultation, have raised no objections to the proposal and consider that past coal mining activity will not put the development at risk. There is also no requirement for further investigations to be carried out. On this basis the proposed development would accord with Paragraphs 120 and 121 of the NPPF.

With regards to the septic tank it is considered that in order to connect into this drainage system permission from the Environment Agency (EA) would be required through a permit application. In agreeing any permit application the EA will be responsible for ensuring that the septic tank has sufficient capacity to deal with the dwellings which connect into it. Whilst at present the dome of the septic tank protrudes above ground, into the area where the off-street parking is to be accommodated, a replacement system is to be installed which will have the ability to take the weight of a car parking on top of it, this will ensure that the off-street parking spaces will be available. The agreement to an alternative system will also be carried out by the EA. On this basis the drainage scheme for the development will be acceptable in accordance with Paragraph 120 of the NPPF.

The installation of services to the property would be carried out by separate organisations that benefit from permitted development rights to undertake works without planning permission, in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015, and therefore any disruption to the lane to provide such services could be undertaken with or without the development. In any event there is no certainty that such works will need to be undertaken and should they be carried out the lane would be repaired once such works were completed. Such a concern with the proposal would therefore not justify a refusal of the application.

The loss of a view would not be a material planning consideration which could be taken into account in the assessment of the application with the lack of maintenance of another property and land within the ownership of the same applicant/land owner not being of any relevance to the assessment of this proposal.

Summary Reasons for Granting Planning Permission

In conclusion, the site lies within Limits to Development where there is a presumption in favour

of development subject to all other matters in respect of the development being addressed.

The settlement of Lount does not contain a wide range of services and facilities, the proposal is for one dwelling to meet a 'local employment need' which would assist in off-setting the carbon emission caused by a heavy reliance on the private car as the occupant would reside close to their place of employment. It is also noted that planning permissions have recently been granted for other local need dwellings in locations considered to be unsustainable. Taking this into account along with the economic benefits and limited implications to the environment, as the site is within the Limits to Development and closely associated with existing built forms, it is considered that the development would be compliant with the overall sustainability aims of the NPPF and therefore its principle would be accepted.

The position and orientation of the dwelling to neighbouring properties, as well its overall scale and location of habitable room windows, would ensure no substantially adverse impacts would arise towards existing residential amenities. Future amenities would also be adequately protected due to the separation distances to existing dwellings and amount of private amenity garden associated with the new property. Overall the scheme would be compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Given the differing proximity of dwellings on the lane to Nottingham Road, as well as their dispersed positions, it is considered that the location of the dwelling to the rear of existing properties would not impact adversely on the character of the area or result in harm to the appearance of the wider environment. The design and scale of the dwelling would also be consistent with the character of neighbouring dwellings with their being no harm to the setting of the heritage asset given the context of its setting. On this basis the proposal would be consistent with Paragraphs 57, 60, 61, 131, 132 and 134 of the NPPF, Policies E4 and H7 of the adopted Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is considered that the junction of the lane onto Nottingham Road has the necessary width and level of visibility so as to ensure that there is no detriment to highway safety, with the overall level of vehicular movements associated with the new dwelling not comprising the free and safe passage of vehicles on the lane which is not subject to any restrictions on the total number of movements. On this basis the development accords with Paragraph 32 of the NPPF as well as Policy T3 of the adopted Local Plan. There would be no adverse impacts on the safe usage of the public footpath given that its route is along a lane already associated with vehicular movements, as such the proposal complies with Paragraph 75 of the NPPF.

A landscaping scheme would be secured as part of the conditions on any planning consent granted and this would seek to secure suitable planting for the application site, as well as a reinforcement of the south-western boundary hedge with Lountwood House. The development itself would also not impact adversely on any trees which are protected or considered worthy of protection. On this basis the proposal would be compliant with Policies E7, F1, F2 and F3 of the adopted Local Plan.

The County Council Ecologist has confirmed that there is no requirement for protected species reports to be carried out, with the legacy of coal in the area also not compromising the stability of the proposed dwelling. On this basis the development would accord with Paragraphs 118, 120 and 122 of the NPPF as well as Circular 06/05. Subject to the imposition of conditions archaeology would also not act as a constraint on the development which would ensure compliance with Paragraph 141 of the NPPF.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions and completion of a Section 106 Agreement;

- 1 The development shall be begun before the expiration of one year 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) and as the dwelling is required to meet a local need.

- 2 The proposed development shall be carried out strictly in accordance with the Site Location Plan (1:5000), Topographical Survey (1:200) and drawing numbers LOU.EXL.001 Revision A (Existing Layout), LOU.PRL.004 Revision B (Proposed Layout), LOU.ESS.005 (Existing Site Section) and LOU.PSS.006 Revision A (Proposed Site Section), LOU.PRP.007 Revision A (Proposed Floor Plans and Section) and LOU.PRE.008 Revision A (Proposed Elevations), received by the Local Authority on the 14th April 2016, unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

- 3 Notwithstanding the details shown on the approved plans, the dwelling shall not be built above damp proof course level until the following have been submitted to and agreed in writing by the Local Planning Authority: -

- Details of the materials to be utilised in all external surfaces (including the construction material of windows and doors);
- The proposed colour/stain finish for all joinery;
- Details of the brick bond (which shall not be a stretcher bond);
- Details of the rainwater goods;
- Position and finish of the meter boxes (if external);
- Construction material of the cills and lintels;
- Precise details of the dentilation, corbelling and verge finish to the dwelling;

The development shall then be carried out in accordance with the approved details unless alternative materials are first submitted to and agreed in writing by the Local Planning Authority.

Reason - to enable the Local Planning Authority to retain control over the external appearance in the interests of the amenities of the area.

- 4 The first floor window serving the dressing room in the north-eastern (side) elevation shall be glazed with obscure glass, to Pilkington Standard 3 (or its equivalent), and shall be non-opening, unless the opening part is more than 1.7 metres above the internal floor level of the dressing room, and provided shall thereafter be so retained.

Reason - in the interests of preserving the amenities of Gables.

- 5 Notwithstanding the details shown on the approved plans before first occupation of the dwelling, hereby permitted, a scheme of soft and hard landscaping (including for retention and any works to existing trees and hedgerows) shall be submitted to and

agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of the dwelling unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The approved hard landscaping scheme shall be provided in full prior to the occupation of any of the dwellings unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be so retained.

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

- 6 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 vegetation.

- 7 Notwithstanding the provisions of Part 1 (Classes A - E) of 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) the dwelling hereby permitted shall not be enlarged, improved or altered 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 maintaining the overall appearance of the scheme, in the interests of preserving the amenities of neighbours and as the dwelling is to meet a local need.

- 8 Notwithstanding the details shown on the approved plans before first occupation/use of the dwelling, hereby approved, 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 of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Reason - to preserve the amenities of the locality, in the interests of highway safety and because insufficient information has been submitted as part of the application.

- 9 No development shall commence until all hedgerows to be retained are protected by a 1.2 metre high protective barrier which shall be erected at least 1.0 metre from the hedgerow, where possible. Within the fenced off area there shall be no alterations to the ground levels, no compaction of the soil, no stacking or storing of materials and any service trenches shall be dug and back-filled by hand.

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

- 10 Before first occupation of the dwelling hereby permitted the following shall be provided: -
- The off-street parking as shown on drawing number LOU.PRL.004 Revision B

(Proposed Layout), received by the Local Authority on the 14th April 2016;

Once provided the off-street parking shall thereafter be so maintained.

Reasons - 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.

- 11 Notwithstanding Condition 2 above, nor the information shown on drawing numbers LOU.PSS.006 Revision A (Proposed Site Section) and LOU.PRP.007 Revision A (Proposed Floor Plans and Section), received by the Local Authority on the 14th April 2016, no development shall commence until the proposed finished floor level of the dwelling and finished site levels, which shall be related to an existing datum point of the site, have first been submitted to and approved in writing by the Local Planning Authority.

Reason - to determine the scope of the permission and in the interests of residential amenity.

- 12 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has first been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Archaeologist.

Reason - to ensure satisfactory archaeological investigation and recording.

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

Reason - to ensure satisfactory archaeological investigation and recording.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and 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 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.
- 4 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.
- 5 The Coal Authority has advised that detailed conditions and/or foundation design may be required as part of any subsequent building regulations application.
 - 6 The available width of the Public Rights of Way must not be encroached upon by works associated with the development. The Public Rights of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.
 - 7 The Public Rights of Way 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.
 - 8 If the developer requires a Right of Way to be temporarily closed or diverted for a period of up to six months, to enable construction works to take place, an application should be made to roadclosures@leics.gov.uk at least 8 weeks before the temporary closure/diversion is required.
 - 9 Any damage caused to the surface of a Public 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.
 - 10 No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority having been obtained. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
 - 11 The County Council Access Officer has advised that no trees or shrubs should be planted within 1.0 metre of the edge of the Public Right of Way, although if any trees or shrubs are planted alongside a Public Right of Way they should be of a non-invasive species. Prior to and during construction measures should also be taken to ensure that users of the Public Rights of Way 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.

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Erection of three terraced dwellings and a triple garage block

Report Item No
A4

Private Road Standard Hill Coalville Leicestershire LE67 3HH

Application Reference
16/00372/FUL

Applicant:
Mr Kyle Middleton

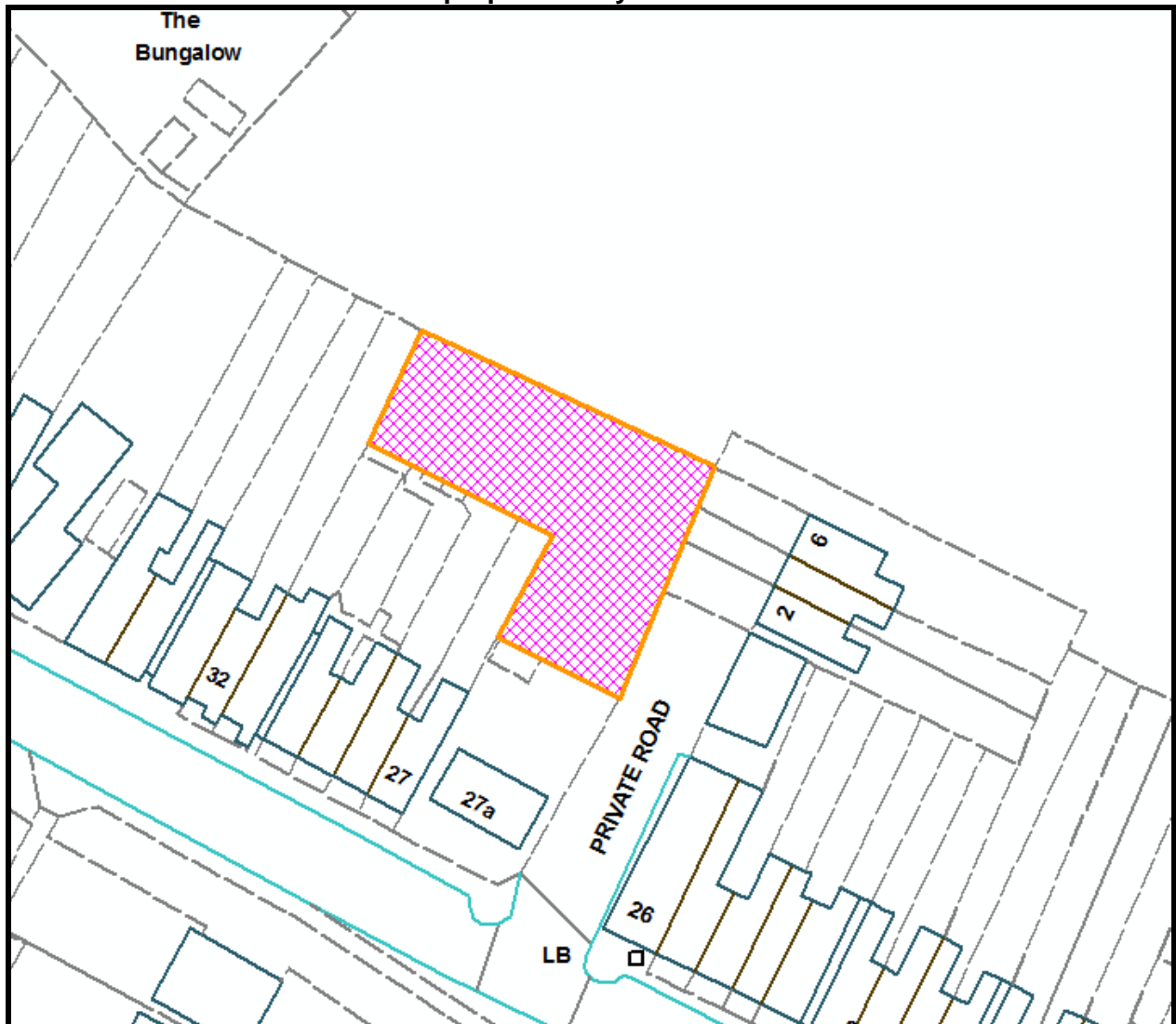
Date Registered
22 March 2016

Case Officer:
James Mattley

Target Decision Date
17 May 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application has been called in by Councillor Geary on the grounds of separation distances and highway safety.

Proposal

Planning permission is sought for the erection of three terraced dwellings and a triple garage block on land at Private Road, Standard Hill, Coalville. The application site which measures some 0.049 hectares is located within the Limits to Development.

Consultations

A total of 24 representations have been received opposing the development. All 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 be 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

The site is located within the limits to development where the principle of residential development is considered acceptable. The site is a sustainable location for new residential development. The site could be developed as proposed without appearing out of character and appearance with that of the surrounding locality, and without significantly adversely affecting the amenities of neighbouring residents and highway safety. There are no other material planning considerations that indicate planning permission should not be granted. The proposal, subject to relevant conditions, is therefore considered acceptable.

It is therefore recommended that full planning permission be granted subject to conditions.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of three terraced dwellings and a triple garage block on land at Private Road, Standard Hill, Coalville. The application site which measures some 0.049 hectares is located within the Limits to Development.

Amended plans have been received during the course of the application to address neighbour and officer concerns over the originally submitted scheme. The amended plans show for three terraced units which would be two storeys in height and a separate single storey garage block. Each unit would benefit from two car parking spaces and the existing access arrangements would be utilised. Private Road is not adopted highway.

No relevant planning history found.

2. Publicity

13 Neighbours have been notified (Date of last notification 11 April 2016)

Site Notice displayed 5 April 2016

3. Consultations

County Highway Authority
 Head Of Street Management North West Leicestershire District
 Head of Environmental Protection
 LCC ecology

4. Summary of Representations Received

Council's Environmental Protection Section has no environmental observations to make.

County Ecologist has no objections to the development.

County Highway Authority does not consider that it would be possible to sustain a reason for refusal on the grounds of highway safety in the event of an appeal. Therefore, no objections are raised subject to the imposition of a condition in respect of car parking.

A total of 24 representations have been received objecting to the application on the following basis:

- _ overlooking, overbearing and overshadowing impacts;
- _ separation distances between existing and proposed properties;
- _ not in accordance with the District Council's Development Guidelines;
- _ rear gardens to the proposed dwellings are not large enough;
- _ the existing road surface is inadequate along Private Road;
- _ overdevelopment of the site;
- _ the existing road is unadopted;
- _ the junction is unsafe and there have been numerous accidents along Standard Hill;
- _ Right to Light issues;
- _ garages are unlikely to be used as car parking spaces;
- _ ownership and right of way issues;
- _ emergency vehicles should be able to access all properties;
- _ land was originally sold as allotments.

5. Relevant Planning Policy

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

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.

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)
 Paragraph 18 (Building a strong, competitive economy)
 Paragraph 19 (Building a strong, competitive economy)
 Paragraph 32 (Promoting sustainable transport)
 Paragraph 34 (Promoting sustainable transport)
 Paragraph 39 (Promoting sustainable transport)
 Paragraph 56 (Requiring good design)
 Paragraph 57 (Requiring good design)
 Paragraph 58 (Requiring good design)
 Paragraph 60 (Requiring good design)
 Paragraph 61 (Requiring good design)
 Paragraph 203 (Planning conditions and obligations)

The policies of the North West Leicestershire Local Plan as set out in more detail 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. In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change National Policy but provides practical guidance as to how such policies should be applied.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan 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 S2 - Limits to Development
 Policy H4/1 - Housing Land Release
 Policy H6 - Housing Density
 Policy H7 - Housing Design
 Policy E3 - Residential Amenities
 Policy E4 - Design

Policy T3 - Highway Standards
 Policy T8 - Parking

Other Policies

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, as the proposed publication version of the Local Plan is to be considered by Council on 28th June with a view to its submission for examination in September, more weight can now 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
- S5 - Design of new development
- H6 - House types and mix

6Cs Design Guide (Highways, Transportation and Development) - 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.

6. Assessment

Principle and Sustainability

The site is located within the limits to development within the Local Plan, where the principle of residential development is considered acceptable subject to highway, design and amenity criteria and compliance other relevant policies of the Local Plan and other material considerations.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still 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. The site is located within Greater Coalville where there is a range of day to day services and facilities that would be readily accessible via public transport to future occupiers. Taking this into account, it is considered that the application site is located within a sustainable location.

Having regard to all of the above it is considered overall that the proposed development of the site is acceptable in principle.

Residential Amenities

With regard to impact on residential amenity, the dwellings most immediately affected would be the three terraced units located to the east of the application site (No's 2, 4 and 6 Private Road) as well as No.27 and No.27a Standard Hill to the south of the application site.

In terms of the impact upon No's 2, 4 and 6 Private Road the original plans submitted showed a distance of 11.3 metres between first floor windows of the existing and proposed dwellings. Concern was expressed by local residents regarding this relationship and following discussions

with the applicant amended plans have been received. The amended plans have improved this relationship and there is now a distance of 13.2 metres between the front elevations of the existing and proposed properties. Although concern is still expressed from surrounding residents, the relationship proposed is not uncommon in the surrounding area and similar relationships exist along Highfield Street and Crescent Road. It is not considered that any significant overbearing, overshadowing or overlooking issues would arise to the occupiers of these properties.

Reference has been made in letters of objection regarding the District Council's Development Guidelines. The Development Guidelines were adopted as Supplementary Planning Guidance (SPG) in North West Leicestershire when the Local Plan was originally adopted but since this time Policy H17 is no longer a 'saved' policy. As such, although the Development Guidelines can be used as a starting point, they should not be attached any weight in the determination of planning applications. It is also noted that the Development Guidelines do not offer any advice in respect of first floor distances between two front elevations. The Council will be progressing updated Development Guidelines as part of the new Local Plan.

In terms of the impact upon No.27 and No.27A Private Road, a single storey garage block would be located immediately adjacent to parts of the rear gardens to these properties. Whilst this would be located in close proximity to the boundary, the structure would be single storey only measuring 2.1 metres in height to the eaves and 4.2 metres in height to the ridge. The boundary is currently formed by a 2m high hedge and existing single storey garage structure which would help to screen the proposed single storey garage and the development proposes 1.8m high close boarded timber fencing to both boundaries. Having regard to the single storey nature of the proposed garage and the proposed boundary treatments, it is not considered that this element of the scheme would cause any significant overlooking, overbearing or overshadowing issues.

The closest part of the proposed two storey dwelling would be located on the rear corner boundary of the residential garden belonging to No.27. As this property benefits from a rear garden of some 17 metres and having regard to the orientation on site, it is not considered that any significant overbearing or overshadowing issues would arise. In terms of overlooking there would be some views towards the bottom end of the rear garden belonging to No.27 but most of these would be from an oblique angle and would only impact on a small section of the rear garden. Overall, the proposal is not considered to cause significant overlooking impacts upon the occupiers of the existing dwellinghouse.

The side elevation of the proposed two storey dwelling would be located around 9.7 metres away from the rear boundary of No.27A. Taking into account this distance and the orientation of the existing and proposed development, no significant overlooking, overbearing or overshadowing issues are considered to arise.

For the reasons set out above, it is not considered that there would be any significant loss of amenities by means of overbearing, overshadowing or overlooking impacts. The proposal therefore complies with the provisions of Policy E3 of the 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.

To area to the north of Standard Hill is characterised predominantly by traditional terraced properties located toward the front of linear plots with boundaries well defined and with buildings that are well detailed with strong chimneys and window and brick detailing, and well-proportioned properties with a strong vertical emphasis that provides a rhythm to the streetscene. The street contains buildings that generally have strong characteristics and make a positive contribution to the locality. It is considered that surrounding properties in the locality should be used to inform the development of the application site.

The proposed dwellings have been designed to reflect the character of properties in the surrounding area. The terraced units would have a vertical emphasis and includes for stone lintels and chimneys which would ensure that the design and appearance of the properties are in keeping with the surrounding area. Planning conditions would be attached to any planning permission granted to ensure that suitable materials and boundary treatments are agreed that are in keeping with surrounding properties.

Each property would benefit from two car parking spaces, front and rear amenity areas as well as a dedicated bin storage area. Given this it is not considered that the proposal would represent an overdevelopment of the site with the development similar to that which currently exists on Private Road.

Overall, the design, appearance and scale of this proposal is considered to be acceptable and would not look out of keeping with the character and appearance of the surrounding area and is considered to be compliant with Policy E4 and H7 of the Local Plan and the design advice in the NPPF.

Highway Safety

The existing access off Standard Hill would be utilised to provide access to the proposed development. This leads onto Private Road which is unadopted highway. Concern has been expressed in letters of representation regarding the suitability of the access road and the junction. It is also understood that there is an existing accident record along Standard Hill. The County Highway Authority has been consulted specifically regarding these concerns and has provided the following response:

The access road serving the development site does not have the status of public highway. The Highway Authority would normally have concerns in connection with a proposal that could lead to an increase in use of a substandard access onto a road where measured speeds are in excess of the speed limit and there is an existing accident record. However, as the accident was in connection with a right turning manoeuvre from Standard Hill it would not be reasonable to suggest that substandard visibility at the junction was a causal factor. Taking into consideration the existing use of the site as garages, which could be used by local residents, and the other existing development served by the access leading to an existing potential for traffic, the available visibility at the junction, which benefits from a build-out into the carriageway of Standard Hill and the available width and pedestrian visibility splays, it is considered that is unlikely that it would be possible to sustain a reason for refusal on the grounds of highway

safety, in the event of an appeal.

In terms of car parking, each of the new dwellings would have access to two off-street car parking spaces which would be of adequate dimensions and which would be sufficient to serve the proposed two bed dwellings. Subject to a condition being imposed to secure these off-street parking spaces it is considered that the development would be compliant with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

Whilst the concerns of local residents in relation to highway safety are noted, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF or the County Council's 6Cs document.

Other

A "right to light" is an easement that gives a landowner the right to receive light through defined apertures in buildings on his or her land. It is a legal matter and not a material planning consideration. In terms of other objections received which have not already been addressed matters in respect of ownership, maintenance and private rights of ways are not material planning considerations.

With regard to access to emergency vehicles, the site would be located less than 45 metres from the public highway which is the distance specified in separate building control legislation. It is also noted that the proposed arrangements would be no different than those which currently exist for No.2, 4 and 6 Private Road.

Summary Reason for Granting Planning Permission

The site is located within the limits to development where the principle of residential development is considered acceptable. The site is a sustainable location for new residential development. The site could be developed as proposed without appearing out of character and appearance with that of the surrounding locality, and without significantly adversely affecting the amenities of neighbouring residents and highway safety. There are no other material planning considerations that indicate planning permission should not be granted. The proposal, subject to relevant conditions, is therefore considered acceptable for the purposes of the above-mentioned policies.

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 the following plans, unless otherwise required by a condition of this permission:

Drawing No. 04 deposited with the Local Planning Authority on 6 April 2016;

Drawing No. 02 deposited with the Local Planning Authority on 6 April 2016;
Drawing No. 01 deposited with the Local Planning Authority on 6 April 2016;
Drawing No. 03 deposited with the Local Planning Authority on 6 April 2016;
Drawing No. 05 deposited with the Local Planning Authority on 6 April 2016.

Reason - To determine the scope of this permission.

- 3 Off-street car parking shall be provided within the application site in accordance with the details shown on drawing number 05; the parking areas shall be surfaced and marked out prior to the development being brought into use, and shall thereafter be so maintained at all times.

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, in the interests of the safety of road users.

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be erected above damp proof course until such time as representative samples of the materials to be used in all external surfaces have been submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason - To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.

- 5 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be erected above damp proof course until such time as a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping is provided within a reasonable period.

- 6 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.

- 7 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be erected above damp proof course until such time as a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until such time as the approved scheme has been implemented in full (unless an alternative timescale is first agreed in writing by the Local Planning Authority).

Reason - To preserve the amenities of the locality, and to ensure an appropriate form of design.

- 8 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be erected above damp proof course until such time as precise details of the positioning and treatment of utility boxes to the dwelling 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 an appropriate form of design.

- 9 No development shall commence on site until such time as detailed finished floor levels and site levels (in relation to a fixed datum point) have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

Reason - To ensure appropriate land levels.

- 10 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), the dwellings hereby approved shall not be enlarged, improved or altered, nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses be provided 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 form and density of the development proposed.

Notes to applicant

- 1 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 2 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and 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 (as amended).

Formation of slurry lagoon and earth bund

Report Item No
A5

Springwood Farm Melbourne Road Staunton Harold Derby
Leicestershire DE73 8BJ

Application Reference
16/00287/FUL

Applicant:
R And W Gidlow

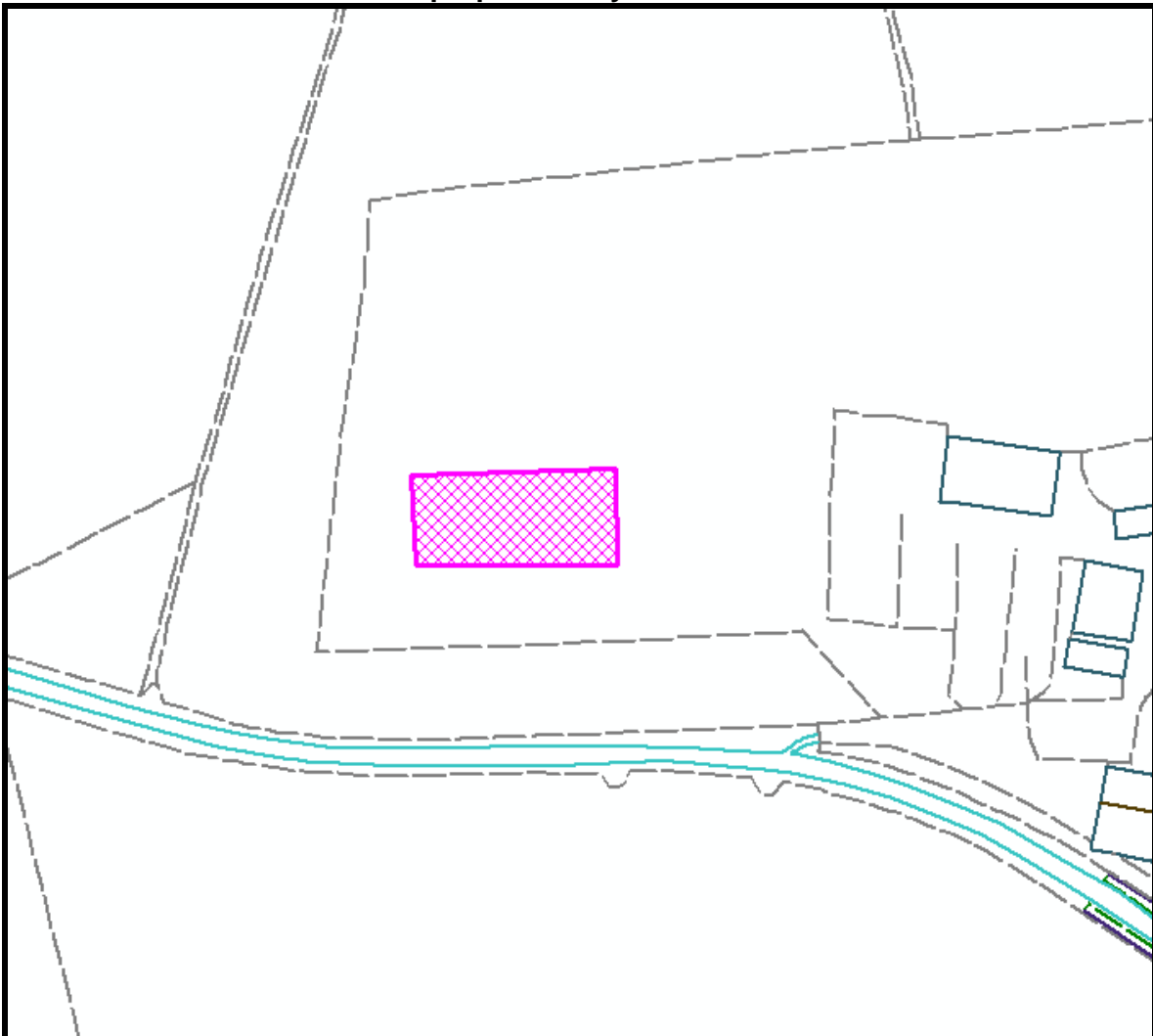
Date Registered
15 March 2016

Case Officer:
Ebony Mattley

Target Decision Date
10 May 2016

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is reported to the Planning Committee, at the request of Councillor Stevenson so that Members can consider the impact of the proposal on nearby Sites of Special Scientific Interest (SSSI's).

Proposal

Full planning permission is sought for the formation of a slurry lagoon and associated infrastructure at Springwood Farm, Melbourne Road, Staunton Harold.

Consultations

No objections are raised by Severn Trent or the County Ecologist and one letter of support has been received, however an objection has been raised by Natural England.

Planning Policy

The application site is located outside the Limits to Development, as defined in the adopted North West Leicestershire Local Plan.

Conclusion

In conclusion, there is no-in principle objection to the formation of a slurry lagoon, and it is not considered to give rise to any significant adverse impacts upon visual appearance, impact upon the setting of the Listed Building, impact upon protected species, occupiers of neighbouring properties or highway safety.

In the opinion of the Local Planning Authority, however the applicant has failed to demonstrate that the proposed slurry lagoon would not have a negative air quality impact, either alone or in combination with other sources of air pollution upon Dimminsdale SSSI and other SSSI's within a 5km radius of the site.

It is considered that any potential benefits of the scheme as proposed would be insufficient to outweigh the conflict with the development plan and the National Planning Policy Framework 2012 (as amended) (NPPF) resulting from the harm as identified in the main body of the report below.

The application is therefore recommended to be refused.

RECOMMENDATION:- Refuse

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

MAIN REPORT

1. Proposals and Background

Full planning permission is sought for the formation of a slurry lagoon at Springwood Farm, Melbourne Road, Staunton Harold.

Precise measurements of the proposal are available to view on the submitted plans.

The site is located outside Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

Recent Planning History:-

09/00501/FUL - Formation of an earth banked slurry lagoon - Approved - 03.09.2009

2. Publicity

6 neighbours have been notified (Date of last notification 5 April 2016)

Site Notice displayed 11 April 2016

Press Notice published 13 April 2016

3. Consultations

Staunton Harold Parish Meeting consulted 5 April 2016

Environment Agency

Severn Trent Water Limited

Head of Environmental Protection

Natural England-

LCC ecology

NWLDC Conservation Officer

4. Summary of Representations Received

The following summary of representations is provided.

Severn Trent raise no objection, subject to the imposition of a condition.

Natural England raise an objection.

LCC Ecology raise no objections, subject to the submission and assessment of a badger survey or 20 metre buffer from the adjacent Spring Wood.

Third Party Representations

1 letter of support has been received stating that:-

The proposed slurry lagoon would reduce the amount of traffic on the main road as it would allow the farm to store more slurry and allow them to apply slurry at more appropriate times using an ambilical pumping system and it will be better for the environment.

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

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

Paragraph 14 (Presumption in favour of sustainable development)
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 Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside
Policy E3 - Residential Amenities
Policy E4 - Design
Policy T3 - Highway Standards
Policy T8 - Parking

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, as the proposed publication version of the Local Plan is to be considered by Council on 28th June with a view to its submission for examination in September, more weight can now be attributed to its policies at this stage.

S4 - Countryside
S5 - Design of new development
IF7 - Parking provision and new development
En1 - Nature Conservation
En6 - Land and Air Quality
He1 - Conservation and enhancement of North West Leicestershire's historic environment

Other Guidance

National Planning Practice Guidance - March 2014.
The Planning (Listed Buildings and Conservation Area) Act 1990
The Protection of Badgers Act 1992

The Wildlife and Country Act 1981.

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).

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.

6. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, scale and design, impact upon the setting of a Listed Building, impact upon SSSI's; ecology, and impact upon residential amenity and highway considerations.

Principle of Development

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development:- economic, social; and environmental.

Paragraph 28 within the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- o Promote the development and diversification of agricultural and other land-based rural business.

The accompanying Design and Access Statement confirms that the farm must be able to hold 5 months worth of slurry and at present there is a deficit, and the new lagoon would provide sufficient storage whilst also allowing for the farm to continue to expand.

As the proposed slurry lagoon has been considered to be necessary for the long term operation of the agricultural holding, the proposal would accord with the aims of Policy S3 of the adopted Local Plan. Furthermore, it is considered that the slurry lagoon would strengthen the viability of the agricultural holding, and promote the development of agricultural business which consequently contributes to the rural economy, in accordance with the overarching intentions of the NPPF.

Scale and Design

The lagoon would measure 95 x 45 metres and will be dug into the ground with a maximum depth of 4.5 metres with a bund to 1.4 metres above ground level.

Given that the lagoon is to be underground, it will only be the 1.4 metre earth bund and the proposed fencing that would be visible above ground level.

The applicant has confirmed that the fencing will be the same as that previously discharged under condition 3 attached to application ref: 09/00501/FUL. The previously approved fencing was 1.85 metre high, using tanalised timber posts single horizontal rail at 1.82 metres above ground level with strands of barbed wire, galvanized netting to a height of 1.8 metres and wire

mesh to 0.9 metres. On the basis that this fencing has been previously approved no objections are raised to using the same fencing.

It is not considered that the earth bund or fencing would be visually prominent from outside of the site, given the existing hedgerows, agricultural buildings and the established planting of Spring Wood.

Overall the design of the proposal would be in accordance with Saved Policy E4 of the adopted Local Plan.

Impact upon the Setting of a Listed Building

The farmhouse of Springwood Farm is a Grade II listed building. The proposed development must be considered against section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting, the decision maker "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 possess".

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) 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.

Although the proposed lagoon would be situated outside the defined area of the listed building, due consideration has been given to the impact the proposed lagoon and fencing may have on the setting of the listed building.

The scheme has been considered by the Council's Conservation Officer who has no observations regarding this submission and therefore is not considered to give rise to any harm.

Overall, given the distance from the lagoon to the listed building, and other than the earth bund and fencing, the development would not be visible about ground level. It is considered that the proposed lagoon would not significantly detract from the setting of the listed building and the scheme is therefore considered to be in accordance with the NPPF.

Impact upon SSSIs

The Environment Agency has raised no objections to the proposal, subject to a note to applicant.

Natural England confirm that the application, as submitted, is likely to harm Dimminsdale - a Site of Special Scientific Interest (SSSI) and other nearby SSSI's.

Natural England state that for a slurry storage area of between 4,000 and 8,000 square metres, the air quality assessment should assess the potential impact of the development on any designated sites within 5km of the slurry lagoon where the slurry is unlikely to be disturbed, and will therefore form a crust or 10km where the slurry is likely to be disturbed and will not form a crust.

Within a 5km radius of the site, there are the following SSSI's - Calke Park, Donington Park,

Lount Meadows, Ticknall Quarries, Breedon Cloud Wood & Quarry, Pasture and Asplin Woods and Breedon Hill, in addition to Dimminsdale SSSI, which would be the most immediately affected, located due west and south-west of the site.

Natural England confirm that the proposed slurry lagoon at Springwood Farm is not more than 500 metres from Dimminsdale SSSI which contains ancient semi-natural woodland of a type uncommon in lowland Britain, and one of the largest unimproved acidic grasslands remaining in Leicestershire which could be damaged or destroyed by significant ammonia emissions or depositions of acid or nitrogen.

In the absence of any air quality information, the size (in terms of capacity and surface area) and proximity of the proposed slurry lagoon to Dimminsdale and other SSSI's means that Natural England are unable to rule out potential negative air quality impacts from the development proposal either alone, or in combination with other sources of air pollution.

Natural England state that the information provided by the applicant's agent does not include any assessment of air quality or information on how any identified negative air quality impacts would be ameliorated and therefore, requests that an air quality assessment of the proposal on nearby designated sites is undertaken.

During the course of the application, following the concerns raised by Natural England, the applicant has provided a rebuttal to the comments. In response, Natural England have stated that the additional information provided does not address the concerns raised in their consultation response and the fact that the new lagoon will be a little further from the SSSI than the old one (ref: 09/00501/FUL) does not provide evidence that air quality impacts are insignificant.

Natural England have also confirmed that the new lagoon would not be accessed by vehicles and when required to be emptied or filled, slurry will be pumped to and from the lagoon into and from the smaller existing slurry lagoon, the subject of application ref: 09/00501/FUL (which is approved), using a removable pipe. Natural England state that since the existing lagoon is going to be retained, this suggests that there will be no reduction in current ammonia emissions and depositions of acid and nitrogen to offset the increase in emissions and depositions, from the new slurry lagoon.

Natural England accept that the new lagoon should result in a more efficient use of the slurry produced on the farm, but that they need to be satisfied that increase storage would not increase ammonia emissions and deposition of acid and nitrogen over Dimminsdale SSSI and other nearby SSSI's.

In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed slurry lagoon would not have a negative air quality impact, either alone or in combination with other sources of air pollution upon Dimminsdale SSSI and other SSSI's within a 5km radius of the site.

Ecology

The scheme has been considered by the County Ecologist who has confirmed that the proposed lagoon would be sited to the east of Spring Wood, which is semi-natural ancient woodland and a 20 metre buffer would be required from badger setts in the woodland to the limits of the construction.

Originally the lagoon was proposed to be sited within 20 metres of Spring Wood, which therefore triggered the requirement for a badger survey, however during the course of the application, amended plans have been received which have re-positioned the slurry to be situated 20 metres from the Wood, which therefore negates the need for a survey.

Impact upon Residential Amenity

All neighbouring properties within 1 km of the site has been consulted upon. One letter has been received in support of the application.

Apart from the application dwelling - the farmhouse of Springwood Farm, the nearest residential dwelling to the proposed lagoon would be Springwood Cottage, located approximately 380 metres away and the most significant impact on the residential amenities of the occupants of Springwood Cottage would be from smells associated with the storage of slurry.

The scheme has been considered by the Council's Environmental Protection Team who have raised no objections. Following the concerns raised by Natural England, officers have liaised directly with the Environmental Protection Team to ascertain if they have any further comments, and the Environmental Protection Team have confirmed they have no issues with regards to odour.

Although the proposed slurry lagoon would create smell implications, it is considered that these would not be significantly detrimental to the residential amenities of the occupants of Springwood Cottage to warrant a refusal of the planning permission given the smells already associated with the operation of the agricultural enterprise and existing slurry.

Highway Considerations

The proposed lagoon would not be accessed by vehicle and therefore there will be no changes to the current access and parking arrangements. There is no further consideration required in respect of highway safety.

Overall, it is considered that the development would not have any significant impact upon highway safety or parking provision and the proposal is considered to be acceptable in relation to Saved Policies T3 and T8 of the adopted Local Plan.

Conclusion

In conclusion, there is no objection in principle to the formation of a slurry lagoon, and it is not considered to give rise to any significant adverse impacts upon visual appearance, impact upon the setting of the Listed Building, impact upon protected species, occupiers of neighbouring properties or highway safety.

However, in the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed slurry lagoon would not have a negative air quality impact, either alone or in combination with other sources of air pollution upon Dimminsdale SSSI and other SSSI's within a 5km radius of the site.

It is considered that any potential benefits of the scheme as proposed would be insufficient to outweigh the conflict with the development plan and the NPPF resulting from the harm as identified in the main body of the report. For the reason discussed above it is recommended that the application be refused.

RECOMMENDATION:- Refuse for the following reason:-

- 1 In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed slurry lagoon would not have a negative air quality impact, either alone or in combination with other sources of air pollution upon features of special scientific interest of the Dimminsdale SSSI's and other identified SSSI's within a 5 km radius of the site, contrary to paragraph 118 of the National Planning Policy Framework, Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System) and the Wildlife and Country Act 1981.

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Variation of condition 4 of planning permission 15/00387/FUL for the change of use to a timber yard and construction of offices and storage building in order to allow for the display of sheds on the site

Report Item No
A6

Former Depot Site Main Street Swannington Leicestershire
LE67 8QP

Application Reference
16/00413/VCI

Applicant:
Mr Russell Boam

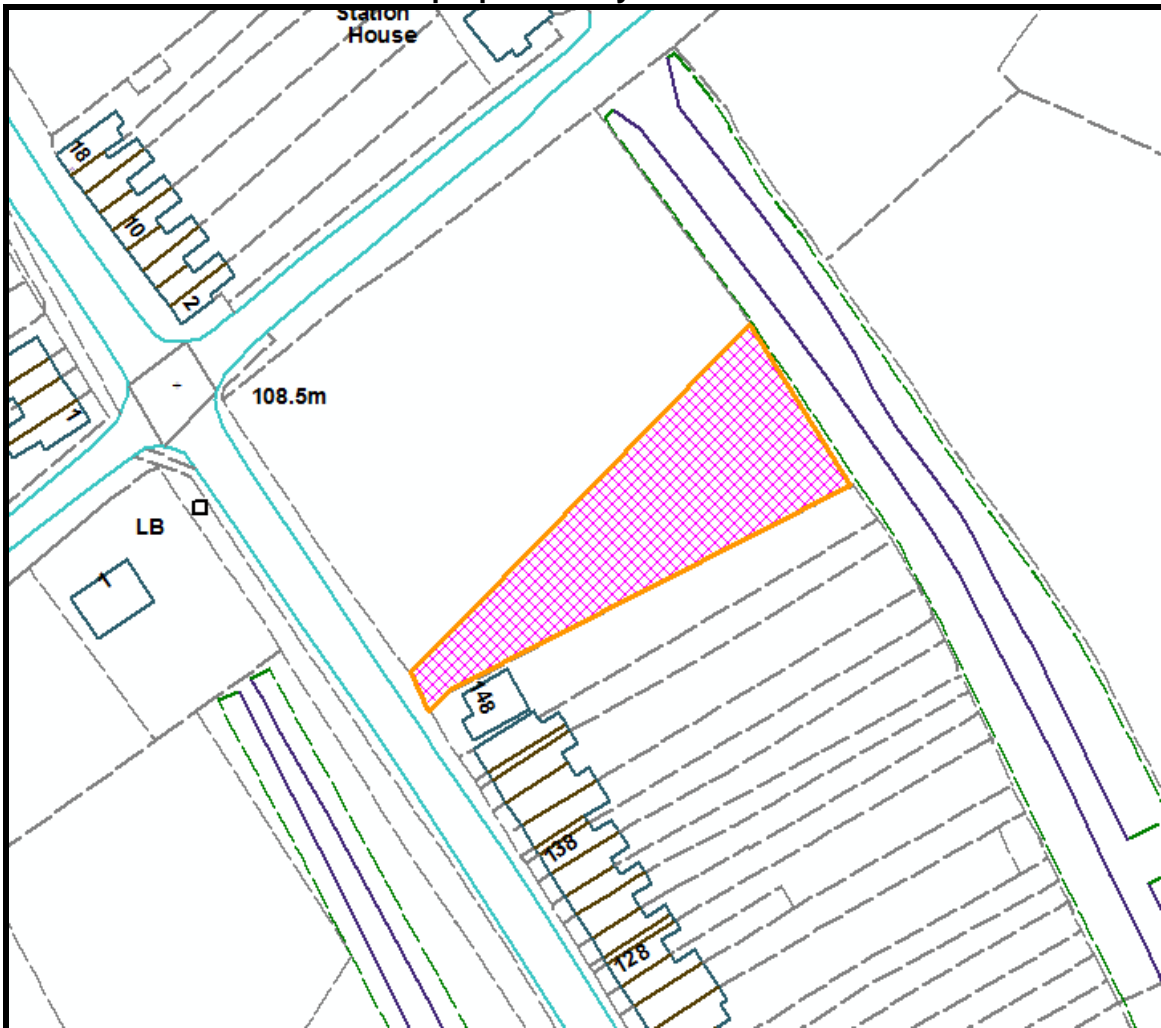
Date Registered
5 April 2016

Case Officer:
Robert McKillop

Target Decision Date
31 May 2016

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 as Councillor Boam is the applicant and an objection has been received from Swannington Parish Council in relation to parking.

Proposal

Planning permission is sought for a variation of Condition 4 of planning permission 15/00387/FUL for the change of use to a timber yard and construction of offices and storage building in order to allow for the display of sheds on the site. The site is within the Limits to Development as designated on the Proposals Map to the Local Plan.

Consultations

Members will see from the report below that no letters of objection have been received from neighbours.

Swannington Parish Council objects to the application on the basis that it would cause parking problems in the vicinity due to insufficient parking availability within the site and the site is close to an already problematic crossroads.

Planning Policy

It is considered that the development would comply with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant policies of the adopted North West Leicestershire Local Plan.

Conclusion

The proposed development is not considered to result in any additional impacts on neighbours in terms of noise or disturbance and the development would have a limited visual impact given the nature of the site and the minor scale of the sheds that would be displayed. There is sufficient space within the site for parking and turning and the application would not result in any significant detrimental impact on highway safety within the surrounding area. 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 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

Planning permission was granted under reference 15/00387/FUL for the change of use to a timber yard and construction of offices and storage building at the Former Depot Site, Main Street, Swannington.

Condition 4 of this planning permission stated the following:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) the premises shall be used only for the purposes specified in your application and for no other purposes whatsoever.

Reason: To preserve the amenities of the locality.

Planning permission is now sought for a variation of Condition 4 of planning permission 15/00387/FUL for the change of use to a timber yard and construction of offices and storage building in order to also allow for the display of sheds on the site.

Relevant Planning History:

10/01104/OUT - Erection of one no. two-storey dwelling (outline- all matters reserved).
Withdrawn.

11/00110/OUT - Erection of one no. two-storey dwelling and detached garage (outline- all matters reserved). Permitted.

15/00387/FUL - Change of use to a timber yard and construction of offices and storage building. Permitted.

16/00420/ADC - Erection of four non-illuminated advertisements (retrospective application). Pending determination.

2. Publicity

4 no neighbours have been notified (Date of last notification 11 April 2016)

Site Notice displayed 15 April 2016

3. Consultations

Swannington Parish Council consulted 11 April 2016

County Highway Authority
Head of Environmental Protection
Planning Enforcement

4. Summary of Representations Received

No letters of representation have been received from members of the public during the course of this application.

Leicestershire County Council - Highways has not raised any objection to this application.

NWLDC Environmental Protection has no observations in relation to this application.

Swannington Parish Council objects to the application on the basis that it would cause parking problems in the vicinity due to insufficient parking availability within the site and the site

is close to an already problematic crossroads.

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 28 (Supporting a prosperous rural economy)

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 S2 - Limits to Development

Policy E3 - Residential Amenities

Policy E4 - Design

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, as the proposed publication version of the Local Plan is to be considered by Council on 28th June with a view to its submission for examination in September, more weight can now be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development

Policy S5 - Design of New Development

Policy IF7 - Parking Provision and New Development

6. Assessment

The principle of the proposed development was assessed and found to be acceptable under the original application reference 15/00387/FUL. In these circumstances the only matter for consideration is whether the addition of the proposed displaying of sheds at the site would be acceptable in terms of impact on residential amenity, visual amenity of the surrounding area and

highway safety.

Residential Amenities

In terms of impact on neighbours, the use of the site as a timber yard would generate a certain level of noise. Although noise impacts are also controlled under separate regulations, the hours of use are controlled by a planning condition attached to the existing permission which would be reattached should this application be granted. Given the existing use of the site, it is deemed that displaying sheds would not increase any noise or disturbance to surrounding neighbours and it is noted that the Council's Environmental Protection Team has not raised any objection in relation to this issue. Overall the development would have an acceptable impact on residential amenity and would accord with Policy E3 of the Local Plan.

Design

Screening from the public realm is provided by existing shrubs along the boundaries of the site. A small part of the site would be set aside for displaying sheds which would be of a relatively minor scale. Given the presence of existing structures at the site, it is considered that this would have a limited impact on the character and appearance of the site. On this basis the application is deemed to accord with Policy E4 of the Local Plan.

Highway Safety

The County Highways Authority raises no objections to this application although has advised that parking and turning should be considered. Permission 15/00387/FUL included five parking spaces within the site boundary and although this application proposes alterations to the layout, it would not significantly reduce the area available for parking and turning within the site boundary. As such, the application is not considered to have a detrimental impact on highway safety and would accord with Policies T3 and T8 of the Local Plan and the 6Cs Design Guide.

Other

As the site has historically operated as a transport depot with a railway line running adjacent to the north eastern boundary of the site, a Land Contamination Assessment should be undertaken. As such, conditions would be attached to any permission granted to ensure the land is fit for use for the proposed development.

Conclusion

The proposal is acceptable in principle and would not have any significant detrimental impact on residential amenity in the area. It would have an acceptable visual impact and would not significantly impact highway safety in the area. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3, E4, T3 and T8. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
 - Location Plan Scale 1:2500, received by the Local Planning Authority on 4th April 2016;
 - Proposed Site Plan Scale 1:500, received by the Local Planning Authority on 4th April 2016.

Reason- To determine the scope of this permission.

- 2 The proposed business shall operate between 0900 to 1800 Monday to Friday and between 0900 and 1700 Saturdays and Sundays. The use of any wood chipping machinery, wood splitters and/or chainsaws is only permitted between 1200 and 1600 Monday to Friday not including Bank Holidays.

Reason- To preserve the amenities of the locality.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) the premises shall be used only for the purposes specified in your application and for no other purposes whatsoever.

Reason- To preserve the amenities of the locality.

- 4 The vehicular access gates should be kept open at all times when the site is operating/in use.

Reason- To protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 5 Within one month of the date of this permission, a Risk Based Land Contamination Assessment shall be 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:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485:2007 Code of Practice for the Characterisation and Remediation from 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:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- 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.

- 6 Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment development must cease on that part of the site until such time as a Remedial Scheme and a Verification Plan have been prepared and submitted to and agreed in writing with the Local Planning Authority. 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:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - 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;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - 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.

- 7 Within one month of the date of this permission, a site layout plan showing five car parking spaces and associated turning area shall be submitted to and approved in writing by the Local Planning Authority. The access, parking and turning shall be provided strictly in accordance with the approved details and shall thereafter not be obstructed and shall permanently remain available for use.

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 and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

Notes to applicant

- 1 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 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 either the Infrastructure Planning team (for `major' accesses serving more than one dwelling) or the Highways Manager (for `minor' accesses serving one dwelling only). For further information, including contact details, you are advised to visit the County Council website as follows: -

For `major' accesses - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg

For 'minor' accesses serving one dwelling contact the Customer Service Centre team
Tel: 0116 3050001.

- 3 In relation to Condition 3, this permission does not allow for sheds to be sold from the site.