

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 10 January 2017
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 6 December 2016	5 - 16
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Head of Planning and Regeneration.	17 - 20



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	16/00967/OUTM: Residential development of up to 135 dwellings, access, infrastructure and public open spaces (Outline) Land at Swebstone Road, Heather, Coalville, Leicestershire, LE67 2RE	REFUSE	21 - 36
A2	16/00617/OUTM: Residential scheme for up to 40 dwellings including a mix of local need, starter, affordable and market dwellings (outline - all matters reserved) Land at Swebstone Road, Heather, Coalville, Leicestershire, LE67 2RF	REFUSE	37 - 54
A3	16/01224/FUL: Erection of 4 bungalows and associated infrastructure Site at Staley Avenue, Ashby De La Zouch, Leicestershire, LE65 2PP	PERMIT	55 - 68
A4	16/01207/FUL: Demolition of existing garages and erection of 2no. two bedroom bungalows. Land Adjacent to 32 Verdon Crescent, Coalville, Leicestershire, LE67 4QW	PERMIT	69 - 78
A5	15/01005/FUL: Demolition of existing buildings and erection of 7 no. dwellings and associated infrastructure Land at Queens Street, Measham, Swadlincote, Derbys, DE12 7JE	PERMIT subject to S106 Agreement	79 - 100
A6	16/01145/OUT: Erection of two dwellings and associated access and parking arrangements (outline - means of access and layout for approval) 23 Church Hill, Swannington, Coalville, Leicestershire, LE67 8QB	REFUSE	101 - 114
A7	16/01247/FUL: Proposed erection of a detached dwelling Land adjacent to 27 Moor Lane, Coleorton, Coalville, Leicestershire, LE67 8FP	REFUSE	115 - 126

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A8	16/01397/PDNATR: Prior approval notification for the demolition and change of use and external alterations of an existing agricultural building to form 1 no dwelling Clock Mill, Swepstone Road, Measham, Swadlincote, Derby, DE12 7HS	PERMIT	127 - 138
A9	16/00287/FUL: Formation of slurry lagoon and associated infrastructure Springwood Farm, Melbourne Road, Staunton Harold, Derby, Leicestershire, DE73 8BJ	PERMIT	139 - 148

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MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 6 DECEMBER 2016

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors R Blunt and T J Pendleton

Officers: Mr C Elston, Mr D Gill, Mr J Knightley, Mr J Mattley, Mr A Mellor and Mr J Newton

64. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Legrys and V Richichi.

65. DECLARATION OF INTERESTS

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

Councillors R Adams, R Boam, J Bridges, R Canny, J Clarke, J Cotterill, J G Coxon, D Everitt, F Fenning, R Johnson, G Jones, N Smith, M Specht, D J Stevenson and M B Wyatt declared that they had been lobbied without influence in respect of item A1, application number 16/00832/OUTM.

Councillors R Adams, J Bridges, D Everitt, M Specht and D J Stevenson declared that they had been lobbied without influence in respect of item A2, application number 16/00305/VCU.

Councillors R Adams, R Boam, J Bridges, R Canny, J Clarke, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, N Smith, M Specht, D J Stevenson and M B Wyatt declared that they had been lobbied without influence in respect of item A3, application number 16/01043/FUL.

Councillor R Johnson declared a non pecuniary interest in items A3 and A7, application numbers 16/01043/FUL and 16/01198/REM as Chairman of Hugglescote and Donington le Heath Parish Council.

Councillor J Bridges declared that he had been lobbied without influence in respect of item A4, application number 16/00798/FUL.

Councillor D J Stevenson declared a non pecuniary interest in items A4 and A5, application numbers 16/00798/FUL and 16/00797/VCUM, as a close associate of the applicant's father. He stated that he would leave the room during consideration of these items.

Councillors J Bridges and M B Wyatt declared that they had been lobbied without influence in respect of item A5, application number 16/00797/VCUM.

Councillors R Adams, R Boam, R Canny, J Clarke, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, N Smith, M Specht and D J Stevenson declared that they had been lobbied without influence in respect of item A6, application number 16/01225/VCUM.

Councillor J Bridges declared a non pecuniary interest in respect of item A6, application number 16/01225/VCUM, as the ward member and having had discussions with local residents and the parish council to resolve issues in respect of the proposals.

Councillors R Boam, J Bridges, R Canny, F Fenning and R Johnson declared that they had been lobbied without influence in respect of item A7, application number 16/01198/REM.

Councillors R Boam, M Specht and D J Stevenson declared that they had been lobbied without influence in respect of items A8 and A9, application numbers 16/00980/FUL and 16/01005/FUL.

Councillor D J Stevenson declared that he had been lobbied without influence in respect of item A10, application number 16/00404/FUL.

Councillor M Specht declared a non pecuniary interest in item A10, application number 16/00404/FUL, as Chairman of Coleorton Parish Council.

Councillor J Cotterill declared a non pecuniary interest in item A10, application number 16/00404/FUL, as Deputy Chairman of Coleorton Parish Council.

66. MINUTES

Consideration was given to the minutes of the meeting held on 1 November 2016.

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

RESOLVED THAT:

The minutes of the meeting held on 1 November 2016 be approved and signed by the Chairman as a correct record.

67. 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.

68. A1

16/00832/OUTM: RESIDENTIAL DEVELOPMENT OF UP TO 36 DWELLINGS, ACCESS, INFRASTRUCTURE AND PUBLIC OPEN SPACE (OUTLINE - DETAILS OF PART ACCESS FROM SWEPSTONE ROAD INCLUDED)

Land North Of Swepstone Road Heather Leicestershire

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

The Head of Planning and Regeneration presented the report to members. He read out a letter from Andrew Bridgen MP stating his objection to the application on the grounds that the site was outside the limits to development and did not constitute limited development as appropriate for a sustainable village. The letter also expressed concerns in respect of the larger pending application and the level of public objection to the application.

Mrs A Wright, parish councillor, addressed the meeting. She stated that the development site was a greenfield site outside the limits to development within the confines of the National Forest, the proposals were contrary to policy S2 and only limited development should be permitted in a sustainable village such as Heather. She made reference to the larger application pending and expressed concerns in respect of facilities being oversubscribed, the hazard caused by increased traffic and the increase in the size of the

village that could potentially arise. She asked members to refuse the application as she felt this could not be considered limited development for a sustainable village.

Mr C Veal, objector, addressed the meeting. He made reference to the other pending applications and urged members not to disregard the concerns of the residents of Heather relating to unsustainable growth. He expressed concerns regarding the safety hazard that would be caused by additional traffic, the lack of key employment areas in the village, the oversubscription of services and the impact upon endangered wildlife in the area.

Mr M Rose, agent, addressed the meeting. He stated that at present, the emerging local plan made no provision to meet the needs or to maintain the sustainability of Heather. He added that up to 11 of the homes would be affordable and within easy walking distance of facilities. He commented that there were a number of significant economic benefits to the proposal which had evolved through a careful design process in consultation with council officers, key stakeholders and the local community. He stated that the scheme would deliver high quality development with a clear sense of place, which would be well integrated with the built form and integrated with the countryside. He highlighted that there were no technical objections to the proposals from statutory consultees and no objection to the transport statement from the Highway Authority. He concluded that the proposals constituted sustainable development.

Councillor D J Stevenson moved that the application be permitted in accordance with the officer's recommendation. This was seconded by Councillor M Specht.

Councillor J Clarke reiterated that the site was outside the limits to development and Heather was a sustainable village, however there was no real shop, no employment opportunities and no prospect of a bus service. He expressed concerns in respect of the safety of the proposed exit onto Swepstone Road. He concluded that he felt the proposals would provide no benefit for those living in the village and would lead to its destruction, and as such he could not support the application.

Councillor F Fenning made reference to the small development of David Taylor Close and sought clarification that this represented sustainable development, as it was established as a rural exception site for the limited growth of housing for local residents. He expressed concern that the proposals represented speculative development and would ruin the agricultural land behind the site, guaranteeing that the larger development would proceed. He also expressed concern in respect of highway safety and water run-off. He stated that he objected to the proposals taking into consideration guidance notes 3 and 4 of the NPPF, as none of the requirements for sustainable rural economy had been met. He added that the proposals would completely overwhelm Heather and was situated at the furthest point from all services. He commented on the high level of affordable housing offered and questioned whether this was achievable.

The Head of Planning and Regeneration advised that the developer had agreed to the affordable housing provision and other developer contributions. He added that there was no evidence to substantiate that the developer could not deliver this.

Councillor R Canny reminded members of an application refused at the previous meeting of the Planning Committee because the site was outside the limits to development, and with a new local plan currently before the Secretary of State, the Planning Committee had felt that the limits to development should not be exceeded at that stage. She felt that for this reason alone, the application should be refused.

Councillor M Specht made reference to the larger application referred to by the speakers. He stated that he was happy to support the application on its own merits as there were no objections from the statutory consultees and the proposals would help sustain the local shop and public house.

Councillor D Harrison expressed support for the application which he felt would help sustain the village.

Councillor J G Coxon commented that he found it difficult to support the application solely because it was outside the limits to development. He added that this was a sensitive area which did not particularly require housing, and to describe the development as infill was incorrect in his opinion as there was no boundary on one side and the development could easily be expanded.

Councillor J Clarke requested a recorded vote.

The Chairman then put the motion to the vote. A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Boam, J Bridges, J Cotterill, D Everitt, D Harrison, J Hoult, M Specht and D J Stevenson (8).

Against the motion:

Councillors R Adams, R Canny, J Clarke, J G Coxon, F Fenning, R Johnson, G Jones, N Smith and M B Wyatt (9).

Abstentions:

None (0).

The motion was declared LOST.

Councillor J Clarke moved that the application be refused on the basis that the site was outside the limits to development and was unsustainable. This was seconded by Councillor R Adams.

The Head of Planning and Regeneration gave advice to members regarding the reasons for refusal and cautioned in the strongest terms that sustainability would be indefensible at appeal as a reason for refusal, not least because the local plan stated that Heather was a sustainable settlement. Following this advice, the mover and seconder of the motion agreed to withdraw this reason for refusal.

The Chairman then put the motion to the vote. A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Adams, R Canny, J Clarke, J G Coxon, F Fenning, R Johnson, G Jones, N Smith and M B Wyatt (9).

Against the motion:

Councillors R Boam, J Bridges, J Cotterill, D Everitt, D Harrison, J Hoult, M Specht and D J Stevenson (8).

Abstentions:

None (0).

The motion was declared CARRIED. It was therefore

RESOLVED THAT:

The application be refused on the grounds that the site was outside the limits to development.

69.

A2

16/00305/VCU: REMOVAL OF CONDITION 2 AND VARIATION TO CONDITION 4 OF PLANNING PERMISSION 14/01090/VC1 TO ALLOW THE PERMANENT USE OF THE LAND AS A TRAVELLER'S SITE WITH SIX TOURING CARAVANS AND AMEND THE SIZE OF THE DAY ROOM

Aylesbury Gardens Newton Road Swepstone Leicestershire

Officer's Recommendation: PERMIT

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

Councillor R Blunt, ward member, addressed the meeting. He made reference to the previous refusals in respect of a permanent permission and stated that nothing had changed in the last 4 years. He added that the site was outside the limits to development, was in an unsustainable location and the proposals would harm the character and appearance of the countryside. He urged members to refuse the application.

Mr C Robinson, parish councillor, addressed the meeting. He stated that the application should be refused as it was not in accordance with the development plan policies or the policies within the emerging local plan, there had been no real change in circumstances since the previous appeal, the proposals would harm the intrinsic character of the countryside and the site was not in a sustainable location. He added that the officer had given significant weight to the 2013 needs assessment although this had recently been updated to accommodate the new definition of traveller. He felt that it was therefore premature to permit this application when the needs assessment was on the cusp of changing. He also expressed concerns in respect of lack of developer contributions in respect of the River Mease. He urged members to overturn the recommendation.

Mr M Reece, objector, addressed the meeting. He pointed out that the temporary permission still had five months to run, and stated that the applicant operated this site commercially and there was no guarantee that the present occupants would be allowed to remain. He commented that if the site had not been illegally occupied and the planning system manipulated, it seemed that a temporary permission would have never been permitted. He expressed concerns that the day room was a visually intrusive structure and was overbearing, the caravans could be seen from the roadside, and the site was not sustainable.

Mr A Statham, agent, addressed the meeting. He highlighted the national shortage of traveller sites. He commented that this was a good site with all the required facilities and was close to local amenities. He spoke in support of the family who currently occupied the site. He urged members to support the application.

Councillor G Jones expressed concerns in respect of the state of the site and that the system was being manipulated. He moved that the application be refused on the grounds that the site was outside the limits to development, the location was unsustainable, and the proposals would harm the character and appearance of the countryside.

The motion was seconded by Councillor M Specht.

Councillor D Everitt commented that he could see no reason to object to the application.

Councillor N Smith reiterated that the site was outside the limits to development, would cause harm to the countryside, had been repeatedly refused and was in an unsustainable location. He added that there was objection to the application from the Highway Authority.

In response to a question from Councillor J Bridges, the Head of Planning and Regeneration clarified that the emerging local plan did not include specifically identified sites for gypsies and travellers, and it was expected that the Council would bring forward a specific document to bring forward sites. He advised that this document had been delayed until next summer at the earliest as set out in the report. He added that at present there was an unmet need and no sites identified to meet that need.

Councillor J Bridges stated that he would support the proposals as refusal could jeopardise the local plan.

Councillor D Harrison stated that he felt the site was inappropriate and he would support the refusal of the application. He also expressed concerns about the brick building on the site and that the planning system was being manipulated.

Councillor M Specht referred to the recent call for sites which had generated no interest from the travelling community, which he found disappointing. He felt that the application was premature considering the pending review.

Councillor D J Stevenson highlighted that no complaints had been made in the last 12 months and reminded members that the day building had been previously allowed on appeal.

A brief discussion ensued to clarify the reasons for refusal of the application.

Councillor M Specht requested a recorded vote.

The Chairman then put the motion to the vote. A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Boam, R Canny, J Clarke, J Cotterill, J G Coxon, F Fenning, D Harrison, J Hault, R Johnson, G Jones, N Smith, M Specht and M B Wyatt (13).

Against the motion:

Councillors J Bridges, D Everitt and D J Stevenson (3).

Abstentions:

Councillor R Adams (1).

The motion was therefore declared CARRIED. It was therefore

RESOLVED THAT:

The application be refused on the grounds that the site was outside the limits to development, was unsustainable, and the proposals would harm the character and appearance of the countryside.

70. A3
16/01043/FUL: ERECTION OF THREE TERRACED DWELLINGS, A TRIPLE GARAGE BLOCK AND HIGHWAY IMPROVEMENTS TO EXISTING ACCESS FROM PRIVATE ROAD ONTO STANDARD HILL

Land Off Private Road Standard Hill Coalville Leicestershire

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to members.

In response to a question from Councillor R Johnson, the Chairman clarified that the only matter currently under discussion was the proposed access.

Councillor R Johnson expressed concerns in respect of the access, the speed of traffic, the loss of parking spaces and the history of accidents on the junction. He stated vehemently that he could not support the proposals.

Councillor D J Stevenson commented that the proposals could help to prevent accidents.

Councillor M Specht stated that he had been lobbied by the ward member whose concern was to ensure that appropriate conditions were in place and on that basis he was happy to support the proposals.

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

RESOLVED THAT:

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

Having declared a pecuniary interest, Councillor D J Stevenson left the meeting during consideration of items A4 and A5 and took no part in the consideration or voting thereon.

Councillor J Bridges took the Chair.

71. A4
16/00798/FUL: CONSTRUCTION OF 8 DWELLINGS WITH ASSOCIATED ACCESS AND TURNING AREA (EXTENSION TO SITE GRANTED PLANNING PERMISSION UNDER 15/00032/FULM)

Land Off Forest Road Coalville Leicestershire

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

The Principal Planning Officer presented the report to members.

Councillor R Johnson expressed concerns regarding the lack of affordable housing provision over both applications.

Councillor J Bridges confirmed that the District Valuer had looked at it, and confirmed the applicant's figures

Councillor M B Wyatt expressed concerns regarding increasing traffic congestion and stated that he could not support any development in this area as residents would suffer.

Councillor M Specht indicated that the Committee should show consistency as they had just turned down an application with 30% affordable housing provision and now concerns were being expressed regarding lack of affordable housing.

Councillor D Harrison stated that he would support the officer's recommendation however he had great reservations about the Council's involvement in securing affordable homes. He welcomed the site being utilised to provide homes, however commented that it was a shame that no affordable housing would be provided.

Councillor J Bridges stated that any member would be at liberty to discuss concerns with the District Valuer directly.

Councillor G Jones expressed reservations in respect of the affordable housing policies, as such homes were often not occupied by local people.

Councillor D Everitt also expressed concerns regarding affordable housing and traffic congestion. He suggested that so-called experts are not in touch with reality, and that in his opinion this was the case with flooding and highways.

Councillor R Adams expressed concerns in respect of the highways implications.

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

RESOLVED THAT:

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

72.

A5

16/00797/VCUM: VARIATION OF CONDITIONS 2, 3, 9, 11 AND 12 OF PLANNING PERMISSION 15/00032/FULM IN ORDER TO ALLOW FOR THE ERECTION OF 30 DWELLINGS WITH A REVISED SITE LAYOUT

Land Off Forest Road Coalville Leicestershire

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

The Principal Planning Officer presented the report to members.

Councillor M B Wyatt stated that he would not be supporting the application as vehicles from an additional 8 houses would cause congestion.

Councillor J Coxon stated that 8 dwellings had just been passed and if this application was refused then there would be no access to the dwellings.

Councillor M Specht commented that he felt the additional traffic would make the road safer, as people drive more slowly when roads are busier.

Councillor R Johnson expressed concerns relating to the speed of additional traffic and water run-off.

Following a comment from Councillor R Johnson, Councillor J Bridges reminded members to confine their comments to the application before them.

It was moved by Councillor D Harrison, seconded by Councillor G Jones and

RESOLVED THAT:

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

Councillor D J Stevenson returned to the meeting and took the Chair.

73. A6
16/01225/VCUM: VARIATION OF CONDITION 2 OF PLANNING PERMISSION
13/00183/FULM TO AMEND HOUSE AND GARAGE TYPES IN ADDITION TO
LANDSCAPING, BOUNDARY TREATMENTS AND LEVELS
 Peveril Homes Site Measham Road Moira Derby

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

Councillor J Bridges, ward member, addressed the meeting. He commented that it had been assumed that the original refusal was based on the whole application rather than specific plots. He added that it had been a pleasure that all parties had been able to work together in the last few weeks to reach a solution. He stated that with the update in respect of drainage issues, he felt that the issues now seemed to have been resolved. He thanked all parties for truly working together.

Mr C Sharp, objector, addressed the meeting. He expressed concerns regarding a lack of consultation, the proximity of one of the plots to his boundary, flooding issues and the impact upon neighbour amenity. He informed Members that a new land drain had been dug, and instantly drained his garden, and sought assurance that the drainage systems would be maintained once the development was complete and asked members to ensure the rights of residents were protected.

A discussion ensued relating to the flooding and drainage issues in response to which the Head of Planning and Regeneration advised that the Section 106 Agreement would require the land drain be maintained either by Severn Trent or a management company. He pointed out that the objector had confirmed that the drainage was working, and added that surface water on the site was being managed on a plot by plot basis as each individual house was being connected to a sustainable drainage system once complete. He added that the developer had also installed additional drainage and was going above and beyond standard practice.

Councillor D Harrison stated that he was now convinced the engineering work would be adequate and the developer would act to remedy any issues. He also felt that the flooding issues had now been resolved and he welcomed the developer's willingness to accept their responsibilities. He noted that the distances between the new homes and existing houses were in accordance with minimum requirements.

Councillor J Hoult sought clarification about a management company.

Councillor G Jones said that the last rain had flooded the objector's garden.

Councillor J Coxon said that the Committee had supported residents but was running out of ideas, and expressed concern that a further refusal would appear unreasonable.

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

RESOLVED THAT:

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

74. A7
16/01198/REMM: FORMATION OF SITE ACCESSES TO STANDARD HILL AND HIGHFIELD STREET (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION REF 12/00007/OUTM)

Land North Of Standard Hill And West Of Highfield Street Coalville Leicestershire

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to members.

In response to comments from members, the Principal Planning Officer clarified that the means of access had already been permitted and it was the layout and landscaping of this part of the site which was under consideration.

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

RESOLVED THAT:

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

75. A8
16/00980/FUL: ERECTION OF A DETACHED DWELLING WITH ASSOCIATED OFF-STREET PARKING (REVISED SCHEME)

Land To The Rear Of 1 Hollow Road Breedon On The Hill Derby DE73 8AU

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to members.

Councillor D Keith, parish councillor, addressed the meeting. She stated that the parish council supported development where it enhanced the village and was well located. She commented that the application was inappropriate in scale, location and form and she asked members to refuse the application. She added that the proposed dwelling would represent an encroachment onto Breedon hill which would harm the historic landscape and cause harm to a major heritage asset. She added that the height differential would cause overlooking to the cottages the zinc roof cladding was inappropriate and incongruous with the surrounding historic properties. She urged members to view the site from various aspects.

Mr R Edwards, objector, addressed the meeting. He expressed concerns regarding claims in the design and access statements, the consultation process, harm caused to the heritage area, the design of the proposed dwelling and setting a precedent. He stated that the proposed dwelling would be a serious incursion into the hillside and dominant in the streetscene. He added that there was no overriding public benefit to justify the application which made no positive contribution to the conservation area. He stated that the development would be spoiling the village in the interests of profit. He concluded that the application was inconsistent with section 12 of the NPPF and he respectfully requested that members refuse the application.

Councillor J G Coxon stated that he had no problem with a dwelling on the site, however the proposed dwelling was totally out of keeping with what was needed in Breedon on the Hill. He supported the parish council in their views and felt the building would be quite prominent.

Councillor G Jones expressed support for the application. He felt that the design was good quality and would enhance the village.

Councillor R Canny felt that the proposals were totally out of keeping with the village and expressed concerns in respect of the height of the building and harm to heritage assets.

The Head of Planning and Regeneration reminded members that there was no objection from Historic England or the conservation officer in respect of harm caused to heritage assets.

A discussion ensued on the design and scale of the proposals.
It was moved by Councillor J G Coxon, seconded by Councillor J Bridges and

RESOLVED THAT:

The application be refused on the grounds that the design was not in keeping with the surrounding area.

- 76. A9**
16/01005/FUL: DEMOLITION OF NO. 1 THE CRESCENT AND ERECTION OF TWO DETACHED DWELLINGS WITH ASSOCIATED WORKS
1 The Crescent Breedon On The Hill Derby DE73 8AY

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to members.

It was moved by Councillor D J Stevenson, seconded by Councillor G Jones and

RESOLVED THAT:

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

- 77. A10**
16/00404/FUL: ERECTION OF A SINGLE STOREY DETACHED DWELLING
Land At Ashby Road Coleorton Leicestershire

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

The Senior Planning Officer presented the report to members.

Councillor G Jones moved that the application be permitted in accordance with the officer's recommendation. This was seconded by Councillor J Cotterill.

Councillor M Specht stated that he was not in support of the application for the reason it was outside the limits to development, was prominent in its setting adjacent to the A512, and the local need referred to in the design and access statement could not be established. He added that the proposals were not of any architectural merit and he could not support the application.

Councillor D Harrison sought to propose that the application be refused. The Legal Adviser clarified that a proposal had been moved and seconded which must be dealt with before a further proposition could be put forward.

Councillor J Cotterill withdrew his support for the motion to permit the application. The motion was therefore not seconded.

It was then moved by Councillor D Harrison, seconded by Councillor J Hoult and

RESOLVED THAT:

The application be refused on the grounds that it was outside the limits to development and inappropriate in design.

78. PROPOSED ALTERATIONS TO SECTION 106 OBLIGATIONS IN RESPECT OF AFFORDABLE HOUSING OBLIGATIONS REQUIRED IN ASSOCIATION WITH RESIDENTIAL DEVELOPMENT AT LAND AT RAVENSTONE ROAD, COALVILLE / COALVILLE LANE, RAVENSTONE

The Principal Planning Officer presented the report to members.

It was moved by Councillor Michael Specht, seconded by Councillor R Adams and

RESOLVED THAT:

The substitution of the existing affordable housing obligations by the provision of 26 units and in accordance with the house type and tenure mix as set out in the report be agreed.

79. TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER ON FIFTEEN YEW TREES AT THE OLD PARSONAGE LONG WHATTON

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

RESOLVED THAT:

The Tree Preservation Order be confirmed.

Councillor R Blunt entered the meeting at 4.47pm during consideration of item A1.

Councillor N Smith left the meeting at 5.51pm on the conclusion of item A2.

Councillor M B Wyatt left the meeting at 6.19pm during consideration of item A6.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 7.09 pm

APPENDIX B

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

10 January 2017

PLANNING & DEVELOPMENT REPORT



PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Regeneration are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Regeneration report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Regeneration.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Regeneration report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Regeneration.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Regeneration.

7 Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Regeneration/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8 Delegation of wording of Conditions

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated

to the Head of Planning and Regeneration.

9. Decisions on Items of the Head of Planning and Regeneration

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

Residential development of up to 135 dwellings, access,
infrastructure and public open spaces (Outline)

Report Item No
A1

Land At Swebstone Road Heather Coalville Leicestershire
LE67 2RE

Application Reference
16/00967/OUTM

Applicant:
Rosconn Strategic Land

Date Registered:
8 August 2016

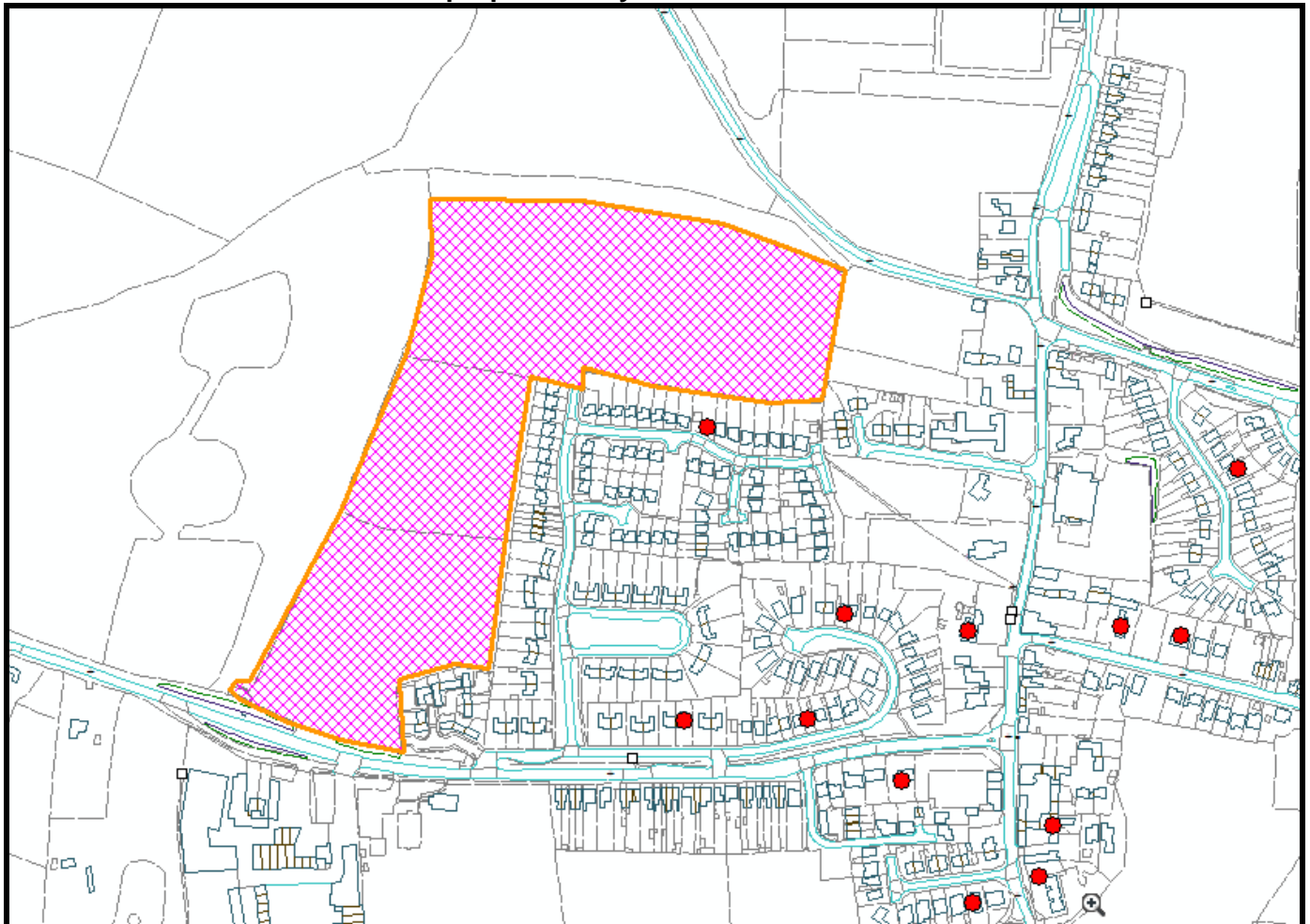
Case Officer:
Robert McKillop

Consultation Expiry:
8 September 2016
8 Week Date:

Recommendation:
REFUSE

7 November 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application has been called to the Planning Committee on the grounds of significant public interest.

Proposal

This application sought outline planning permission for residential development of up to 135 dwellings, access, infrastructure and public open space with part access included at land north of Sweptstone Road, Heather. Following the lodging of an appeal against the application's non-determination, the Local Planning Authority is required to establish what its decision would have been, had it had the opportunity to determine the application.

Consultations

A total of 160 public representations have been received objecting to the application. Heather Parish Council also objects to the development. All other statutory consultees have raised no objections subject to conditions.

Planning Policy

The application site lies outside the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF and other relevant guidance.

Conclusion

As set out in the main report, although a smaller proposed development of 36 dwellings on the southern part of the site was considered to have a less harmful impact, this application proposes the development of 135 dwellings which would wrap around a significant part of the north western edge of Heather. The entirety of the site would be outside the limits to development and the significantly large scale would result in the unnecessary and unwarranted development of greenfield land in the countryside. Whilst there are some economic and social benefits associated with the development, when taking into account the scale and impacts upon the character and appearance of this part of the countryside, it is considered that the proposed development would result in significant environmental harm. The resulting harm from these impacts would significantly and demonstrably outweigh the social and economic benefits and overall the proposal would not represent sustainable development, contrary to the policies and intentions of the NPPF.

RECOMMENDATION - HAD THE LOCAL PLANNING AUTHORITY HAD THE OPPORTUNITY TO DETERMINE THE APPLICATION, IT WOULD HAVE BEEN REFUSED.

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for residential development of up to 135 dwellings, access, infrastructure and public open space with part access included at land north of Sweystone Road, Heather. The site measures 6.7 hectares and is located to the north western edge of the existing settlement. The application site is situated outside the defined Limits to Development and is currently utilised for agriculture.

An indicative layout plan, has been submitted showing a vehicular access on to Sweystone Road and dwellings are shown to wrap around the north western corner of the existing settlement edge, with an attenuation pond and landscaping being provided around the northern and western boundaries.

A design and access statement, heritage statement, Building for Life 12 assessment, soils and agricultural report, flood risk assessment, ecology appraisal, tree survey, transport assessment and draft heads of terms have been submitted in support of the application.

No relevant planning history was found.

At the time of preparing this report the appeal against non-determination had been lodged by the applicant and as such, the Local Planning Authority will be required to advise the Planning Inspectorate what its decision would have been, had it had the opportunity to determine the application, and the purpose of reporting the application to Planning Committee is, therefore, to establish what that decision would have been.

2. Publicity

110 neighbours notified.

Site Notice displayed 18 August 2016.

Press Notice published Leicester Mercury 24 August 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Heather Parish Council objects to the application on the following grounds: -

- The village school and pre-school are at capacity with a shortage of space and staff which would be detrimental to education provision;
- There is no bus service in Heather and children attending school in Ibstock have to walk or be driven to school. A bus service would allow people to access services in Ibstock more easily although these are also stretched to capacity;
- A further 99 dwellings are proposed in a second phase of development which would significantly increase vehicle movements, contrary to the submitted Highways Report;
- There would be a detrimental impact on the main roads in the village which will be made more dangerous for members of the public;
- More trees should be planted between existing houses for shading;
- The application disregards the submitted Local Plan which states Heather is a sustainable village where limited growth will take place within the limits to development - the site is outside limits and is not "limited development";
- There is concern that the sewerage system could not accommodate this development;
- Occupiers of the development would be close to an industrial estate opposite the site.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Developer Contributions requests a contribution of £247,794.66 towards the education sector, a contribution of £4,070.00 towards library services and a contribution of £8,826.00 towards civic amenity.

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

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

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

Leicestershire County Council - Lead Local Flood Authority has no objections subject to conditions.

National Forest Company has no objections subject to adequate woodland planting and landscaping being secured by way of condition.

NHS Leicester, Leicestershire and Rutland requests a contribution of £67,787.28 towards the healthcare sector.

NWLDC - Conservation Officer has no objections to the principle of development.

NWLDC - Environmental Protection has no objections subject to conditions.

NWLDC - Footpaths Officer has no objections subject to no impact on rights of way.

NWLDC - Head of Leisure no representation received.

NWLDC - Street Management has no objections.

NWLDC - Urban Designer has no objections subject to conditions.

Police Architectural Liaison Officer no representation received.

Severn Trent Water has no objections subject to conditions.

Third Party Representations

160 letters of objection to this application have been received which are summarised as follows:

-

- The character of the village would be overwhelmed by the proposed development and the scale of development is contrary to the local plan;
- Draft Local Plan states limited growth is appropriate for Heather;
- The site is outside the limits to development;
- The development if approved would set precedent for development of other sites in Heather;
- There is inadequate employment opportunity in the village to sustain new dwellings;
- There is enough local housing and affordable social housing available in Heather provided by the David Taylor development;
- Heather Primary School and Ibstock High School are already oversubscribed;
- The main road through Heather is already busy and is too narrow to cope with increased traffic

and further traffic surveys are required;

- The development is opposite a local play area and will result in danger to road users and cause negative health impacts from pollution;
- Ibstock Doctors Surgery is struggling to accommodate new patients and service will suffer and the financial contribution is not likely to address this;
- The site is within the National Forest and is used for locals and tourists for recreation and dog walking;
- Views within the village would diminish and its character would be affected;
- The developer has marked the site Grade 3a Agricultural Land although it is Grade 2 Land which is essential for crops and according to the submitted Local Plan should be "less likely to be used for development";
- The ecological survey submitted does not accurately reflect the flora and fauna present on the site and birds, hares, insects and various other species would be affected;
- The development would affect existing residential amenity;
- Drainage is blocked;
- Noise, dust and other impacts will occur during construction;
- There are limited shops and services in the village and new residents would depend on their car contrary to the NPPF;
- The industrial site opposite and events at Cattows Farm could cause health/amenity problems to future occupiers;
- The character for users of the existing right of way across the site would be affected;
- A small part of the site is of archaeological interest.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the 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 7 (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 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 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 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 E7 - Landscaping
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

Submitted North West Leicestershire Local Plan

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

S1 - Future housing and economic development needs
S2 - Settlement Hierarchy
S3 - Countryside
D1 - Design of new development
D2 - Amenity
H4 - Affordable Housing
IF1 - Development and Infrastructure
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
En1 - Nature Conservation
En3 - The National Forest
He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Cc2 - Flood risk

Cc3 - Sustainable Drainage Systems

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in the Heather area

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

North West Leicestershire District Council Play Area Design Guidance SPG

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

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.

5. Assessment

Principle and Sustainability

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the submitted Local Plan.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The District Council is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (inclusive of its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

In respect of social sustainability, some representations have been received which assert that Heather is not socially sustainable, however the District Council considers Heather to be a sustainable settlement for new residential development given the range of services available, including a shop, primary school and nursery, public houses, church and recreation ground as well as some limited employment uses at Dawsons Yard and along Mill Lane. It is also recognised that Policy S2 of the submitted Local Plan, which can be attached some weight in the decision making process, highlights that Heather is a 'Sustainable Village' where a limited amount of growth will be permitted within limits to development. The provision of pedestrian routes into the site, as proposed, would also ensure these services are accessible on foot particularly as they would be within an acceptable walking distance. The applicant is also proposing to fund the extension of the Coalville to Ibstock bus service for a period of five years, which would need to be secured by way of legal agreement. Stops are proposed at Sweystone Road, Main Street and Pisca Lane. This would also enhance the social sustainability

credentials of the development and Heather generally although it is noted that this bus service would only be secured on a temporary basis.

Having regard to the location of the site it is considered that residents of the proposed development would have access to local services which would meet their day to day needs (e.g. a shop), with other facilities and employment opportunities being accessible on foot. In these circumstances it is considered that a development of 135 dwellings would score well against the advice concerning social sustainability contained within the NPPF, with future residents also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

From a social perspective the development would provide 135 dwellings including 41 affordable properties which would contribute to the housing needs of different groups in the community. It is accepted that the development has potential to make some contribution to the economic dimension by virtue of the growth associated with the proposed development (as would be expected from any residential scheme).

In terms of environmental sustainability the land is agricultural and is greenfield land. The site is outside the defined Limits to Development and therefore the 'principle' of the proposal is in direct conflict with Policies S3 of the adopted and submitted Local Plans. It is also noted that whilst Policy S2 of the submitted Local Plan identifies that Heather as a sustainable village, it does specify that any 'growth' should be proposed on land within the Limits to Development. Such policies are considered to be supported by the principles of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

However, as highlighted above, given that the NPPF does not necessarily preclude development on greenfield land any determination would need to be made as to whether the proposed dwellings would impact adversely on the rural environment as specified at Paragraph 17 of the NPPF.

Although a smaller proposed development of 36 dwellings on the southern part of the site was considered to have a more acceptable impact, the development of the 135 dwellings proposed under this application would wrap around a significant part of the north western edge of Heather and the entirety of the site would be outside the limits to development. The significantly large scale of this development would result in the unnecessary and unwarranted development of land in the countryside which would be contrary to the advice in the NPPF. It is also noted that two public footpaths intersect the site with a further footpath adjacent to the north western boundary and given the scale, the development would be visually prominent from all aspects within the surrounding area. As such, it is considered that the landscape and visual impact of up to 135 dwellings on the site would be significantly harmful and the proposed development would not be in keeping with the character and appearance of the existing built settlement or the surrounding area.

With regard to issues of scale, the current estimated number of dwellings in Heather is 439 based on 2011 Census data and new housing build monitoring data acquired by the Council. The additional 135 new dwellings proposed under this application would therefore represent an increase of 30.75% on this existing number of dwellings. As noted above, Heather is identified as a Sustainable Village in the submitted Local Plan where a limited amount of growth will take place within the defined Limits to Development. It is noted that the site is entirely outside the Limits to Development and it is considered that an increase of 30.75% would be a significant addition to the existing village and would not represent limited growth contrary to Policy S2 of

the submitted Local Plan.

In conclusion, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan, and would result in significant harm to the rural environment by way of the loss of a greenfield site outside limits to development and an unnecessary intrusion into the rural landscape. The resulting environmental harm from the scale of the proposal would significantly and demonstrably outweigh the social and economic benefits of the scheme. Accordingly, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable in relation to the development plan or the NPPF.

Density

The net development area of the site is 4.46 hectares and the proposed development would have a density of 30 dwellings per hectare, matching the figure of 30 set out in Policy H6 of the adopted Local Plan for settlements such as Heather. The NPPF states that authorities should set their own approach to housing density to reflect local circumstances and the proposed density is considered appropriate and would accord with Policy H6 of the adopted Local Plan.

Means of Access

All matters are reserved for subsequent approval except for part access. The point of access shown on the submitted plans would be from the north side of Swepstone Road, to the west of David Taylor Close. Whilst the illustrative layout shows internal access roads and provision of pedestrian links to the existing public footpath running across the site, precise details would be dealt with through a subsequent reserved matters application, although their impact on potential accessibility and connectivity of the site still ought to be considered.

The County Highways Authority (CHA) has been consulted on the application and raised no objections subject to the imposition of relevant planning conditions. The suggested planning conditions include off-site highway works for speed reduction measures on Swepstone Road, provision of satisfactory visibility splays and control of surface water in the highway. A construction traffic management plan will also be a requirement to ensure that the development does not result in adverse impacts on the highway.

Although local concern has been expressed with regards to highway safety, Paragraph 32 of the NPPF indicates that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." In the circumstances that the CHA have raised no objections to the proposed access arrangements, it is considered that the development would not have a 'severely' detrimental impact on highway safety as to justify a refusal of the application. On this basis the development would be compliant with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

Neighbours and Future Occupants' Amenities

The impacts on neighbouring occupiers arising from the proposed development would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 135 units could not be provided on the site in a manner which would not significantly adversely impact upon neighbours' amenities.

The application site is located close to the Dawsons Yard industrial estate and although some objections have been received about the potential impacts, it is noted that the application site is on the opposite side of Swepstone Road adjacent to existing residential properties. The District Council's Environmental Protection Team has reviewed the submitted information and has no

objections and it is considered that a residential development could be carried out on the site without future residents suffering any significant noise disturbance. A condition requiring a construction method statement to be submitted would be imposed on any permission granted to ensure an acceptable impact on surrounding neighbours during construction phase.

Overall it is considered that the proposal would not result in significant adverse impacts on health or quality of life and the application would accord with Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Design

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

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with the Building for Life 12 criteria which scores on the basis of red/amber/green. The Council's Urban Designer reviewed the initial proposals for up to 135 dwellings and originally had some concerns over the proposal. These concerns included issues regarding the number of units proposed and form of development especially as no illustrative layout was submitted with the original application.

A masterplan has been submitted with the application and it is accepted that the majority of design issues would need to be fully addressed by reserved matters. Suitable conditions and notes to applicant can be provided to indicate that the design concerns would need to be fully addressed as part of any future reserved matters application(s).

Therefore, whilst the scheme in outline cannot be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme for up to 135 dwellings could be satisfactorily developed on the site.

The application site is not within a Conservation Area and is a significant distance from Heather Hall itself, which is a grade II listed building. It is noted that an area of historic parkland associated with Heather Hall (although no longer within its curtilage) projects north towards Swebstone Road. Although this area of parkland constitutes a non-designated heritage asset, the proposed development would be set significantly away and the Council's Conservation Officer has advised that the development would have a limited harmful effect on the open setting of the historic parkland and accordingly raises no objections.

Overall, it is considered that the development would accord with Paragraphs 131 and 132 of the NPPF, as well as Policy E4 of the adopted Local Plan and Policies D1 and He1 of the submitted Local Plan.

Agricultural Land

Although Natural England's Agricultural Land Classification (ALC) maps categorise the site as 'Very Good' Best and Most Versatile (BMV) land under Grade 2, the agent has confirmed that the land has been assessed and in actuality represents Grade 3a Agricultural Land. Natural England's ALC maps are not sufficiently accurate for assessment of individual fields and therefore the potential loss of agricultural land should be assessed on the basis that the site is Grade 3a.

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 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 6.7 hectares of agricultural land is not considered to represent a significant loss and, therefore the scheme is considered to be acceptable in this regard and would not conflict with Paragraph 112 of the NPPF. It is also noted that the proposal would not disrupt the agricultural operations undertaken on the remaining land.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located within an area of archaeological interest. The County Council Archaeologist initially requested systematic field-walking and a programme of evaluation, comprising test-pitting and/or trial trench evaluation, subject to the results of the fieldwalking. The applicant has undertaken this further work during the course of the application with the findings submitted to the County Council Archaeologist for further consideration. The County Council Archaeologist has confirmed that as no significant archaeological deposits or evidence of settlements were encountered within the site boundaries, no further archaeological work is required in relation to the proposed development. No objections were raised and the development is deemed to accord with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) and drainage strategy has been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site is suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF).

The submitted FRA and drainage strategy indicates that the site is not at significant risk of flooding from surface water runoff from adjacent land or from ground water. The flood risk assessment indicates that a restricted surface water discharge to the tributary of the River Sence flowing along the western boundary of the site represents the preferred method for surface water disposal. In the event that planning permission were granted, conditions would be imposed to ensure that detailed and satisfactory surface water and foul drainage schemes are provided on the site.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and it would be possible to provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the Lead Local Flood Authority raises no objections to the proposed development.

Ecology

The County Council Ecologist has commented on the application and has raised no objections subject to conditions to ensure that vegetation is removed outside the bird nesting season, landscaping to the western boundary involves locally native species only and that an updated badger survey should take place if the development does not commence by May 2017. Conditions in relation to provision of buffer zones along existing hedges and sustainable urban drainage systems have also been requested by the County Council Ecologist. Details of proposed landscaping would be agreed under a subsequent reserved matters application, however subject to suitable conditions, it is considered that the proposed development would have an acceptable impact on ecology and protected species and the application would accord with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

Given the agricultural nature of the site, there are no mature trees within the site, however there are mature hedgerows around the site boundary. The submitted masterplan shows the site could be developed to maintain a buffer zone adjacent to retained hedgerows to ensure they are suitably protected. The precise layout, along with a scheme of planting and landscaping, represent matters that would be reserved for subsequent approval and it could be ensured at that stage that appropriate planting and protection measures are provided. A note to applicant would be attached to any permission granted in relation to native planting and buffer zones to retained hedgerows and on the basis of the aforementioned considerations, the application would have an acceptable impact on landscaping and is considered to accord with Policy E7 of the adopted Local Plan and Policy En3 of the submitted 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 requested developer contributions are listed below.

Affordable Housing

The Council's SPD on affordable housing indicates that for developments of this scale in the Heather area, 30% of the units should be provided as affordable housing (i.e. 41 units, assuming the construction of the maximum 135 dwellings as proposed). In terms of tenure split, the District Council's Affordable Housing Enabler advises that a tenure split of 79% affordable rented and 21% shared ownership would be sought and the District Council's Strategic Housing Team is seeking the following:

Affordable Rented - 32

6 x 1 bed 2 person homes @ 45m²
 6x 2 bed 4 person bungalows @ 67m²
 10 x 2 bed 4 person houses @ 67m²
 10 x 3 bed 5 person houses @ 82m²

Shared ownership - 9

4 x 2 bend 4 person houses @ 67m²
 5 x 3 bed 5 person house @ 82m²

However, it is accepted that the current requirements are likely to change over time, and it is considered appropriate for the Section 106 agreement to secure a minimum of 30% (and including the tenure split suggested above) with the actual contribution in terms of unit types to be agreed by the District Council. The applicant is agreeable to the above.

Transportation Contributions

The County Highway Authority has requested the following developer contributions, required in the interests of reducing highway disruption during construction, encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use and general highway safety:

- A Construction Traffic Routing Agreement to be submitted to and agreed in writing by the Highway Authority;
- Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after occupation of the last unit;
- 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);
- A Travel Plan monitoring fee of £6,000;
- Provision of bus service for a minimum of five years from first occupation;
- If a reduction in speed limit is not delivered through additional street lighting, the full contribution for a Traffic Regulation Order (TRO) will be required to deliver the change of speed limit

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 Heather Primary School. The School has a net capacity of 112 and 120 pupils are projected on the roll should this development proceed; a deficit of 32 pupil places. No pupil places at this school are currently funded by S106 agreements for other developments in this area.

There are two other Primary Schools within a 2 mile walking distance of the site, Ibstock Junior and Ibstock St Deny's C of E Primary which have a surplus of 89 places and 11 places respectively (after S106 funded places have been discounted). As there is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 68 pupil places, no contribution has been requested for this sector.

High School Requirements

The site falls within the catchment area of Ibstock Community College. The College has a net capacity of 705 and 850 pupils are projected on the roll should this development proceed; a deficit of 145 pupil places. There are 160 pupil places at this school being funded by S106 agreements from other developments in the area to be discounted which reduces the deficit at this school and creates a surplus of 15 pupil places. There are no other high schools within a three mile walking distance of the proposed development and on this basis, an education contribution has not been requested for this sector.

Upper School Requirements

The site falls within the catchment area of Ashby School, which has a net capacity of 1842 and 2046 pupils are projected on roll should this development proceed; a deficit of 204 pupil places. A total of 150 pupil places are being funded at this college from S106 agreements for other developments in this area which need to be discounted and reduces the total deficit to 54 (of which 40 are existing and 14 are generated by this proposed development). There are no other upper schools within a three mile walking distance of the site and an education contribution in

this sector is therefore justified. As such, £247,794.66 is requested which would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ashby School. The applicants are agreeable to making these contributions.

There is some minor clarification being sought from Leicestershire County Council Education department in respect of the capacities of local schools and the requested contributions. Any response received will be reported on the update sheet.

Children's Play Equipment

There is an existing children's play area on the opposite side of Sweystone Road which would be less than 400 metres from the proposed site. As such, no on-site play area is proposed under this application although a contribution towards the maintenance and enhancement of existing recreation and children's play areas within the village will be sought. The precise contribution required would be secured through a S106 agreement and the applicants are agreeable to making these contributions.

Library Services

The proposed development is within a 2 mile walking distance of Ibstock Library and the proposal would impact on local library services in respect of additional pressures on the availability of local library facilities. Therefore, a library contribution of £4,070.00 is requested. The applicants are agreeable to making these contributions.

Civic Amenity

The nearest Civic Amenity Site is located in Coalville. The proposal would impact on this site in respect of additional waste which would not exist but for the proposed development. Therefore, a civic amenity contribution of £8,826.00 is requested. The applicants are agreeable to making these contributions.

National Forest Planting

The application site extends to 6.68ha and the National Forest Company's (NFC) Planting Guidelines, as set out in the Guide for Developers and Planners, expects 20% of the site area to be for woodland planting and landscaping. This would equate to 1.33ha and the submitted Design and Access Statement confirms that open space extending an area of 2.23ha would be provided, including 0.62ha of woodland planting. The NFC have not raised any objections subject to this provision of open space, woodland planting and protection of woodland to the northern and western boundaries, in addition to adequate sustainable drainage features, being incorporated in a subsequent reserved matters application. In the event that planning permission is granted, this would need to be secured by condition or legal obligation.

Subject to the inclusion of relevant conditions and obligations which include, amongst other things, detailed landscaping plans, the National Forest Company raise no objection to the proposed development.

Footpaths

In respect of the footpath diversion, this is considered under separate legislation and a footpath diversion application does not need to be applied for at this time, it is only required when full planning permission is in place i.e. both outline and reserved matters, but would need to be in place prior to the commencement of any development. This is because until a reserved matters application is submitted, the precise route of any diversion is not known and the diversion will need to be in place prior to the commencement of development to ensure that a dwelling or other associated infrastructure is not constructed on the footpath.

Conclusion

As set out in the main report above, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan. Furthermore, the proposed development would have a significantly harmful impact upon the character and appearance of the rural landscape and would represent an incongruous intrusion into the countryside. 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.

RECOMMENDATION- Had the Local Planning Authority had the opportunity to determine the application, it would have been REFUSED for the following reason;

- 1 Policy S2 of the submitted Local Plan allows for limited growth within limits to development. Policy S3 of the adopted and submitted Local Plans provide a presumption against residential development outside limits to development with Paragraph 17 of the NPPF also indicating that planning should recognise the intrinsic character and beauty of the countryside. The large scale housing development proposed on this greenfield site would significantly diminish, the present open character and rural appearance of this site. The proposed development would have a significantly harmful impact upon the character and appearance of the landscape and would appear as an unwarranted and incongruous intrusion into the countryside. Approval of the application would result in the unnecessary development of land located outside limits to development, not constituting sustainable development, and contrary to the policies and intentions of the NPPF, as well as Policy S2 of the submitted Local Plan and Policy S3 of the adopted and submitted Local Plans.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. In the Local Planning Authority's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The Local Planning Authority has therefore complied 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.

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Residential scheme for up to 40 dwellings including a mix of local need, starter, affordable and market dwellings (outline - all matters reserved)

Report Item No
A2

Land At Swebstone Road Heather Coalville Leicestershire
LE67 2RF

Application Reference
16/00617/OUTM

Applicant:
Mr V Richichi

Date Registered:
8 June 2016

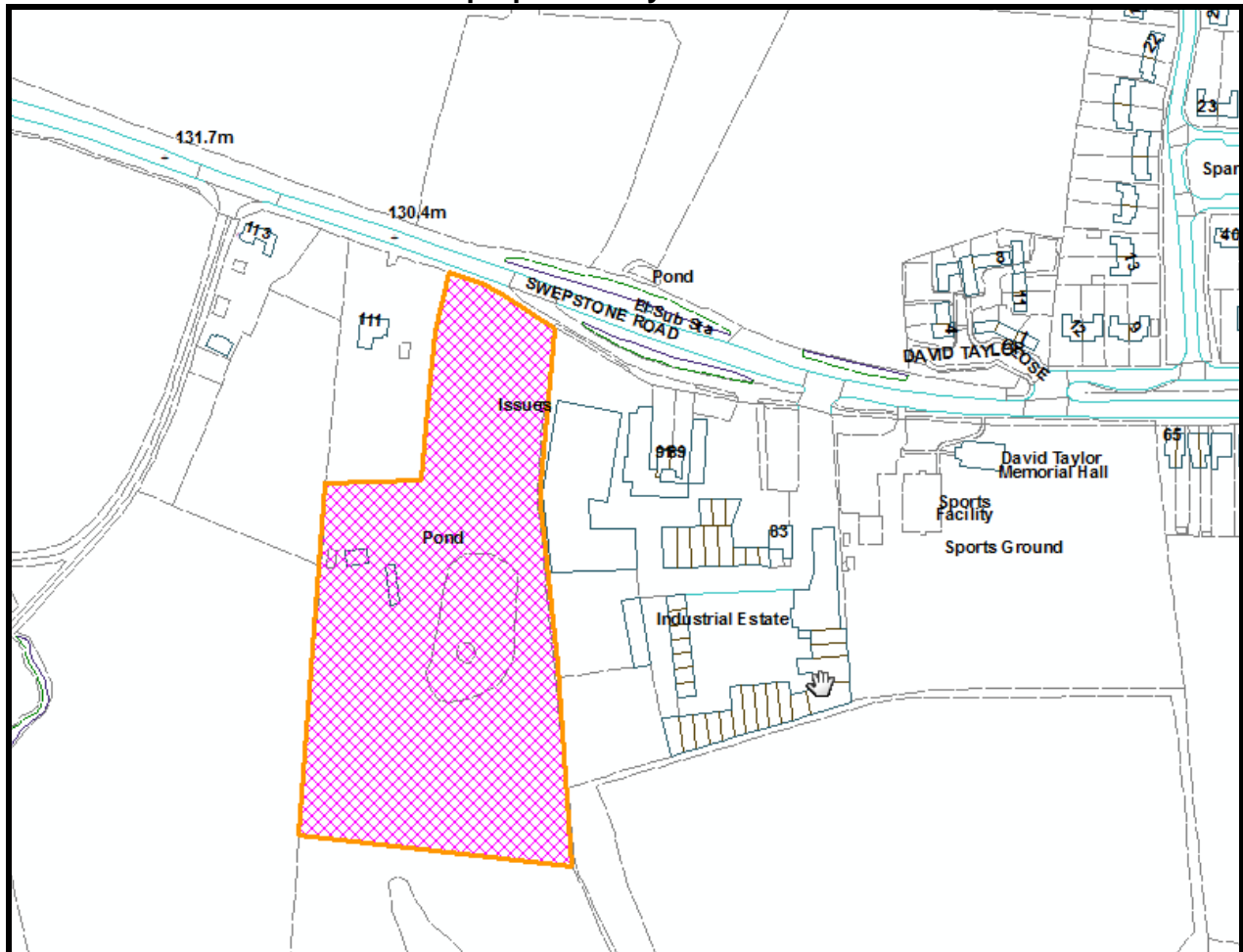
Case Officer:
James Mattley

Consultation Expiry:
No expiry date entered

Recommendation:
REFUSE

8 Week Date:
7 September 2016
Extension of Time:
11 January 2017

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is being considered by the Planning Committee because the applicant is a serving member of the Council.

Proposal

Planning permission is sought for a residential scheme for up to 40 dwellings including a mix of 'local need', starter, affordable and market dwellings (outline - all matters reserved) at Swepstone Road, Heather. The application site which measures 2 hectares is located outside the Limits to Development as defined by the adopted and submitted Local Plans.

Consultations

A total of 18 representations have been received opposing the development. A total of 10 representations have been received supporting the development. The Parish Council and the Lead Local Flood Authority object to the development. All other statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted and submitted Local Plan. Also material to the determination of the application, however, 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 below, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan, and would result in a significant degree of harm to the rural environment by way of the loss of a greenfield site which is rural in appearance and poorly related to the main built up settlement of Heather. 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.

In terms of issues in relation to flood risk and drainage, it is considered that the scheme is unacceptable, as the submitted information has not demonstrated that the development of the site could come forward without the potential to increase flood risk to the site or the surrounding area.

The proposal includes for a range of house types but does not provide for 30% affordable housing as required in the Heather area within Key Principle AH3 of the Local Planning Authority's Affordable Housing SPD. It has not been demonstrated that there is a viability issue on the site so a reduction in the amount of affordable housing provision would not be acceptable in this instance. The scheme would not be in accordance with Policy H8 of the adopted Local Plan, H4 of the submitted Local Plan or the advice in 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 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 a residential scheme for up to 40 dwellings including a mix of 'local need', starter, affordable and market dwellings (outline - all matters reserved) at Sweystone Road, Heather. The application site which measures 2 hectares is located outside the Limits to Development as defined by the adopted and submitted Local Plans.

Whilst all matters are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with public open space and landscaping.

The following housing types are proposed:

15 x 'local needs' homes (10 bungalows)
 15 x starter homes
 6 x affordable houses
 4 x market housing

The application is accompanied by a flood risk assessment, heritage report, archaeological desk-based assessment, ecological survey, building for life assessment, design and access statement, noise impact assessment, coal mining report and geotechnical desk study.

The application is being considered at the Planning Committee because the applicant is a serving member of the Council.

No relevant planning history found.

2. Publicity

61 neighbours notified.
 Site Notice displayed 14 June 2016.
 Press Notice published Leicester Mercury 22 June 2016.

3. Summary of Consultations and Representations Received

A total of 18 representations have been received objecting to the proposal on the following grounds:

- development would be unsustainable especially when taking into account other residential applications in Heather;
- existing infrastructure in Heather is inadequate;
- proposal would rely on the private car;
- the size of Heather cannot support the level of development;
- highway safety issues;
- would lead to further congestion within Heather;
- impact on adjacent listed buildings;
- Heather is not a sustainable village and does not have a bus service or employment opportunities;
- impact upon residential amenities;
- impact upon ecology
- an existing water body on the site has been filled in;
- the applicant is a Councillor;

- the information provided with this application is limited;
- original ecology survey is inadequate;
- all schemes in Heather should consist of 30% affordable housing;
- impact upon agricultural land;
- impacts during construction;
- drainage issues.

A total of 10 representations have been received supporting the proposal on the following grounds:

- would provide more affordable housing and homes for the elderly;
- the scale of development is suitable for the size of the village;
- would provide homes for young adults;
- there are no immediate neighbours which would be affected;
- the land is enclosed and would not result in further development;
- the existing land is not suitable for farming.

Heather Parish Council objects to the proposal on the following grounds:

- greenfield site;
- impact upon nearby listed buildings;
- would be close to an industrial site (Dawsons Yard);
- the school is full;
- there is no bus service;
- the doctors surgery is at capacity;
- there is no post office;
- there is no footpath from the application site to local services;
- highway safety issues;
- the application site is too remote to contribute towards existing services in the village;
- impact on sewage system;
- no Housing Needs Survey has been carried out;
- seeking clarification on what S106 contributions would be sought.

Leicestershire County Council Archaeologist has no objections subject to conditions.

Leicestershire County Council Civic Amenity Team requests a developer contribution of £2615.

Leicestershire County Council Ecologist has no objections to the proposed development.

Leicestershire County Council Education Department requests a developer contribution of £189,571.14.

Leicestershire County Council Highway Authority has no objections subject to conditions.

Leicestershire County Council Lead Local Flood Authority (LLFA) objects because insufficient information has been provided to address flood risk from the site.

Leicestershire County Council Library Service Team requests a developer contribution of £1210.

National Forest Company has no objections subject to conditions/obligations.

North West Leicestershire Environmental Protection Section has no objections subject to conditions.

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the 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 7 (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 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 55 (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 131 (Conserving and enhancing the historic environment);
- Paragraph 132 (Conserving and enhancing the historic environment);
- Paragraph 134 (Conserving and enhancing the historic environment);
- Paragraph 137 (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 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 E7 - Landscaping
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 5 or more dwellings in the Heather area

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

North West Leicestershire District Council Play Area Design Guidance SPG

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

Submitted North West Leicestershire Local Plan

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

S1 - Future housing and economic development needs
S2 - Settlement Hierarchy
S3 - Countryside
D1 - Design of new development
D2 - Amenity
H4 - Affordable Housing
IF1 - Development and Infrastructure
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
En1 - Nature Conservation
En3 - The National Forest

Cc2 - Flood risk

Cc3 - Sustainable Drainage Systems

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.

5. Assessment

Principle and Sustainability

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the submitted Local Plan.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The District Council is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (inclusive of its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

In respect of social sustainability, it is noted that third party representations have been received which comment that Heather is not socially sustainable, however the District Council considers Heather to be a sustainable settlement for new residential development given the range of services available, including a shop, primary school and nursery, public houses, church and recreation ground as well as some limited employment uses at Dawsons Yard and along Mill Lane. It is also recognised that Policy S2 of the submitted Local Plan, which can be attached some weight in the decision making process, highlights that Heather is a 'Sustainable Village' where a limited amount of growth will be permitted. The scheme includes for the inclusion of a new footpath on the northern side of Swepstone Road in order to access the services identified above.

Having regard to the location of the site it is considered that residents of the proposed development would have access to services which would meet their day to day needs (e.g. a shop), with other facilities and employment opportunities being accessible on foot but it is noted that the site is physically separate to and located on the edge of the settlement, with the result that these services are more distant. The provision of 40 dwellings could result in future residents also assisting in sustaining these services for the future, which is a key intention of Paragraphs 28 and 55 of the NPPF.

From a social perspective the development would provide 40 dwellings with the following

housing typologies proposed:

- 15 x 'local needs' homes (10 bungalows)
- 15 x starter homes
- 6 x affordable houses
- 4 x market housing

The provision of starter homes and local needs dwellings cannot be considered to be affordable dwellings and the scheme would not represent a conventional rural exception site (such as David Taylor Close, located nearly opposite the site). The house types proposed would not directly respond to the housing needs survey which has recently been carried out in Heather.

It is accepted that the development has some potential to make some contribution to the economic dimension by virtue of the growth associated with the proposed development (as would be expected from any residential scheme).

In terms of environmental sustainability the site is greenfield land. The site is outside the defined Limits to Development and therefore the 'principle' of the proposal would be in direct conflict with Policies S3 of the adopted and submitted Local Plans. It is also noted that whilst Policy S2 of the submitted Local Plan identifies that Heather is a sustainable village, it does specify that any 'growth' should be accommodated on land within the Limits to Development. Such policies are supported by the principles of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

However, as highlighted above, given that the NPPF does not necessarily preclude development on greenfield land and determination would need to be made as to whether the proposed dwellings would impact adversely on the rural environment as specified at Paragraph 17 of the NPPF.

On the basis of the Proposals Map to the adopted and submitted Local Plan, the application site would not abut the defined Limits to Development and is divorced from the existing settlement of Heather. The site is rural in nature and the proposal would result in significant harm to the character and appearance of the locality. The development of this site would result in an incongruous and unnecessary development in the countryside which would be contrary to the advice in the NPPF. It is considered that the landscape and visual impact of up to 40 dwellings on the site would be significantly harmful and the proposed development would not be in keeping with the character and appearance of the surrounding area.

In conclusion, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan, and would result in a significant degree of harm to the rural environment by way of the loss of a greenfield site which is rural in appearance and divorced from the main built up settlement of Heather. 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 principle of development, consideration of other issues relevant to the application is set out in more detail below.

Means of Access and Transportation

All matters are reserved for subsequent approval including the access point into the site and the internal access arrangements. The illustrative layout shows internal access roads and a new vehicular access in the north-eastern section of the site. However, these access arrangements would be a matter for the reserved matters stage(s).

The application is accompanied by a design and access statement which indicates that a new pedestrian footpath would be provided and that the 30mph signage would be relocated. The County Highway Authority (CHA) has reviewed the submitted information and would not support the relocation of the 30mph signage given the characteristics of the site but raises no objections to the proposal providing that the reserved matters submission includes for the downgrading of the existing service road to Dawsons Yard. Suitable conditions and legal obligations would need to be included if planning permission were to be granted and would need to secure details of the routing of construction traffic along with other contributions in respect of public transport.

In conclusion, the County Highway Authority raises no highway safety objections to the proposed scheme subject to the inclusion of relevant conditions and obligations. Taking these matters into account, therefore, the proposed development is considered acceptable in terms of Means of Access and Transportation issues and would comply with Policy T3 in the adopted Local Plan, Policy IF4 in the submitted Local Plan and the advice in the NPPF.

Neighbours' Amenities

The impacts on neighbouring occupiers arising from the proposed development would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 40 units could not be provided on the site in a manner which would not significantly adversely impact upon neighbours' amenities.

The application is accompanied by a noise report given that the application site is located directly adjacent to the Dawsons Yard industrial estate. This report concludes that a residential development could be located on the site without causing significant disturbance to internal noise levels and external garden areas of the proposed properties and that no additional mitigation measures would be required.

The District Council's Environmental Protection team has reviewed the submitted information and has no objections and it is not considered that the proposal would result in significant adverse impacts on health or quality of life. Accordingly, the requirements under Policy E3 of the adopted Local Plan and D2 of the submitted Local Plan are considered to have been met by the scheme and the proposal would not conflict with paragraph 123 of the NPPF.

Design

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABE's Building for Life 12 criteria which scores on the basis of red/amber/green. The Council's Urban Designer reviewed the original proposals for up to 40 dwellings and originally had some concerns over the proposal. These concerns included issues regarding the amount of development and form of development especially as no illustrative layout was submitted with the original application.

The applicant's agent has now submitted a more detailed illustrative layout showing how the dwellings could be positioned on the site with areas of public open space. It is accepted that the majority of these issues would need to be fully addressed by reserved matters. Suitable conditions and notes to applicant can be provided to indicate that the design concerns would need to be fully addressed as part of any future reserved matters application(s).

Therefore, whilst the scheme in outline cannot be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme for up to 40 dwellings could be satisfactorily developed on the site, and would comply with Policy E4 of the adopted Local Plan, Policy D1 of the submitted Local Plan and advice in the NPPF.

Density

Adopted Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere.

The application site area is given as 2.00 hectares and the maximum of 40 dwellings proposed by the developer would therefore equate to a maximum density of 20 dwellings per hectare, which would fall short of the requirements set out in Policy H6. However, when considering that parts of the site would be taken up by the creation of landscaping and public open space, the net dwelling density would be higher and more in-line with that stated in Policy H6. It is also recognised that a reduced density would be more appropriate in this edge of settlement location. Therefore, the scheme is considered to have an appropriate density.

Ecology and Trees

The application is supported by an ecological appraisal that was submitted during the course of the application. The appraisal concludes that the proposed development of the site will have no adverse effect on any protected species on site or in the immediate and wider local area. No further mitigation measures are deemed to be required by the submitted ecological appraisal.

There are trees and hedges on the site boundaries which may provide suitable habitat for protected species. The majority of hedgerows and trees are to be retained although there could be some impacts in respect of the access point along Swepstone Road although the extent of tree/hedgerow loss would need to be considered further at the reserved matters stage. In the event that planning permission were to be granted, conditions could be attached to any planning permission requiring root protection areas to be specified at the reserved matters stage.

Leicestershire County Council's ecologist considers that the ecology report is satisfactory and accepts the assessment that there will be no significant impacts.

Therefore, subject to the imposition of suitably-worded conditions and notes to applicant the submitted scheme is considered acceptable in ecological terms and in respect of the impact upon trees. The scheme is, therefore, acceptable in relation to Policy E7 of the adopted Local Plan, En1 of the submitted Local Plan and the advice in the NPPF.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) has been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this

basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF).

The submitted FRA notes that there is an existing watercourse that is present on the application site itself. The only risk identified in the FRA is from accelerated surface water run off and, therefore, it is advised that a Sustainable Urban Drainage system (SUDs) is provided at the reserved matters stage.

However, the Lead Local Flood Authority (LLFA) do not accept the findings in the originally submitted FRA. They recommended that the application be refused as insufficient information had been submitted. Additional information was requested in relation to greenfield run-off rates, extent of attenuation storage and an adequate assessment of SUDs. In addition they noted that an existing pond (which has now been filled in) and two natural springs were identified on the site and that no assessment was included on the FRA regarding these features. The conclusion from the LLFA was that the development of the site has the potential to increase flood risk to the site and the surrounding area.

A more detailed FRA has been submitted to address the concerns identified above but the LLFA do not consider that the submitted information has addressed the specific issues raised. The LLFA note that the submitted documents contain contradictory information with regard to boggy conditions on the site and it remains unclear whether it is caused by the two springs, a broken land drain or through the removal of the pond. Despite the submission of further information the concerns of the LLFA remain and the scheme cannot be considered to be acceptable in flood risk or drainage terms.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is unacceptable, as the submitted information has not demonstrated that the development of the site could come forward without the potential to increase flood risk to the site and the surrounding area.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located within an area of archaeological interest. The County Council Archaeologist initially responded to consultation to request an archaeological desk-based assessment and field evaluation (including trial trenching). The applicant has undertaken a desk-based assessment which confirms that there is good potential for the presence of archaeology but that there has been ground disturbance on the site.

On the basis of this additional information, the County Archaeologist has confirmed that the required archaeological investigation can be secured through suitable worded planning conditions. Therefore, the development is deemed to be compliant with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

Heritage

Heather Hall is a Grade II listed building located to the west of the application site. The Council's Conservation Officer originally raised some concerns over the impact of the proposal upon the setting of Heather Hall which was partly based on the lack of heritage information which accompanied the original application. Following the submission of a heritage report during the course of the application the Council's Conservation Officer considers that any harm arising from the proposed development could be mitigated through careful landscaping and

ensuring that the access into the site is utilised rather than a new access being formed closer to Heather Hall. Such matters would need to be considered further at the reserved matters stage although it is clear that it would be possible to site up to 40 dwellings on the site without causing any harm to heritage assets.

On this basis, the scheme is considered to be acceptable in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the advice in the NPPF.

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 requested developer contributions are listed below.

Affordable Housing

The Council's SPD on affordable housing indicates that for developments of this scale in the Heather area, 30% of the units should be provided as affordable housing (i.e. 12 units, assuming the construction of the maximum 40 dwellings as proposed). As discussed above, the scheme has been submitted on the basis of providing a mix of housing types including 'local need' and starter homes but only 6 of the units would be provided as affordable housing which would fall short of the required 30%.

Government guidance as set out in the recently issued Planning Practice Guidance advises that, where an applicant is able to demonstrate that a planning obligation would cause a development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations, and that affordable housing contributions in particular should not be sought without regard to individual scheme viability. However, the NPPF also provides that, where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development.

Given that no viability information has been provided to demonstrate that there is a viability issue on the site a reduction in the amount of conventional affordable housing provision would not be considered to be acceptable in this instance. The scheme would not be in accordance with Policy H8 of the adopted Local Plan, H4 of the submitted Local Plan or the advice in the NPPF.

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, reducing car use and highway safety:

- 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).

The County Highway Authority have also requested that details of the routing of construction traffic be included in the legal agreement. The applicant is agreeable to making this contribution.

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 Heather Primary School. The School has a net capacity of 105 and 134 pupils are projected on the roll should this development proceed; a deficit of 29 pupil places. No pupil places at this school are currently funded by S106 agreements for other developments in this area.

There are two other Primary Schools within a 2 mile walking distance of the site, Ibstock Junior and Ibstock St Deny's C of E Primary which have a surplus of 103 places and 28 places respectively (after S106 funded places have been discounted). As there is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 102 pupil places, no education contribution has been requested for this sector.

High School Requirements

The site falls within the catchment area of Ibstock Community College. The School has a net capacity of 705 and 850 pupils are projected on the roll should this development proceed; a deficit of 145 pupil places. There are 145 pupil places at this school being funded by S106 agreements from other developments in the area to be discounted which reduces the surplus/deficit at this school and on this basis, an education contribution has not been requested for this sector.

Upper School Requirements

The site falls within the catchment area of Ashby School, which has a net capacity of 1841 and 2043 pupils are projected on roll should this development proceed; a deficit of 202 pupil places. A total of 149 pupil places are being funded at this college from S106 agreements for other developments in this area which need to be discounted and reduces the total deficit to 53 (of which 49 are existing and 4 are generated by this proposed development). There are no other upper schools within a three mile walking distance of the site and an education contribution in this sector is therefore justified. As such, £73,420.64 is requested which would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ashby School. The applicant is agreeable to making this contribution.

There is some minor clarification being sought from Leicestershire County Council Education department in respect of the capacities of local schools and the requested contributions. Any response received will be reported on the update sheet.

Children's Play Equipment

There is an existing children's play area on Swepstone Road which would be less than 400 metres from the proposed site. As such, no on-site play area is proposed under this application although a contribution towards the maintenance and enhancement of existing recreation and children's play areas within the village will be sought. The precise contribution required would be secured through a S106 agreement and the applicant is agreeable to making this contribution.

Library Services

The proposed development is within a 2 mile walking distance of Ibstock Library and the proposal would impact on local library services in respect of additional pressures on the availability of local library facilities. Therefore, a library contribution of £1,210 is requested. The applicant is agreeable to making this contribution.

Civic Amenity

The nearest Civic Amenity Site is located in Coalville. The proposal would impact on this site in respect of additional waste which would not exist but for the proposed development. Therefore, a civic amenity contribution of £2,615.00 is requested. The applicant is agreeable to making this contribution.

National Forest Planting

The application site extends to 2ha and the National Forest Company's (NFC) Planting Guidelines, as set out in the Guide for Developers and Planners, expects 20% of the site area to be for woodland planting and landscaping. This would equate to 0.4ha in this instance.

The NFC raises no objection subject to either 0.4ha of on-site woodland planting being shown at the reserved matters stage or a financial contribution of £8,000 in lieu of this on-site planting. In the event that planning permission is granted, this would need to be secured by condition or legal obligation.

Subject to the inclusion of relevant conditions and obligations the National Forest Company raise no objection to the proposed development.

Conclusions

As set out in the main report above, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan, and would result in a significant degree of harm to the rural environment by way of the loss of a greenfield site which is rural in appearance and divorced from the main built up settlement of Heather. 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.

In terms of issues in relation to flood risk and drainage, it is considered that the scheme is unacceptable, as the submitted information has not demonstrated that the development of the site could come forward without the potential to increase flood risk to the site, the surrounding area and could place the development at risk of groundwater flooding.

The proposal includes for a range of house types but does not provide for 30% affordable housing as required in the Heather area. Given that no information has been provided to demonstrate that there is a viability issue on the site a reduction in the amount of affordable housing provision would not be considered to be acceptable in this instance. The scheme

would not be in accordance with Policy H8 of the adopted Local Plan, H4 of the submitted Local Plan or the advice in the NPPF.

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

RECOMMENDATION - REFUSE for the following reasons:

- 1 Paragraph 17 of the NPPF states that planning decisions should recognise the intrinsic value of the countryside. Policy S2 of the submitted Local Plan allows for limited growth within limits to development and Policy S3 of the adopted and submitted Local Plan set out the circumstances in which development outside limits to development would be acceptable. The land that forms the application is a greenfield site, located outside of the limits to development as defined in the adopted and submitted Local Plans and is poorly related to the existing settlement. The proposal would result in significant harm to the character and rural appearance of the locality and any development on this site would appear as an unwarranted and incongruous intrusion into the countryside. Approval of the application would result in the unnecessary development of land located outside limits to development, not constituting sustainable development, and contrary to the policies and intentions of the NPPF and Policy S2 and S3 of the adopted and submitted Local Plans.

- 2 Policy Cc2: Flood risk in the submitted Local Plan seeks to ensure that all new development addresses the effective management of all sources of flood risk and that development does not increase the risk of flooding elsewhere and reflects advice in the NPPF. The submitted information has not demonstrated that the development of the site could come forward without the potential to increase flood risk to the site and the surrounding area. Therefore the proposal cannot be considered to be in acceptable in relation to Policy Cc2 of the submitted Local Plan or the advice in the NPPF.

- 3 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development, and including its social dimension and also provides that the planning system needs to provide a social role, and including providing the supply of housing required to meet the needs of present and future generations. Policy H8 of the adopted North West Leicestershire Local Plan provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal; Key Principle AH3 of the North West Leicestershire District Council Affordable Housing Supplementary Planning Document requires a minimum of 30% of residential units to be available as affordable housing within Heather whereas the application as submitted provides for only 15%. Approval of the application at this time would therefore result in a significant under-provision of affordable housing vis-à-vis the Local Planning Authority's adopted requirements without sufficient evidence to warrant such a departure from those requirements. Approval would therefore not provide for an appropriate contribution to affordable housing required to meet the needs of the area, and not therefore constitute 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. In the Local Planning Authority's view the proposal is unacceptable

in principle and the fundamental objections cannot be overcome through dialogue. The Local Planning Authority has therefore complied 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.

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Erection of 4 bungalows and associated infrastructure

Report Item No
A3

Site At Staley Avenue Ashby De La Zouch Leicestershire LE65
2PP

Application Reference
16/01224/FUL

Applicant:
Mr Glyn Jones

Date Registered:
3 November 2016

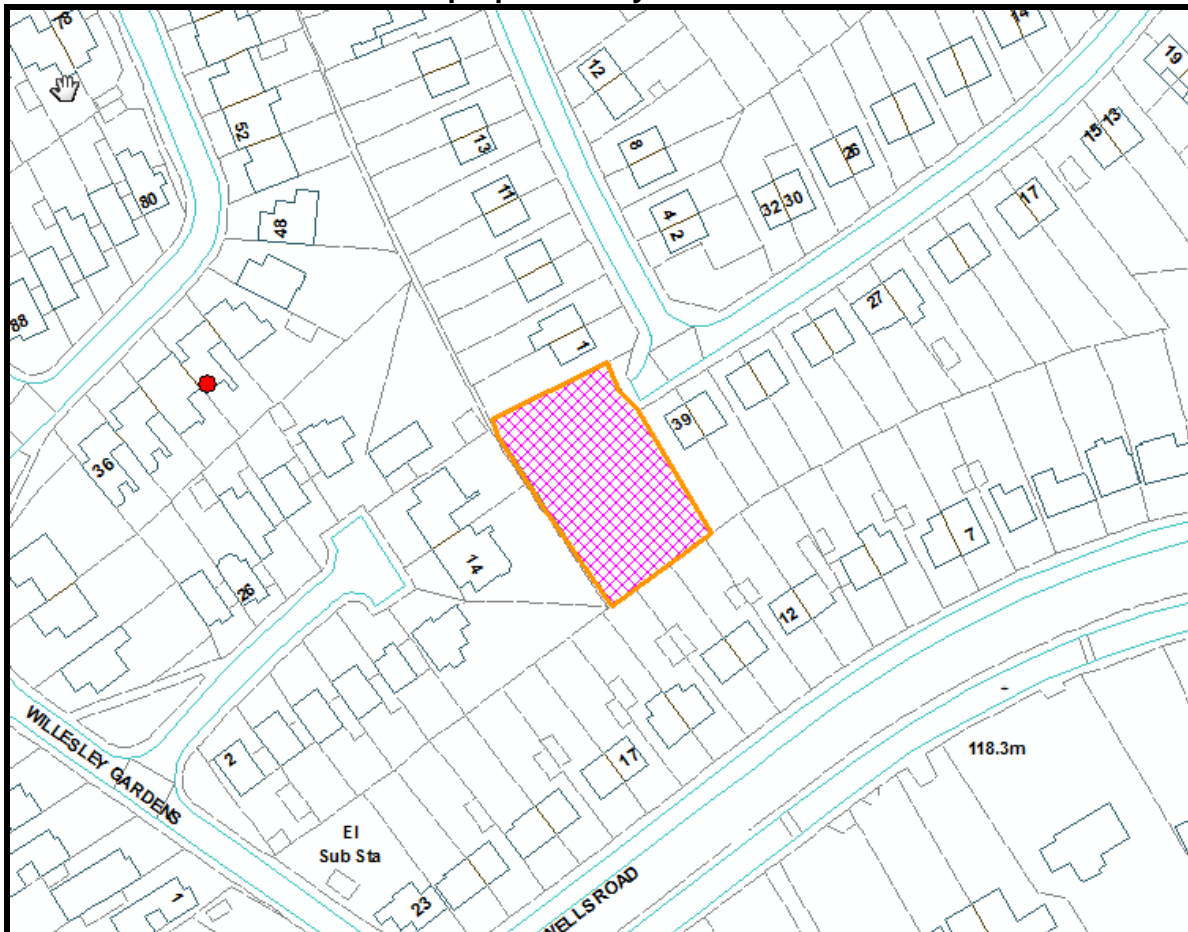
Case Officer:
Ebony Mattley

Consultation Expiry:
3 January 2017

Recommendation:
PERMIT

8 Week Date:
29 December 2016
Extension of Time:
13 January 2017

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

In accordance with the North West Leicestershire District Council Constitution, the application has been referred to Planning Committee, as the application is submitted by the Council for its own development and objections have been received.

Proposal

This application seeks full planning permission for the erection of 4 no. bungalows and associated infrastructure at Staley Avenue, Ashby de-la Zouch.

Consultations

Members will see from the main report below that there are objections from 2 addresses to the scheme. There are no other objections raised from statutory consultees.

Planning Policy

The application site is located within Limits to Development, as defined by the adopted North West Leicestershire Local Plan Proposals Map 2002 and submitted Publication Policies Maps June 2016.

Conclusion

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

The proposed development would be acceptable in terms of layout, scale, design, impact upon trees, residential amenities, highway safety, flood risk and drainage and impact on the River Mease SAC/SSSI and no other technical issues are considered to arise. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted, subject to conditions.

RECOMMENDATION - PERMIT, subject to no new significant material objections being received prior to the expiry of the consultation period on 3 January 2017 and the imposition of conditions

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of 4 no. bungalows and associated infrastructure at Staley Avenue, Ashby de-la Zouch.

All four bungalows are of two bed configuration and are to be affordable housing (social rented).

Access is proposed from Staley Avenue. The site is located within Limits to Development, as defined by the adopted North West Leicestershire Local Plan Proposals Map 2002 and submitted Publication Policies Maps June 2016.

Recent Planning History:-

None.

2. Publicity

10 neighbours notified.

Site Notice displayed 14 November 2016.

Press Notice published Leicester Mercury 16 November 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Ashby Town Council raise no objections.

Natural England raise no objections, subject to the imposition of conditions.

Leicestershire County Council - Highways raise no objections, subject to the imposition of conditions.

Leicestershire County Council - Lead Local Flood Authority any comments received will be reported on the update sheet.

NWLDC Street Action Team has no objection subject to a conditions requiring a further risk based land contamination assessment prior to any development.

NWLDC Environmental Protection has no environmental observations.

Third Party Representations

Two letters have been received raising the following objections, concerns and points:-

- o Flooding - existing drains unable to cope with the large volume of water and reports do not deal with the issue of water from the proposed development causing problems downhill from the development; floor plans have been raised but what about the impact on existing properties; additional drainage may well be beneficial both to neighbours and the new home owners;
- o Impact upon wildlife - hedgehogs are setting up nests and the development will eliminate good hedgehog habitat and measures should be imposed to minimise the loss and there are small ponds in surrounding gardens which would support amphibians; frogs, Great

Crested Newts

- o Visibility and privacy - the plots will be in close proximity to the boundary of properties on Wells Road. There is not a 6ft fence, but a trellis fence and even if the fence were solid the rear view would be obstructed.
- o Lighting - additional lights would be unwelcome and would spill onto neighbouring properties and vehicles pulling on to the drive between plots 3 and 4 would illuminate the garden and house, through the trellis fence.
- o Clarification on boundaries, fencing and hedgerows
- o False statements in the planning applications and the surveys and mistakes in the drawings submitted; false statements in the planning application; the land was last used as allotments and error in plans on plot 1; Wells Road is not mentioned in any of the plans or documents.

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the 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)
- Paragraph 49 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 64 (Requiring good design)
- Paragraph 118 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2002)

The application site is within 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 H4/1 - Housing Land Release
- Policy T3 - Highway Standards

Policy T8 - Parking
Policy H6 - Housing Density
Policy H7 - Housing Design

Submitted North West Leicestershire Local Plan

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

S1 - Future Housing and Economic Development Needs
S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
H6 - House Types and Mix
IF7 - Parking Provision and New Development
EN2 - River Mease Special Area of Conservation
CC2 - Water - Flood Risk
CC3 - Water - Sustainable Drainage Systems

Emerging Ashby de la Zouch Neighbourhood Plan

On 2 May 2016 Ashby de la Zouch Town Council commenced public consultation on a pre-submission Neighbourhood Plan. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in favour of sustainable development
Policy S2 - Limits to Development
Policy S4 - Design
Policy TC4 - Residential Development

Other Guidance

National Planning Practice Guidance - March 2014.
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).
River Mease Water Quality Management Plan - August 2011.
River Mease Water Quality Management Plan - Developer Contribution Scheme June 2016.

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.

5. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, layout, scale and design, impact upon residential amenity, highway considerations, impact upon the River Mease Special Area of Conservation/SSSI, drainage and floodrisk, impact upon trees and other matters.

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)).

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. So long as a development is consistent with these criteria, in principle the development should be considered acceptable.

The NPPF also requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

The site is located within limits, within the adopted Local Plan where there is a presumption in favour of sustainable development and would also fall within limits within the submitted Local Plan and would fall to be considered against Policy S2, which supports significant growth in Ashby and therefore is supportive of infill residential development.

Furthermore, in respect of sustainability, in the context of the River Mease, in the Authority's opinion, the limited capacity DCS2 should be directed to the most sustainable locations for new development within the District. Therefore as the site lies within the Limits to Development, the Authority is of the view that this application is acceptable under DCS2.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Ashby benefits from a wide range of local services and is readily accessible via public transport. On this basis future residents would not be heavily reliant on the private car to access the most basic of services.

All four bungalows are of two bed configuration and are to be affordable housing (social rented) which is considered to make a contribution to the Council's supply of affordable housing.

In conclusion, it is considered that the site would be socially sustainable and there would be some limited economic benefits associated with the construction of the dwellings and these benefits would not be significantly or demonstrably outweighed by any potential negative environmental impacts of the proposal.

Overall the proposal is considered to represent sustainable development and, therefore, the application is considered acceptable in relation to the NPPF. Furthermore, as the site falls within limits, the site is considered to be sustainable in the context of the River Mease.

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

Layout, Scale and Design

The site is surrounded by residential development to all boundaries. The existing dwellings in the immediate vicinity predominantly comprise two storey proportions, however a scheme proposing single storey proportions is not considered contrary to the character to the area, to sustain a reason for refusal.

In terms of footprint, the proposed bungalows occupy fairly similar footprints to existing surrounding dwellings and the scheme proposes one pair of semi-detached bungalows and two detached bungalows, which is also reflective of the semi-detached and detached, existing surrounding dwellings.

The scheme proposes the pair of semi-detached bungalows fronting Staley Avenue, to provide an active street frontage, with the two detached bungalows facing into the site.

The bungalows provide appropriately sized gardens commensurate to the size of the dwellings they serve.

Officers have requested that the plots be angled to be perpendicular to the surrounding properties, however the angle of the plots has been specifically designed due to constraints on the site (sewer easements) and therefore the siting is considered to be acceptable, in this case.

With regards to the specific design of the properties, the Council's Urban Design Officer has commented upon and sought amendments to the design and materials during the course of the application. Subject to conditions to secure the precise materials, it is considered that the design approach is acceptable.

In summary, the proposed development accords with the general siting and scale of dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of the area. The scheme is therefore considered to be in accordance with Saved Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Impact upon Residential Amenity

There is a distance of 13 metres between the front of Plot 2 to the side elevation of No.39 Staley Avenue, which is considered sufficient distance (and given the single storey nature of the proposals) to ensure there is no significant adverse impacts upon the occupiers of No.39. Plot 3 is also considered to be sited at an acceptable distance from the rear of No. 39 with plot 3's parking also proposed in between.

There is a distance of 7 metres between the side wall of Plot 1 and the side elevation neighbouring No. 1 Baker Avenue. Given the distances and scale of the bungalow, this is not considered to lead to any significant detrimental impacts upon the dwelling.

There is a back to back relationship and distance of a minimum of 20 metres between the rear walls of plots 1 and 2 and the neighbouring dwellings No's 14 and 16 Willesley Gardens to the west and there is also a back to back relationship between plots 3 and 4 and No's 13 and 14 Wells Road to the south, with a minimum separation distance of 22 metres. Accordingly the distances are considered to be sufficient, and combined with the single storey proportions of the proposed bungalows, are not considered to give rise to any significant loss of light, overshadowing or overbearing impacts.

The internal arrangements of the plots within the site are not considered to give rise to any significant overbearing, overlooking and overshadowing upon the future occupiers. It is considered necessary to impose a condition to obscure glaze the windows shown to be the serving bathrooms, which is in the interests of preserving the amenities of existing and future occupiers.

Overall, it is considered that the development would not have any significant detrimental impact upon the amenity of neighbouring residential properties (or future neighbouring residents) and the proposal is considered to be acceptable in relation to Saved Policy E3 of the adopted Local Plan and D2 of the submitted Local Plan.

Highway Considerations

Access is proposed from Staley Avenue. The scheme proposes four, two bedroom dwellings and each plot proposes two on-site parking spaces each, which conforms with the advice in the County Highway Authority's 6Cs Design Guide.

The County Highway Authority (CHA) raises no objections, subject to the imposition of planning conditions.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

The Authority has been holding applications within the SAC catchment area in abeyance due to capacity within the River Mease Developer Contribution Scheme First Development Window (DCS1) having been exhausted. The River Mease Developer Contribution Scheme Second Development Window (DCS2) was adopted by the Council on 20 September 2016 which has limited capacity available for new development. Having regard to this limited capacity the Authority has had to decide how to deal with applications within the catchment area. In the Authority's opinion, the limited capacity should be directed to the most sustainable locations for new development within the District. Therefore as the site lies within the Limits to Development, the Authority is of the view that this application is acceptable under DCS2.

As the scheme proposes 4 x 2 bed units the contribution would be £1,340.00. Following advice from the Council's legal team it is advised that a condition be imposed, due to the applicant being the Council, it is not possible for the Council to enter into a legal agreement with itself.

Accordingly an appropriately worded condition is to be imposed, which allows flexibility, for example in the event the land is sold, any future applicant would need to enter into a legal agreement to secure the payment.

The flows from the new dwellings will need to be taken into account against the existing headroom at Packington Works. At the time of writing there is sufficient capacity for 4 dwellings.

Natural England confirms that they note that both foul and surface water are to be discharged to the mains sewer and that the scheme should be implemented in accordance with the River Mease Developer Contribution scheme.

With regards to the surface water drainage, the Authority seeks that surface water should be discharged to a soakaway(s) or other sustainable drainage features which do not discharge to the mains, however in this case the submitted details confirm that the ground conditions are not suitable to provide soakaways and Natural England raise no objections to the connection to the mains.

Therefore it can be ascertained that the proposal on the site will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Drainage and Floodrisk

The site is located in Flood Zone 1 and is 'low risk' for surface water flooding.

The scheme proposes green roofs and permeable paving which will improve the quality of the water and the green roofs will assist in storing some rainwater in plants, before discharging to the mains, and would assist in reducing the likelihood of local flooding.

The Lead Local Flood Authority have been consulted on the application and their comments will be reported via the update sheet.

Impact upon Trees

The scheme proposes the removal of 1 no. tree. The tree does not afford any formal protection (either by a Tree Preservation Order or by being located in a Conservation Area) and therefore no objection is raised in relation to its removal.

Other Matters

Letters of Representation

In response to neighbouring letters of objection which have not been addressed within the report above:-

A right to a view is not a material planning consideration.

No new street light is proposed within the development. The site is surrounded by existing residential properties with existing lighting, therefore any new lighting resultant of the development is not considered to give rise to an un-acceptable adverse impact in this residential setting.

In respect of fencing, the intention is for new 1.8 metre close boarded fencing. A condition is recommended to be imposed to secure the details.

The applicant has confirmed that the site has never been used as a formal allotment. The site has been grassed and maintained by the council for an indeterminable time. Any reported historical use of the land would have been an informal agreement.

Conclusion

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

The proposed development would be acceptable in terms of layout, scale, design, impact upon trees, residential amenities, highway safety, flood risk and drainage and impact on the River Mease SAC/SSSI and no other technical issues are considered to arise. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit, subject to no new significant material objections being received prior to the expiry of the consultation period on 3 January 2017 and the imposition of 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 the following plans, unless otherwise required by a condition of this permission: Site Layout Scale 1/1250 and Proposed Site Layout Scale 1/200 shown on Drawing No. DSA-16127-PL-PRO-03-E; Site B Plot 1 & 2 Planning Information Ref. DSA-16127-PL-PRO-03-E and Site B Plot 3 & 4 Planning Information Ref. DSA-16127-PL-PRO-04-C received by the Local Planning Authority on 12 December 2016.

Reason - For the avoidance of doubt and to determine the scope of the permission.

- 3 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until details/samples (as appropriate) of the external surfaces of the bungalows have first been submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over the external appearance

in the absence of details.

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until a detailed scheme for the boundary treatment of the site have first been submitted to and agreed 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). Notwithstanding the provisions of Part 2 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) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason - To preserve the amenities of the locality.

- 5 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until a detailed landscaping scheme (showing existing planting to be retained and proposed planting) including densities and species has first been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following the first occupation of the first dwelling hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. 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 ensure satisfactory landscaping is provided within a reasonable period and to provide a reasonable period for the replacement of any trees.

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

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

- 7 The window servings bathrooms shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) and non-opening only which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason- To ensure that the development is not detrimental to the privacy and amenities of the neighbouring property.

- 8 No development shall commence until a legal agreement under Section 106 of the Town and Country Planning Act 1990, Undertaking or other agreement (in the form annexed to this consent) has first been entered into,

Reason - To ensure the development is carried out in accordance with the mitigation measures

to prevent an adverse impact on the River Mease Special Area of Conservation/SSSI.

- 9 Prior to the first occupation of the residential units hereby approved a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary.

Reason - In the interests of visual amenity.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 development within Schedule 2, Part 1 Classes A to E inclusive shall not be carried out on the residential units unless planning permission for such development has first been granted by the Local Planning Authority.

Reason - To ensure that existing standards or privacy and visual amenity are maintained.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no windows or dormer windows other than those expressly authorised by this permission shall be constructed within the roofslopes.

Reason - To ensure that the development is not detrimental to the privacy and amenities of the neighbouring properties.

- 12 The gradient of the access drive shall not exceed 1:12 for the first 10 metres behind the highway boundary.

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

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

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

- 14 Before first occupation of any dwelling hereby approved, the respective car parking provision shall be made within the curtilage in accordance with the approved plans Proposed Site Layout Scale 1/200 shown on Drawing No. DSA-16127-PL-PRO-03-E received by the Local Planning Authority on 12 December 2016). The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

Reason - To ensure that adequate off-street parking facilities are available.

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.

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Demolition of existing garages and erection of 2no. two bedroom bungalows.

Report Item No
A4

Land Adjacent To 32 Verdon Crescent Coalville Leicestershire
LE67 4QW

Application Reference
16/01207/FUL

Applicant:
Mr Glynn Jones

Date Registered:
14 October 2016

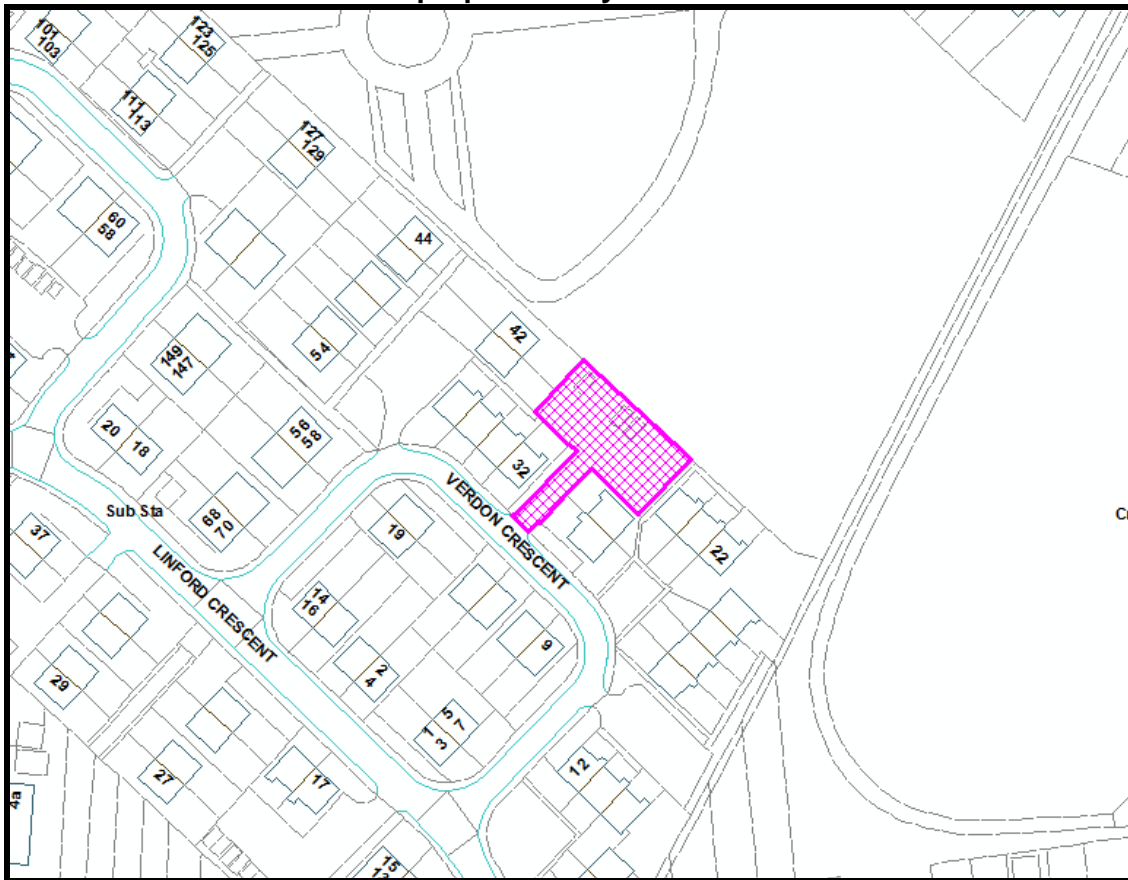
Case Officer:
Robert McKillop

Consultation Expiry:
15 November 2016

Recommendation:
PERMIT

8 Week Date:
9 December 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

In accordance with the North West Leicestershire District Council Constitution, the application has been referred to Planning Committee as the application is submitted by the Council for its own development and objections have been received.

Proposal

This application seeks full planning permission for the demolition of existing garages and erection of 2no. two bedroom bungalows at land adjacent to 32 Verdon Crescent, Coalville.

Consultations

Members will see from the main report below that two objections letters have been received from neighbours. There are no other objections raised from statutory consultees.

Planning Policy

The application site lies within the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF and other relevant guidance.

Conclusion

The site is located within the Limits to Development where the principle of residential development is considered acceptable. Furthermore, in respect of the social, economic and environmental impacts, the proposed scheme is considered to represent sustainable development. The development would appear in keeping with the character and appearance of the surrounding area and would not have any adverse impacts on residential amenities or highway safety. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the policies referred to in the main report below.

RECOMMENDATION - PERMIT, subject to of conditions

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the demolition of existing garages and erection of 2no. two bedroom bungalows at land adjacent to 32 Verdon Crescent, Coalville. The application site is located within Limits to Development and would be accessed from the north eastern side of Verdon Crescent. The site is in a residential area although there is a cemetery to the north of the site and a sports playing field to the east. The application submission is accompanied by a Design and Access Statement.

No recent planning history was found for this application.

2. Publicity

8 neighbours notified.

3. Summary of Consultations and Representations Received

Two public letters have been received raising the following point of objection:

- Although the proposed bungalows require parking spaces, the loss of the informal parking will make access more difficult for existing residents and will lead to on-street parking problems in the area;
- The occupiers of the proposed dwellings should be suited to elderly neighbours;
- The works could result in noise and disruption during the construction phase.

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

NWLDC Environmental Protection has no environmental observations.

Severn Trent Water Ltd has not responded during the application process.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the 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 49 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 64 (Requiring good design)

Adopted North West Leicestershire Local Plan (2002)

The application site is within 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 E7 - Landscaping
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H7 - Housing Design

Submitted North West Leicestershire Local Plan

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

Policy S2 - Settlement Hierarchy
Policy D1 - Design of New Development
Policy D2 - Amenity
Policy En1 - Nature Conservation
Policy IF4 - Transport Infrastructure and New Development
Policy IF7 - Parking Provision and New Development

Other Guidance

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.

National Planning Practice Guidance - March 2014.

5. Assessment

Principle and Sustainability

The application site lies within the defined Limits to Development in Coalville where residential development would accord with Policy S2 of the adopted Local Plan and Policy S2 of the submitted Local Plan.

Consideration should be given to whether the proposals constitute sustainable development (inclusive of its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. As the Coalville benefits from a range of day to day services and good public transport links to surrounding areas it is considered to be a socially sustainable location for new development. In terms of environmental considerations, future occupiers would not be heavily reliant on the private car to access services which would potentially reduce vehicle emissions and it is noted that the site is on previously developed land. There would be some limited economic benefits associated with the scheme by way of supporting local construction jobs and services in the area. Overall, the development is therefore considered acceptable in principle subject to other material considerations.

Design and Impact upon Character

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 of the adopted Local Plan and Policy D1 of the submitted North West Leicestershire Local Plan indicate 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 proposed development would reflect the character the surrounding area which generally comprises semi-detached bungalows which differ slightly in layout and orientation. The proposed dwellings would not feature prominently in views within the street scene given the set back and position behind existing bungalows, and although the proposed bungalows would be visible from the public open space to the rear, they would be adjacent to other bungalows and would be in keeping with the surrounding built form. Each proposed dwelling would have an area of residential curtilage to the side/rear and two tandem parking spaces to the front and the proposed layout is deemed to be acceptable and in keeping with the surrounding area. The proposed front gable and door and window openings are considered to result in a more contemporary appearance and given the aforementioned characteristics, the proposed dwellings are considered to be sufficiently in keeping with the general character of development in the area. The overall layout and design details are considered to be acceptable and the application would therefore accord with Policy E4 and H7 of the adopted Local Plan, Policy D1 of the submitted Local Plan and the design advice in the NPPF.

Impact upon Residential Amenity

Two representations have been received from neighbours. Although the site is to the rear of several neighbouring bungalows, the proposed dwellings would be set 5.6 metres away from all boundaries with neighbours. Given this intervening distance, low height and hipped roof design, the proposed bungalows would not lead to any significant overbearing or overshadowing and the ground floor level windows would not allow for any new overlooking opportunity. Although the driveway would run adjacent to the boundary of surrounding properties, given the existing use of the site for parking and garages, it is considered that this would not result in any additional noise or disturbance. Although residents have raised concern about disturbance during the construction phase, this is not likely to be significantly detrimental and would not warrant reason to refuse the application. In relation to other concerns raised, the suitability of future occupiers is not a material planning consideration and a condition would be attached to ensure the proposed boundary treatments would have an acceptable position and appearance.

Overall, it is considered that the development would not have any significant detrimental impact upon the amenity of neighbouring residential properties or future occupiers and would accord with Policy E3 of the adopted Local Plan and D2 of the submitted Local Plan.

Highway Considerations

The County Highways Authority (CHA) has been consulted on the application and although highlighted some concern regarding insufficient turning space, it concluded this is not likely to result in any significant harm to highway safety. In their comments, they noted that the site presently offers informal parking for residents of Verdon Crescent although none of the garages appear to be in use for parking. Although neighbour objections have been received in relation to the loss of the informal parking area, given the lightly trafficked nature of Verdon Crescent, it is considered that although some additional on-street parking may occur, this is not likely to result in any significant detrimental impact on highway safety. The site access would not be

altered and visibility for both pedestrians and vehicles and the access width would remain acceptable and in accordance with current highways design guidance. The CHA has confirmed that they have no objections subject to conditions.

Overall, subject to suitably worded conditions, it is deemed that the application would have an acceptable impact on highway safety. The application is deemed to accord with Policies T3 and T8 of the adopted Local Plan, Policies IF4 and IF7 of submitted Local Plan and the advice in the 6Cs Design Guide.

Other

There are no trees or shrubs within the application site that would be affected and the site is not in Flood Zones 2 or 3 and is not likely to be affected by flooding.

Conclusion

The principle of residential development is considered to be acceptable and the application would not have any significant impacts on residential amenity, design, highway safety and flooding. Taking all of the above into account, it is considered that the application complies with relevant policies of the adopted and submitted Local Plans and the National Planning Policy Framework. It is therefore recommended that the application is permitted.

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

- Drawing No.2667-29 (Proposed Site Layout), received 14 October 2016;
- Drawing No.2667-30 (Proposed Plots 1 & 2), received 14 October 2016.

Reason - For the avoidance of doubt and to determine the scope of the permission.

- 3 No building shall be erected on site above damp proof course level until 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.

- 4 Prior to the first occupation of the dwellings hereby approved, the car parking and turning areas shall be provided in accordance with details shown on Drawing No.2667-29 (Proposed Site Layout), received 14 October 2016, and once provided shall thereafter be maintained and kept available for use 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.

- 5 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 6 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To enable a vehicle 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.

- 6 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- 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); 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; and
- BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- 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.

- 7 Prior to occupation of the completed development, or part thereof, Either
 1) If no remediation was required by Condition 6 a statement from the developer or an

approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or

- 2) 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 the whole development, or part thereof, 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.

- 8 No building shall be erected on site above damp proof course level until a detailed scheme for the boundary treatment of the site is submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before the dwelling is occupied.

Reason- To preserve the amenities of the locality.

- 9 No building shall be erected on site above damp proof course level until precise details of the existing and finished ground levels and the proposed floor levels of the buildings in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

- 10 Notwithstanding the details shown on the approved plans, no development shall commence until a landscaping scheme for the site has been submitted to and agreed 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.

- 11 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.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant 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.

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Demolition of existing buildings and erection of 7 no.
dwellings and associated infrastructure

Report Item No
A5

Land At Queens Street Measham Swadlincote Derbys DE12
7JE

Application Reference
15/01005/FUL

Applicant:
Queens Bridge Homes

Date Registered:
3 December 2015

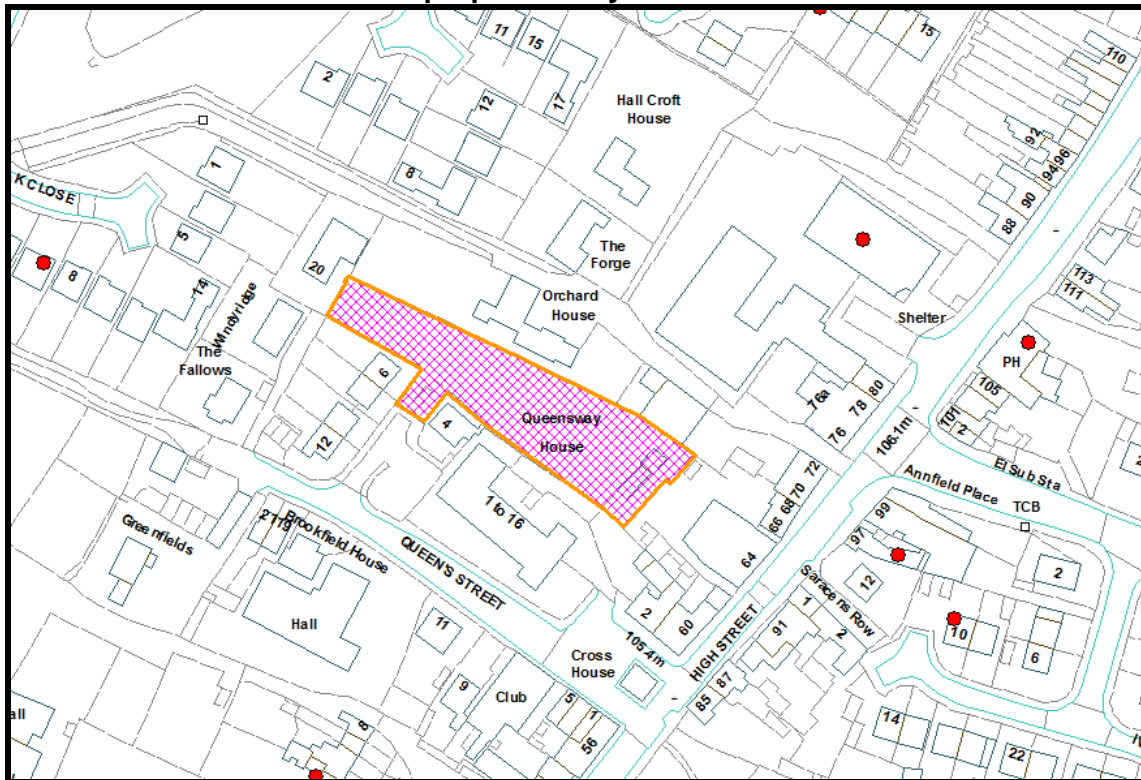
Case Officer:
Ebony Mattley

Consultation Expiry:
10 November 2016

Recommendation:
PERMIT subject to S106 Agreement

8 Week Date:
28 January 2016
Extension of Time:
11 January 2017

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 Gill Hout on the basis that the application is a matter of concern, has significant detrimental effects on residents properties, the proposed access is poor, and the scheme is contrary to Policies E3 and E4 of the adopted Local Plan.

Proposal

This application seeks full planning permission for the erection of seven dwellings and associated infrastructure at land at Queens Street, Measham.

Consultations

Members will see from the main report below that there were objections raised from 6 separate addresses and objections from Measham Parish Council, with further letters from 4 addresses, resultant of the re-consultation.

There are no other objections raised from statutory consultees.

Planning Policy

The application site is located within Limits to Development, as defined by the adopted North West Leicestershire Local Plan Proposals Map 2002 and submitted Publication Policies Maps June 2016.

Conclusion

The proposal is considered to represent sustainable development and, therefore, the application is considered acceptable in relation to the NPPF. Furthermore, as the site falls within limits to development within the adopted Local Plan and will fall within limits to development within the submitted Local Plan, the site is considered to be sustainable in the context of the River Mease.

It is considered that a suitably designed scheme has now been presented, which overcomes the two previous reasons for refusal in terms of density/layout/design and impact upon the occupiers of Orchard House.

The proposed development would be acceptable (subject to conditions) in terms of density, layout and design, residential amenities, highway safety, impact upon trees, ecological and archaeological impacts and impact on the River Mease SAC/SSSI.

There are no other relevant material planning considerations that indicate planning permission should not be granted. It is recommended that planning permission be granted, subject to the signing of a legal agreement and imposition of planning conditions.

RECOMMENDATION - PERMIT, APPROVE SUBJECT TO A LEGAL AGREEMENT AND THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This application seeks full planning permission for the erection of seven dwellings and associated infrastructure at land at Queens Street, Measham.

The original submission was for eight dwellings, however during the course of the application following the submission of a series of amended plans, the scheme was reduced to seven dwellings and re-consultation undertaken on that basis.

Final minor amendments have also been made showing:-

- o Revised access arrangement with 4.8 metre entrance and 0.5 metre margins,
- o Increase in the dimensions of the garage to House Type D and re-positioning it further back
- o Increase in the dimensions of the bin muster point
- o Site Location Plan updated to state 7 dwellings
- o Plans and Elevations to House Type A, correctly labelled

Re-consultation has been undertaken with Leicestershire County Highway Authority.

The proposal includes 7 x 3 bed units, comprising of three pairs of semi-detached properties and one detached property. Access to the site is proposed from Queens Street, Measham.

The site measures 0.2 hectares and is overgrown. The site is a linear strip of land extending from the rear of properties fronting High Street to the rear of properties off Queens Street which back onto Oak Close. There is a topographical fall across the site from east to west.

The eastern tip of the site lies within the Measham Conservation Area and a protected Beech Tree occupies the northern boundary of the site.

The site is located within Limits to Development, as defined by the adopted North West Leicestershire Local Plan Proposals Map 2002 and submitted Publication Policies Maps June 2016.

The application has been accompanied by a Design and Access Statement; Phase I and II Geo-Environmental Assessment; Flood Risk Assessment; Biodiversity Report and Arboricultural Assessment and Impact Assessment.

Relevant Planning History:-

13/00969/FUL - Demolition of existing buildings and erection of 7 new affordable dwellings, including access and parking arrangements and parking for No. 6 Queen's Street - Refused - 04.09.2014.

11/00378/OUT - Residential development with access off Queens Street (Outline application with appearance, landscaping, layout and scale reserved) - Approved - 07.12.2011.

2. Publicity

34 Neighbours have been notified.

Site Notice displayed 20 October 2016.

Press Notice published Leicester Mercury 9 December 2015.

3. Summary of Consultations and Representations Received

Statutory Consultees:

The following summary of representations is provided.

Measham Parish Council has the following objections to raise:-

A previous application on this site No 13/00969/FUL was refused and the Parish Council request that this application is also refused;

The access is inadequate and is currently used by residents of Queens Street to park their cars; Double parking makes access difficult, which would worsen should this development be permitted;

Safety concerns due to the lack of pavement;

The width of the private drive is inadequate;

Lack of parking and no provision made for visitors for No. 6 Queens Street;

The Parish Council has received 5 letters of objections; and

It is requested that this land is incorporated with Queensway House to develop affordable elderly persons accommodation using the commuted sum which was received by NWLDC in lieu of affordable housing from David Wilson Homes on the Bosworth Road Pickering's development.

Natural England raises no objection, subject to the imposition of planning conditions.

Environment Agency raises no objection.

Leicestershire County Council - Highways raises no objection, subject to the imposition of planning conditions.

Leicestershire County Council - Ecology raises no objection, subject to the imposition of a planning condition.

Leicestershire County Council - Archaeology raises no objection, subject to the imposition of a planning condition.

Leicestershire County Council - Lead Local Flood Authority has no comments.

NWLDC Urban Design Officer is satisfied with the amended layout and house types and raises no objection, subject to the imposition of conditions.

NWLDC Tree Officer is satisfied with the amended layout and raises no objection, subject to the imposition of conditions.

NWLDC Environmental Protection raises no objection.

NWLDC Recycling/Waste Collection raises no objection.

Third Party Representations

Objections were received to the originally submitted scheme (for 8 dwellings) from 6 separate addresses, from No's 60 and 72 High Street, No's 8 and 10 Queens Street, Orchard House and Long Close House.

Principle

A scheme of 7 dwellings was previous refused, so how can 8 be acceptable?
Loss of green space in centre of the village adjacent to the Conservation Area

Trees and Hedgerows

Plans are inaccurate
Tree and hedge Root Protection Area (RPA) queried
Tree and hedge plans/surveys queried

Layout and Design

Should be refused for the same reasons as before - contrary to Policies E3 and E4
Layout is not compliant with the NPPF
Density
Out of keeping with the street

Residential Amenity

Impact upon view
Inadequate seperation distances
House heights/overshadowing/overbearing impacts
Should be refused for the same reasons as before - contrary to Policies E3 and E4

Highway Safety

Parking issues and poor parking layout
Loss of parking to No's 6 and 8 Queens Street
Safety due to removal of existing footpath
Restricted access for emergency vehicles
Not accessible for refuse collection
A plot is too close to building and will destabilise them

Other

Bat report needs to be updated
No details of finished floor levels
Drainage - rainwater soakaways will cause a major issue due to the sloping site
Boundary disputes
Engineering report and design for buttress support to agricultural building is required.

Following receipt of revised plans further consultation has been undertaken and objections have been received from 4 addresses - Orchard House, Long Close House and No's 8 and 10 Queens Street, raising the following new/additional objections:-

Likely future development on the adjacent site of Queensway House, the two sites should be considered as one.

The site plan is not accurate

Boundary dispute

Wheelie bin location will have an impact upon residential amenity

New planting is over the boundary and has an impact upon neighbouring amenities

Encroachment of plots into RPA

Inadequate access, increase in traffic and loss of parking spaces to No's 6 and 8 Queens Street, contrary to Policy IF7

Not accessible by fire engine

Does not comply with Building for Life 12

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 32 (Promoting sustainable transport)

Paragraph 34 (Promoting sustainable transport)

Paragraph 47 (Delivering a wide choice of high quality homes)

Paragraph 49 (Delivering a wide choice of high quality homes)

Paragraph 57 (Requiring good design)

Paragraph 59 (Requiring good design)

Paragraph 61 (Requiring good design)

Paragraph 64 (Requiring good design)

Paragraph 118 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2002)

The application site is located within 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 E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design

Submitted North West Leicestershire Local Plan

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

S1 - Future Housing and Economic Development Needs
S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
H6 - House Types and Mix
IF7 - Parking Provision and New Development
EN2 - River Mease Special Area of Conservation
HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Other Policies/ Guidance

National Planning Practice Guidance - March 2014.
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).
River Mease Water Quality Management Plan - August 2011.
River Mease Water Quality Management Plan - Developer Contribution Scheme June 2016.

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.

5. Assessment

The main considerations with regards to this application are the principle of development, impact upon heritage assets, density, layout and design, impact upon residential amenity, highway considerations, trees and hedgerows, protected species/ecology, archaeology, impact upon the River Mease Special Area of Conservation/SSSI and other matters.

For the avoidance of doubt, whilst the scheme proposes starter homes, at the time of writing starter homes cannot be deemed affordable housing, so at this stage will be assessed as if the scheme is for 7 no. open market dwellings.

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)).

Previous applications on the site include reference 13/00969/FUL which sought consent for seven affordable dwellings, which was refused at Planning Committee in August 2014. Prior to that, outline planning permission (for access only) was granted for five dwellings on the same piece of land under application 11/00378/OUT. Accordingly whilst the outline application has subsequently lapsed, the principle of residential development has previously been considered to be acceptable.

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. So long as a development is consistent with these criteria, in principle the development should be considered acceptable.

The NPPF also requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

The site is located within limits, within the adopted Local Plan where there is a presumption in favour of sustainable development and would also fall within limits within the submitted Local Plan and would fall to be considered against Policy S2, which is supportive of infill residential development in settlements, such as Measham.

Furthermore, in respect of sustainability, in the context of the River Mease, in the Authority's opinion, the limited capacity DCS2 should be directed to the most sustainable locations for new development within the District. Therefore as the site lies within the Limits to Development, the Authority is of the view that this application is acceptable under DCS2.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Measham benefits from a range of local services and is readily accessible via public transport. On this basis future residents would not be heavily reliant on the private car to access the most basic of services.

In conclusion, it is considered that the site would be socially sustainable and there would be some limited economic benefits associated with the construction of the dwellings and these benefits would not be significantly or demonstrably outweighed by any potential negative environmental impacts of the proposal. Overall the proposal is considered to represent sustainable development and, therefore, the application is considered acceptable in relation to the NPPF. Furthermore, as the site falls within limits, the site is considered to be sustainable in the context of the River Mease.

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

Impact upon Heritage assets

The proposed development must be considered against section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area".

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.

The western edge of the Conservation Area (at the point of the application site) is marked by brick buildings which are proposed to be demolished as part of the application proposals. The Conservation Officer has raised no objection to this element of the proposal and therefore it is considered that the removal of the buildings would not harm the significance of the Conservation Area.

The proposed development on the site would just encroach into the Conservation Area and would be visible from the rear of properties fronting High Street. Glimpses of the site are also available from the Conservation Area at the eastern end of Queen Street between existing developments. However, due to a drop in levels, these views would be of the upper half/ roof space of the development. When having regard to the scale, form and detailing of the proposed units, along with existing neighbouring development, it is not considered that the proposal would be detrimental to the character or appearance of the Conservation Area or its setting, or to that of buildings which contribute positively to it.

Therefore the proposal would not involve harm to the significance of a designated heritage asset.

Density, Layout and Design

Members may recall that application ref: 13/00969/FUL was refused at Planning Committee for two reasons, one being:-

"Policy E4 North West Leicestershire District Plan seeks to achieve good design in new development that respects the character of its surroundings. The proposal would represent an overdevelopment of the site resulting in a poor layout with inappropriate space about and between existing and proposed dwellings and poor access/manoeuvring arrangements, such that the development would appear out of keeping with surrounding development. Approval of the proposal would therefore, be contrary to the provisions of Policy E4 of the Local Plan."

Density

The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances.

The application proposes 7 dwellings on a 0.2 hectare site equating to a net density of 35 dwellings per hectare (dph). Policy H6 requires a minimum of 40 dph in town centre locations and accessible locations and 30 dph in other locations. When having regard to the location of the site within the historic core of the settlement where densities are typically higher but also accepting that the site abuts more modern development on Queen's Street and Oak Close

where densities are generally lower, it is considered that the proposed density is appropriate in this case. Therefore, the scheme is considered to be acceptable in relation to Policy H6 of the adopted Local Plan and the advice in the NPPF.

Layout and Design

The site is surrounded by residential development, including a residential care home immediately to the south of the site. To the east of the site, development is predominantly characterised by traditional two-storey brick and rendered properties located toward the front of plots with boundaries well defined and with buildings that are well detailed with strong chimneys, window and brick detailing, and generally well-proportioned buildings. To the north, south and west of the site are buildings of modern form and construction of varied styles.

The scheme proposes three pairs of semi-detached properties, two of which face onto the road frontage, when entering the site, creating a strong attractive streetscene. There is also another pair of semi-detached properties and one detached dwelling towards the east of the site. All properties are of two storey proportions, reflecting the proportions of surrounding properties.

Following concerns raised by officers regarding overdevelopment and layout, amended plans have been submitted, reducing the number of units to seven (and subsequently reducing the footprint of plot 7 with a garage space) and providing larger amenity spaces to all plots, reducing tandem car parking spaces and providing all parking spaces to the frontages of each of the semi-detached properties.

The development now provides appropriately sized gardens commensurate to the size of the dwellings to which they serve.

Comments have been raised by a local resident about the scheme not being compliant with Building for Life 12. Notwithstanding that Building for Life is normally applied to scheme of 10 dwellings or more, the Council's Urban Design Officer has been consulted upon the amended plans and welcomes the amendments.

With regards to the specific design of the properties, the Council's Urban Design Officer has commented upon and sought amendments to the house types during the course of the application. Subject to conditions to secure materials, it is considered that the design approach is acceptable and is reflective of the more traditional properties to the east of the site, on High Street.

In conclusion, it is considered that the scheme is markedly different from that previously refused with an acceptable density and spaces between buildings, larger amenity spaces, well related parking spaces, two storey proportions and acceptable design of the plots is considered to be in accordance with Saved Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Impact upon Residential Amenity

The properties that would be most immediately affected by the proposed development would be Orchard House to the north, Queensway House and No's 4 and 6 Queens Street to the south and No. 20 Queens Street to the west.

Orchard House

Orchard House is located to the north of the application site and is a two-storey dwelling with numerous windows facing the application site. The previous application was refused for the following reason, due to the impact upon the occupiers of this dwelling:-

"Policy E3 of the North West Leicestershire District Plan seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings. The proposed development by reason of its proximity, height, mass, orientation and due to rising land levels in relation to neighbouring land would result in overshadowing and overlooking of Orchard House to the detriment of the amenities of the occupiers of that dwelling. Approval of the proposal would therefore, be contrary to the provisions of Policy E3 of the Local Plan."

The refused scheme (following the submission of amendments) proposed a dwelling sited 2.25m from the application site boundary and 5.4m to the closest point with Orchard House. This application does not propose a dwelling to the northern boundary, with the nearest proposed plot - plot 4 being sited 10.2 (extending to 10.9 to the rear of plot 4) from Orchard House. It is considered that this is sufficient distance away not to cause any significant loss of light, overshadowing or overbearing impacts. There is one ground floor window proposed in the side elevation of plot 4, which would serve a study and no first floor side windows. Whilst there are first floor front and rear windows these would be orientated to the east and west and therefore there would not be any direct overlooking upon Orchard House. The closest point between Plot 2 and Orchard House, would be 11 metres and given the orientation/relationship would not result in any significant adverse impacts.

No.20 Queens Street

No.20 Queens Street is located to the west of the site, at a lower land level. During the course of the application, following concerns raised by officers, amended plans have been received re-positioning plots 1 and 2, further within the site (to the east), creating a greater separation distance from the adjoining No. 20. There is now a distance of 20.2 metres between the rear walls of plots 1 and 2, to the closest point with No. 20.

The previously refused layout proposed plots 1 and 2 to be sited 12 metres from the boundary, to the dwelling and 8 metres from the boundary to the terrace area, whereas this scheme increases the distances to 15.6 metres and 13.3 metres, respectively, following the submission of amended plans.

The previous reason for refusal did not include any significant adverse impacts upon the occupiers of this dwelling and it is considered that there is a greater separation distance, in comparison to the previous scheme.

No.'s 4 and 6 Queens Street

No.4 Queens Street is a single storey dwelling located to the south of the site. The rear elevation of this dwelling is located 2.5 metre off the site boundary which is currently occupied by fencing which extends approximately 1 metre above the ground level of this neighbouring property. The site level is approximately 1 metre below the ground level of this neighbouring property at this point, although this level difference reduces as the site progresses in an easterly direction. The rear elevation of No.4 contains three windows, at least one of which appears to serve a habitable room. Plot 3 is proposed to be sited at 4 metres away from No. 4 and does not propose to contain any side windows, at ground or first floor levels, which combined with the

land levels and orientation/relationship between the two properties, ensures that that there would not be any significant overbearing, overshadowing or overlooking impacts arising from the proposal.

No.6 Queens Street also abuts the southern boundary of the site and is a two-storey dwelling with three windows in its side elevation, serving a kitchen at ground floor level and a landing at first floor level. The third window is at first floor level and is obscure glazed, and therefore, the side windows do not appear to be primary windows to habitable rooms. The side wall of proposed plot 1 would be sited between 3 - 3.8 metres from the side wall of No. 6 and following the submission of amended plans to re-site plots 1 and 2 further to south, the rear of plot 1 is only proposed to project an additional 0.7 beyond the rear wall of No. 6 (in comparison to the previously refused scheme which projected 3 metres beyond the rear wall). Plot 1 does not propose to contain any side windows and it is considered that any potential overlooking from first floor rear windows, would be no greater than the existing relationship that exists between No's 6 and 8 Queens Street.

No.'s 4 and 6 Queens Street are located either side of the proposed access drive. Whilst it is acknowledged that there would be some additional noise and disturbance, when having regard to the number of units proposed and the relationship between the site and the neighbouring properties, it is not considered that this would be sufficiently detrimental to sustain a reason for refusal, in this case.

Queensway House

Queensway House to the south of the site is a residential care home, which is currently unoccupied and is located on higher ground than the application site. There would be a distance of 7 metres between the side elevation of plot 3 and the closest point to the care home. No ground or first floor windows are proposed to the side elevation of plot 3 which faces the care home. When having regard to these distances, levels and the relationship with these proposed dwellings, it is not considered that there would be any significant overbearing or overshadowing impacts on the neighbouring care home.

Plot 5 would be further still at 11.2 metres and as above, it is not considered that there would be any significant overbearing or overshadowing impacts on the neighbouring care home.

Letters of objection have also been received from Long Close House, confirming that they are the owners of the agricultural buildings and the area of land between them and Orchard House and the hedges and walls between them and raise objections on the proximity of plot 7 to the boundary. Plot 7 is proposed to be located 2.7 metres from the boundary, which is considered to be acceptable in this case.

In respect of impacts upon the future occupiers between the plots themselves, there is a distance of some 23 metres between the front walls of plots 1 and 2, with plots 3 and 4, and 22 metres between the rear of plots 3 and 4 and fronts of plots 5 and 6. Accordingly there is sufficient separation distances between habitable rooms within the dwellings to ensure that there are no significant overlooking, overshadowing, or overbearing impacts. Windows serving bathrooms at first floor, are to be fitted with obscure glass, secured by the imposition of a planning condition.

In summary, the proposal is considered to have minimal impacts upon amenity of existing neighbouring or future neighbouring residents. Accordingly the proposal is considered to be acceptable in relation to Saved Policy E3 of the adopted Local Plan and D2 of the submitted

Local Plan.

Highway Considerations

Objections have been raised by the Parish Council and residents regarding the access, traffic movements, turning, private drive and lack of parking provision and no provision made for visitors for No's 6 and 8 Queens Street. Similar objections were raised as part of the previous application and the County Highway Authority (CHA) confirmed that it was content and it should be noted that highway safety was not a previous reason for refusal.

With regards to this application, access is proposed from Queens Street. All plots are proposed to be three bed properties, with plots 1-6 having two car parking spaces each, with plot 7 proposing a garage and parking space. The level of parking is in accordance with the standards.

The amended plans have been considered by the CHA who have confirmed that providing that the scheme is to remain private (and not adopted) they raise no objection, subject to conditions.

For the avoidance of doubt the applicant has confirmed that the roads will be private, and are not to be offered for adoption. Accordingly, as the road will not be adopted, a condition is recommended to be imposed to secure the precise details and location of the bin collection/muster point.

The access is within the ownership of the applicant and any arrangement that has existed previously in respect of parking in this location, would therefore be an informal arrangement. The scheme does not result in the loss of any formally designated parking spaces and there is no requirement for the developer to provide additional parking provision for existing neighbouring properties. The applicant could have fenced the land off at any time to prevent others from using it to park their cars.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Trees and Hedgerows

Concerns have been raised from neighbours in respect of the impact upon the protected beech tree, the unprotected apple tree, elder and the existing hedgerow along the northern boundary.

The northern boundary of the site is occupied by a large Beech Tree which is protected by Tree Preservation Order T427. The proposals show the retention of the protected tree and an Arboricultural Assessment and Impact Assessment, Tree Survey and Constraints Plan and Tree Impact and Protection Plan accompany the application submission.

The Council's Tree Officer has visited the site and following the submission of amended plans, the Council's Tree Officer has raised no objections, subject to the imposition of conditions.

The Council's Tree Officer is satisfied with the Root Protection Area (RPA) equivalent to the crown spread, confirming this is sufficient to provide necessary protection to the Beech tree and important tree features are being retained, with the elder being required to be trimmed, as has been undertaken regularly during the life of the hedge. The Apple will also need branches shortening slightly on the site side, which the Tree Officer does not consider to be detrimental

and the applicant would be legally entitled to prune back to the boundary. The Tree Officer has also confirmed that a RPA fence is only required for the duration of the construction works and a permanent protective barrier is not necessary. It would not be reasonable to require the neighbour's agreement to this.

With regards to the impact upon the hedgerow, the Council's Tree Officer has confirmed that there is not a British Standard definition for establishing a hedge RPA and that the British Standard 5837:2012 is a standard for trees and not hedges.

The Tree Officer is satisfied that the 1.5 metre RPA from the centre of the hedge is sufficient to safeguard it and *Sambucus nigra* (Elder) is a shrub and not a tree and therefore not of individual significance, it cannot be considered as a constraint to development. As a hedge plant, it would be protected within the proposed hedge RPA.

The Tree Officer has confirmed that where there is encroachment to build a new footpath at one location near plot 2, the applicant has confirmed that there will be no requirement to excavate and the RPA can be protected by ground guards.

Subject to the imposition of conditions requiring the development to be undertaken in accordance with the submitted details, including protection measures during the construction phase, the proposal is considered to be acceptable in terms of its impact on the protected tree. Conditions are also recommended in respect of ground guards, no dig construction, pruning works and proposed new planting and landscaping.

Protected Species/Ecology

The scheme has been considered by the County Ecologist who confirms that the site had no significant habitats or evidence of protected species when surveyed in 2013 and the 2013 survey is valid in support of this application. The County Ecologist has requested that a condition be imposed requiring site clearance, outside of the bird nesting season.

In response to the letter of objection, requesting an updated bat survey, the County Ecologist has re-confirmed that an updated survey is not required.

The site lies within the catchment of the River Mease Special Area of Conservation (SAC) and consideration of the potential impacts of the development on this designated site will be covered later in this report.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site is located within the medieval and post-medieval historic settlement of Measham (HER ref.: MLE10848) and lies in an area of archaeological interest.

The County Council Archaeologist has raised no objections to the application, subject to the imposition of conditions in respect of a programme of archaeological work, including an initial phase of trial trenching.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major

contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required. The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

The River Mease Developer Contribution Scheme Second Development Window (DCS2) was adopted by the Council on 20 September 2016 which has limited capacity available for new development. Having regard to this limited capacity the Authority has had to decide how to deal with applications within the catchment area. In the Authority's opinion, the limited capacity should be directed to the most sustainable locations for new development within the District. Therefore as the site lies within the Limits to Development, the Authority is of the view that this application is acceptable under DCS2.

As the scheme proposes 7 x 3 bed units the contribution would be £3,171.00. The applicant has confirmed that they are agreeable to paying the contribution which is to be secured by way of a legal agreement.

The flows from the new dwellings will need to be taken into account against the existing headroom at Measham Treatment Works. At the time of writing there is sufficient capacity for 7 dwellings.

Natural England confirm that they welcome the commitment to drain surface water to SUDS/soakaway to avoid any harmful discharge into the River Mease. As surface water should discharge to a soakaway or a sustainable drainage system to ensure that unnecessary water volume does not go to the sewage treatment plant, a condition to this affect is imposed.

The scheme has also been considered by the Lead Local Flood Authority, who have no comments to make on the application.

Therefore it can be ascertained that the proposal on the site will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Other Matters

Letters of Representation

In response to neighbouring letters of objection which have not been addressed within the report above:-

The applicant has provided title documents which are consistent with the site location plan. No further consideration is therefore required in respect of land ownership which is a civil matter between the two parties.

Concerns have been raised regarding the demolition of outbuildings causing impacts upon the foundations of walls and buildings. With regards to the largest of the outbuildings, falling within the Conservation Area, the applicant will need to serve notice under Section 80 of the Building Act 1984, with the Authority counter serving under Section 81. The smallest of the outbuildings,

due to its size would not require the service of a notice and would therefore be a civil matter. The owner of the neighbouring wall is advised to contact the owners of the site , under the Party Wall Act 1996.

Conditions are recommended to be imposed in respect of existing and proposed boundary treatments and a condition in respect of the means of demolition, however the other concerns raised, as set out above are not material planning considerations.

A right to a view is not a material planning consideration.

With regards to the comments about a comprehensive scheme which includes the adjacent Queensway House, the applicant would like this application to be considered, as submitted.

Conclusion

In conclusion, the proposal is considered to represent sustainable development and, therefore, the application is considered acceptable in relation to the NPPF. Furthermore, as the site falls within limits within the adopted local plan and will fall within limits within the submitted Local Plan, the site is considered to be sustainable in the context of the River Mease. It is considered that a suitably designed scheme has now been presented, which overcomes the two previous reasons for refusal in terms of density/layout/design and impact upon the occupiers of Orchard House. The proposed development would be acceptable (subject to conditions) in terms of density, layout and design, residential amenities, highway safety, impact upon trees, ecological and archaeological impacts and impact on the River Mease SAC/SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is recommended that planning permission be granted, subject to the signing of a legal agreement and imposition of planning conditions.

RECOMMENDATION:- Permit, subject to a legal agreement and 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 the following amended plans, unless otherwise required by a condition of this permission: 'Proposed House Type B' Drawing ref. 00-06 Rev A and 'Proposed House Type C/B' Drawing ref. 00-07 received by the Local Planning Authority on the 11 October 2016; 'Proposed House Type D' Drawing ref. 00-11 and 'Location Plan & Block Plan' Drawing ref. 00-01 received by the Local Planning Authority on 28 November 2016; and 'Proposed House Type A' Drawing ref. 00-05 Rev A and 'Proposed Site Plan Setting Out and Levels' Drawing ref. 00-03 Rev E received by the Local Planning Authority on 29 November 2016.

Reason - To determine the scope of this permission.

- 3 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as precise details of the finished ground levels on the site and the finished floor levels of the buildings in relation to an existing datum point

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

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

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garage shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reason - To determine the scope of this permission.

- 5 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until a detailed scheme for all existing and proposed boundary treatments of the site, including a timetable for implementation has been submitted to and agreed in writing by the Local Planning Authority.

Reason - To preserve the amenities of the locality.

- 6 Notwithstanding the details shown on the 'Proposed Site Plan Setting Out and Levels' Drawing ref. 00-03 Rev E received by the Local Planning Authority on 29 November 2016, or provisions of Condition 2 above, no development shall commence on the site until a landscaping scheme has first been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following the first occupation of the first dwelling hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. 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 ensure satisfactory landscaping is provided within a reasonable period and to provide a reasonable period for the replacement of any trees.

- 7 The hard landscaping shall be carried out in accordance with the submitted details: 'Proposed Site Plan Setting Out and Levels' Drawing ref. 00-03 Rev E received by the Local Planning Authority on 29 November 2016. The hard surfacing of any public and/or shared areas shall be carried out prior to the first occupation of any dwelling with the proposed 'paving to access houses and rear patio' as defined on the plan shall be undertaken prior to the occupation of the respective plot.

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

- 8 Notwithstanding the submitted plans, prior to the first occupation of any dwelling, hereby approved, a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary.

Reason - In the interests of visual amenity.

- 9 No development including demolition shall take place until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
- o The programme and methodology of site investigation and recording
 - o The programme for post-investigation assessment
 - o Provision to be made for analysis of the site investigation and recording
 - o Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - o Provision to be made for archive deposition of the analysis and records of the site investigation
 - o Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation 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.

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

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

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

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

- 12 No work shall commence on site until the trees and hedgerow have been securely fenced off with protective fencing, in accordance with the Tree Impact and Protection Plan Drawing No. BA5120PRO (dated 03/09/16). Notwithstanding the ground protection measures, no works shall commence within the construction exclusion zones or tree precautionary zones, unless and until an arboricultural method statement, which shall include full details of any no dig methods and ground protection, shall first have

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

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

- 13 No development shall commence on site until a detailed scheme of pruning works to be carried out in accordance with BS3998:2010 Tree Work - Recommendations have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason- In the interests of health and safety and amenity value of the trees.

- 14 No works or development shall take place until an auditable system of arboricultural site monitoring by the appointed project arboriculturist has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of: (select as appropriate)

- a) Induction and personnel awareness of arboricultural matters
- b) Identification of individual responsibilities and key personnel
- c) Statement of delegated powers
- d) Timing and methods of site visiting and record keeping, including updates
- e) Procedures for dealing with variations and incidents.
- f) The scheme of supervision shall be carried out as agreed.
- g) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Reason- To ensure that the tree protection plan is adequately implemented in the interests of the visual amenities of the area.

- 15 No development (including demolition) shall commence on site until such time as:
- a) a method statement setting out the means of demolition of the existing buildings has been submitted to and agreed in writing by the Local Planning Authority; and
 - b) the existing buildings on the site have been demolished in full, unless an alternative timescale for their demolition has first been submitted to and agreed in writing by the Local Planning Authority.

All demolition works on the site shall be carried out in accordance with the agreed method statement.

Reason - To avoid the possibility of the coexistence of two unrelated developments which would be visually unsatisfactory; in the interests of residential amenities.

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

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

the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 17 Before first occupation of any dwelling hereby permitted, the access and turning shall be provided in accordance with the details: 'Proposed Site Plan Setting Out and Levels' Drawing ref. 00-03 Rev E received by the Local Planning Authority on 29 November 2016; the access and turning shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate). The access drive and turning once provided shall be so maintained at all times.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner in the interests of general highway safety, to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 18 Before first occupation of any dwelling hereby approved, the respective car parking provision shall be made (hard surfaced and marked out) within the curtilage in accordance with the 'Proposed Site Plan Setting Out and Levels' Drawing ref. 00-03 Rev E received by the Local Planning Authority on 29 November 2016. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

Reason - To ensure that adequate off-street parking facilities are available.

- 19 The gradient of the access drive shall not exceed 1:12 for the first 7 metres behind the highway boundary.

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

- 20 The windows serving bathrooms at first floor shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) and be non-opening or top opening only which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason- To ensure that the development is not detrimental to the privacy and amenities of the neighbouring properties.

- 21 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 dwelling hereby permitted 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 dwellinghouse 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.

- 22 Utility boxes shall be painted black, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure an appropriate form of design.

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 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.
- 3 The proposed road doesn't conform to an acceptable standard for adoption and therefore will not be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by the private road within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the LPA before any dwelling is occupied.

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.

The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.

Erection of two dwellings and associated access and parking arrangements (outline - means of access and layout for approval)

Report Item No
A6

23 Church Hill Swannington Coalville Leicestershire LE67 8QB

Application Reference
16/01145/OUT

Applicant:
Mr & Mrs K Parsons

Date Registered:
19 October 2016

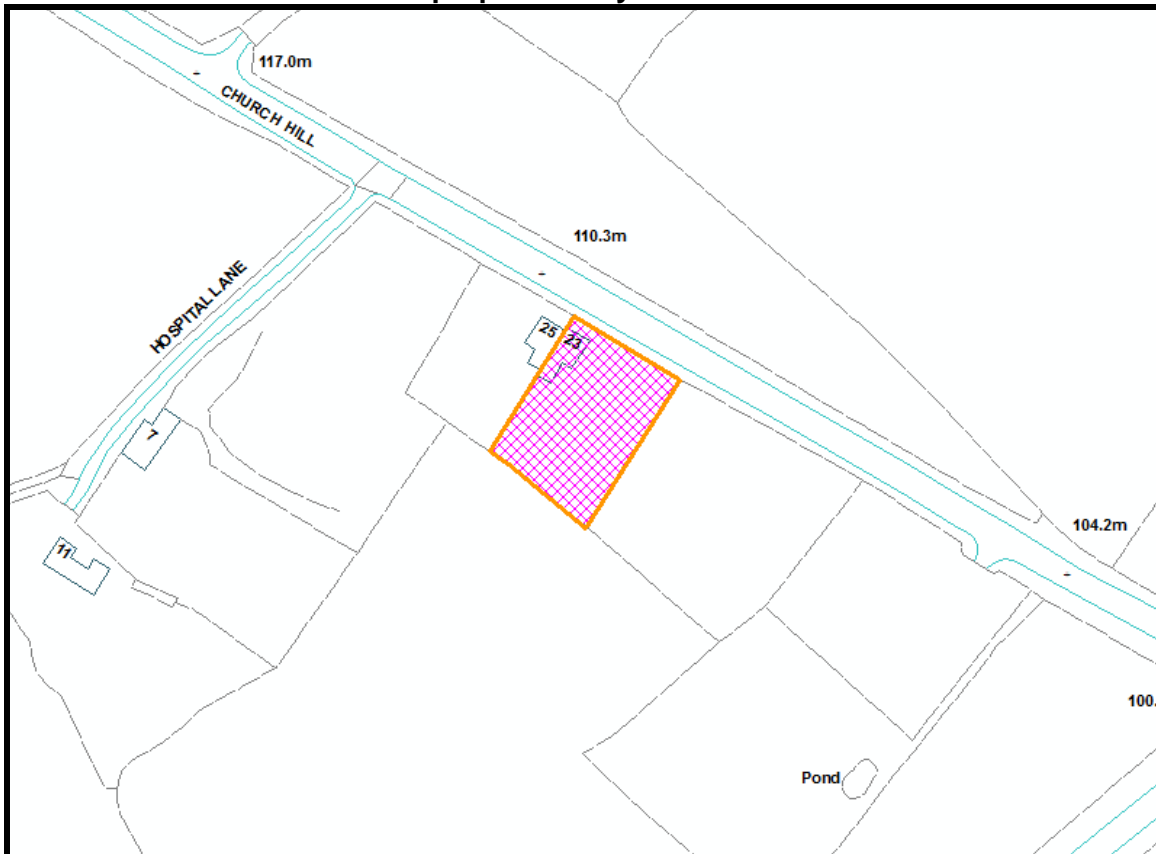
Case Officer:
Adam Mellor

Consultation Expiry:
16 December 2016

Recommendation:
REFUSE

8 Week Date:
14 December 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee at the request of Councillor Boam in order to allow the Committee to assess the 'local need' for the proposed dwellings given that they are outside the defined Limits to Development.

Proposal

Outline planning permission is sought for the erection of two dwellings and associated access and parking arrangements at 23 Church Hill, Swannington with the access and layout for approval at this stage. The 0.07 hectare site is situated on the south-western side of the highway and is outside the defined Limits to Development as well as being within the Green Wedge. It is proposed that the two dwellings would meet a 'local need'.

Consultations

A total of two individual representations have been received which support the development proposals. Swannington Parish Council object to the application. A consultation response is awaited from Severn Trent Water but all other statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

The application site lies outside the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans, as well as being within the Green Wedge. The application has been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

Conclusion

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. The proposal would also result in the provision of isolated dwellings for which no special circumstances exist, thereby conflicting with Paragraph 55 of the NPPF, with the development also adversely impacting on the Green Wedge contrary to Policy E20 of the adopted Local Plan. The location of the site would also lead to the development not being socially sustainable due to the inability to access services via means other than the private car. As the development would be on residential garden and would result in harm to the visual amenities of the rural environment it is also considered that the development would conflict with Paragraph 53 of the NPPF.

It is therefore recommended that the application 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

Outline planning permission, with means of access and layout for approval, is sought for the erection of two dwellings and associated access and parking arrangements at 23 Church Hill, Swannington. No. 23 Church Hill is a two-storey semi-detached dwelling situated on the south-western side of the highway with the application site being 0.07 hectares in size. The site is situated outside the defined Limits to Development, with it also being on land designated as Green Wedge, and the surrounding area consists predominately of open rural landscape and woodland with dwellings being sporadically located.

The application site currently comprises garden associated with no. 23 and it is proposed that two dwellings, forming a semi-detached pair, would be provided to the south-east of no. 23 and would cover a ground area of 114.4 square metres combined. Whilst the scale is not for approval at this stage the indicative elevation details highlight that the dwellings would be two-storey in height.

In terms of vehicular access this would be achieved via the existing access associated with no. 23, which would be altered so as to accommodate the additional movements, with off-street parking and manoeuvring facilities being provided within the site.

Within a supporting statement it is specified that the dwellings are to meet a 'local need' with them being provided to accommodate the applicants' son (and partner) and daughter who currently reside in rental accommodation in Coalville.

No recent or relevant planning history was found.

2. Publicity

1 neighbour notified.

Site Notice displayed 25 November 2016.

Press Notice published Leicester Mercury 23 November 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Coal Authority has no objections subject to a condition.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Ecology has no objections.

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

NWLDC - Environmental Protection has no objections.

Severn Trent Water no representation received.

Swannington Parish Council object to the application as the site is outside the defined Limits to Development.

Third Party Representations

Two representations have been received which support the development proposals with the comments raised summarised as follows: -

- There is a need for smaller properties in the area.
- The property is within easy reach of the local services which young families can help sustain.
- A bus service is available to neighbouring settlements.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

Paragraph 10 (Achieving sustainable development);
 Paragraph 14 (Presumption in favour of sustainable development);
 Paragraph 17 (Core planning principles);
 Paragraph 28 (Supporting a prosperous rural economy);
 Paragraph 32 (Promoting sustainable transport);
 Paragraph 34 (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 64 (Requiring good design);
 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 203 (Planning conditions and obligations); and
 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 Local Plan. The following adopted Local Plan policies are relevant to this application: -

Policy S3 - Countryside;
 Policy E3 - Residential Amenities;

Policy E4 - Design;
Policy E7 - Landscaping;
Policy E20 - Green Wedge;
Policy F1 - General Policy;
Policy F2 - Tree Planting;
Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H6 - Housing Density; and
Policy H7 - Housing Design.

Submitted North West Leicestershire Local Plan

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

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H6 - House Types and Mix;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance

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

6Cs Design Guide (Leicestershire County Council)

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

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

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

5. Assessment

Principle of Development and Sustainability

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act

2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the submitted Local Plan. As the site is within the Green Wedge then Policy E20 of the adopted Local Plan would also be of relevance with this policy prohibiting residential development.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

In assessing the social sustainability aspects of the site location consideration is given to a recent appeal decision at 85 Loughborough Road (ref: APP/G2435/W/15/3133687) which concluded that convenience goods could be purchased from a shop at Redhall Garage and that a recreation ground, village hall, public houses and a restaurant were also within walking distance of no. 85 with these services being accessed via lit pavements. It was also concluded that an hourly bus service to Coalville and Ashby De La Zouch, as well as a dedicated bus service to a secondary school, were available from a bus stop directly outside no. 85.

With regards to the application site it would be located the following distances from relevant services some of which are highlighted in the above appeal decision.

- Shop (Redhall Garage, Loughborough Road) - 412 metres;
- Church (St Georges Church, Church Hill) - 300 metres;
- Public House (New Inn, Zion Hill) - 682 metres;
- Recreation Ground (Zion Hill) - 730 metres;

A bus stop served by the service referred to in the appeal decision at 85 Loughborough Road would be 608 metres from the site.

With regards to the closest school (Swannington Church of England School, Main Street) this would be 1514 metres away, via Jeffcoats Lane, which would be well in excess of the 1000 metre threshold deemed to be a reasonable walking distance to a school in a rural environment.

The social role, as defined in Paragraph 7 of the NPPF, requires the supply of housing to be linked to accessible local services which meet the needs of the community and support its health, social and cultural wellbeing. Whilst some services, as identified above, exist within a reasonable walking distance of the application site (being 800 metres) no raised footway is available on Station Hill with any walk being on a steep incline to Loughborough Road (A512) as well as on a highway with a speed limit of 60mph. On this basis it is considered that walking to the available services would not be desirable option for any future residents and consequently they would be heavily reliant on the private car to access basic services. Such a reliance on the private car would conflict with the social role of sustainability, as defined by the NPPF, given

that accessibility to a range of local services for future residents would be severely limited.

As residential garden to no. 23 the application site would be classed as greenfield and would be detached from the Limits to Development on both the Proposals Map to the adopted and submitted Local Plans. On this basis the proposal would be assessed against the context of Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan, particularly as the Local Authority is able to demonstrate a five year supply of housing. The site is within the Green Wedge and therefore Policy E20 of the adopted Local Plan would also be of relevance. Such policies are considered to be supported by the principles of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

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

Whilst the application site is residential garden associated with no. 23, it is closely associated with the open rural landscape to the north-east and south-west and a woodland area to the south-east. As a consequence it contributes positively to the open and undeveloped nature of the area which would be its defining characteristic. In addition the application site is not well related to the nearest settlement boundary where new residential development would usually be provided. A residential development for two dwellings and their associated infrastructure would result in the urbanisation of the site which would diminish its present open character and would be an incongruous encroachment into the rural environment which should be protected for its own sake. There is also no overriding need for this type of proposal to come forward on the land and consequently there is conflict with a fundamental principle of the NPPF by virtue of the failure of the development to protect or enhance the natural environment. As the application site is outside the defined Limits to Development it would also conflict with Policy S3 of both the adopted and submitted Local Plans.

It is also considered that nos. 23 and 25 Station Hill are isolated, due to their detachment from other dwellings, and therefore any new dwellings constructed on the site would also be considered 'isolated' by virtue of the site's location. No special circumstances exist for the allowance of this form of development and as such the proposal would also conflict with the intentions of Paragraph 55 of the NPPF.

The application site is also within the Green Wedge where Policy E20 of the adopted Local Plan specifies that built development will be limited to minor structures and facilities which are strictly ancillary to the use of the land. Whilst it is accepted that this Policy would not be progressed in the submitted Local Plan weight, albeit limited, was attached to it in a recent appeal decision at land to the south-east of Station Hill, Swannington (appeal ref: APP/G2435/W/16/3151499) where it was considered consistent with the NPPF by virtue of it recognising the intrinsic character and beauty of the countryside. On this basis it is concluded that the proposed development, being for residential development, would not be compliant with the aims of Policy E20. It is also considered that the circumstances of this site are substantially different to those at the site adjacent to 67 Loughborough Road permitted under application reference 16/00198/OUT for three dwellings.

There are no policies within the NPPF, adopted Local Plan or submitted Local Plan which attach any weight to a potential 'Local Need' for dwellings and as a consequence no consideration is given to this matter in the assessment of the application particularly given the substantial conflict

with National and Local Plan policies specified above.

To conclude, any support warranted to the economic benefits of the scheme, which would be simply associated with the construction of the dwellings, would be significantly and demonstrably outweighed by the negative social and environmental impacts of the proposal. 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 as well as relevant policies of the adopted and submitted Local Plans.

The site is currently used as garden land, which is excluded from the definition of previously developed land set out in the NPPF, and therefore effectively constitutes a greenfield site. It is highlighted within the NPPF that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local Planning Authorities should consider the use of policies to resist inappropriate development of residential gardens (Paragraph 53). Neither the adopted or submitted Local Plans contain a specific policy which restricts development on garden land but in the circumstances that the development is detrimental to the character and appearance of the rural landscape, as assessed above, it is considered that there would be conflict with Paragraph 53 of the NPPF.

Accessibility

The County Council Highways Authority have been consulted on the application and have raised no objections subject to conditions.

As part of the proposal, alterations would be undertaken to the access in order to increase its width with replacement gates and walling also being provided. These works will enable a vehicle to enter the site whilst another vehicle exits clear of Church Hill as well as allow a vehicle to pull clear of the highway whilst the gates are opened. Within the site a sufficient area would be provided so as to enable vehicles to manoeuvre and exit the site in a forward direction. In the circumstances that the proposal would not impact severely on pedestrian or highway safety it would be considered compliant with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

It is proposed that each dwelling would be served by two off-street parking spaces within a detached car port which would have sufficient internal measurements so as to enable a vehicle to park inside, on the basis of the 6Cs Design Guide. Given that the level of parking would be sufficient for the number of bedrooms proposed it is considered that the development would accord with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Neighbours and Future Occupants' Amenities

It is considered that the property most immediately affected by the proposed development would be no. 23 Church Hill, to the immediate north-west of the site, which is within the ownership of the applicant's.

No. 23 contains four windows in its south-eastern (side) elevation, which serve a family room (ground floor) and bathroom, landing and bedroom (first floor). The proposed layout is for approval at this stage and this identifies that plot 1 would be set 6.4 metres from the side elevation of no. 23. Whilst the windows in the side elevation of no. 23 would be impacted on as a result of the proximity of plot 1 it is noted that only the family room and bedroom would be classed as habitable rooms, which are also served by windows in the south-eastern (rear)

elevation, and as a consequence any overbearing or overshadowing impacts which may arise would not be sufficiently detrimental as to warrant a refusal of the application. It is also acknowledged that the occupants of no. 23 have chosen to accept such a relationship given that they are the applicants. An assessment in respect of overlooking impacts to no. 23 would need to be undertaken once the scale and appearance of the dwellings was known at the reserved matters stage but, on the basis of the proposed layout, it is considered possible that a design of dwelling to plot 1 could be provided which would not result in any adverse overlooking impacts to no. 23.

In terms of future amenities it is considered that the layout would provide a satisfactory relationship between the plots themselves with their orientation to no. 23, being to the south-east, ensuring that no substantially adverse overbearing or overshadowing impacts would arise. The windows in the south-eastern (side) elevation of no. 23 would also not result in any adverse overlooking impacts arising, to plot 1 in particular, given that direct views would be onto the north-western (side) elevation of this plot rather than towards its private rear amenity area.

Overall the proposed development would accord with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Impact on the Character and Appearance of the Streetscape

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

In terms of topography the application site slopes downwards from north-west to south-east and from south-west to north-east with mature hedgerows being present to the north-eastern, south-eastern and south-western boundaries albeit the hedge to the north-eastern (front) boundary is screened by a 1.3 metre high brick wall. Nos. 23 and 25 are orientated to address Church Hill and are set back a similar distance from the carriageway with both being previously extended with two-storey side projections designed to be subservient to the principal dwelling. The only other properties in the immediate area are nos. 7 and 11 Hospital Lane, 76 metres to the south-west of no. 25, no. 38 Church Lane, 164 metres to the north-west of no. 25 and Brook Farm, 243 metres to the south-east of no. 23.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later stage although the layout is for approval under this application. Development on this part of Church Hill is largely sporadic with dwellings on the north-eastern side being substantially detached from the highway, the exception being no. 38 Church Hill, and nos. 23 and 25 on the south-western side being as described above. The submitted layout highlights that the proposed dwellings would be orientated to address Church Hill and would have a building line consistent with that of nos. 23 and 25. The footprints of the two dwellings would also be similar to those of nos. 23 and 25 prior to their extension. Given that nos. 23 and 25 would be the two properties that the development would be viewed in connection with it is considered that the layout to be progressed would not result in detriment to the character or appearance of the streetscape. The position of the detached car ports for the new dwellings would also mimic the building line established for the parking at no. 23 and as such would not result in any adverse implications to the appearance of the streetscape.

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

dwellings within the immediate area as well as having a National Forest identity. A scheme progressed along the details and appearance shown on the 3D visualisations is likely to be considered appropriate.

Notwithstanding the in principle objection to this proposal outlined above, overall the layout of the development is considered to be compliant with Paragraphs 57, 60 and 61 of the NPPF as well as Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Ecology

The County Ecologist has raised no objections to the proposal and considers that no ecological mitigation will be required as part of the development. In these circumstances it is considered that ecology would not act as a constraint on development and therefore it would accord with Paragraph 118 of the NPPF and Policy En1 of the submitted Local Plan.

Landscaping

As the application site is situated within the National Forest a strong landscaping scheme would be a necessity for the development with Policies E7 and F2 of the adopted Local Plan, and Policy En3 of the submitted Local Plan, seeking to ensure existing vegetation is retained and enhanced. The application site is largely devoid of soft landscaping with low level hedging to the north-eastern, south-eastern and south-western boundaries being the only mature landscaping present.

The layout is for approval at this stage and it is proposed that the hedgerow to the north-eastern boundary would be removed which is not duly visible from outside the site given that it is screened by the existing wall to this boundary. On this basis its removal would be accepted given that its integrity has, to an extent, been compromised by its relationship with this wall. In respect of the hedgerows to the other boundaries these would be adequately protected given that the dwellings would be outside their root protection areas (RPAs).

On the basis that the majority of the hedgerow planting would be retained, as well as the fact that a suitable landscaping scheme could be secured under any subsequent reserved matters scheme, it is considered that the proposal would not conflict with Policies E7, F1, F2 or F3 of the adopted Local Plan or Policy En3 of the submitted Local Plan.

Archaeology

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

Other Matters

The Coal Authority have assessed the Coal Mining Risk Assessment and have no objections to the development subject to the imposition of a condition on any permission granted. Subject to the imposition of this condition it is considered that the legacy of coal mining activity in the area would not act as a constraint on the development and therefore the proposal accords with Paragraphs 120 and 121 of the NPPF as well as Policy En6 of the submitted Local Plan.

Conclusion

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. The proposal would also result in the provision of isolated dwellings for which no special circumstances exist, thereby conflicting with Paragraph 55 of the NPPF, with the development also adversely impacting on the Green Wedge contrary to Policy E20 of the adopted Local Plan. The location of the site would also lead to the development not being socially sustainable due to the inability to access services via means other than the private car. As the development would be on residential garden and would result in harm to the visual amenities of the rural environment it is also considered that the development would conflict with Paragraph 53 of the NPPF.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan provide a presumption against non-essential residential development outside the Limits to Development with Paragraph 17 of the NPPF indicating that planning should recognise the intrinsic character and beauty of the countryside. Paragraph 53 advises that inappropriate development on residential gardens should be resisted with Paragraph 55 of the NPPF specifying that 'isolated' dwellings should be avoided. The proposed development being on a greenfield site would adversely affect and diminish the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a consequence of this the development would fail to protect or enhance the natural environment. The provision of additional dwellings on the site would also result in the provision of isolated dwellings, for which no special circumstances exist, and diminish the open and undeveloped nature of the Green Wedge. As a result of the above to permit the development would be contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraphs 17, 53 and 55 of the NPPF, Policies S3 and E20 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

- 2 The NPPF outlines that socially development should provide a supply of housing required to meet the needs of present and future generations with accessible local services and the support of their health, social and cultural wellbeing. Church Hill does not benefit from a raised footway, with the carriageway having a maximum speed limit, and services within proximity to the site are only accessible by walking up a steep incline to Loughborough Road. As a consequence of this future occupants of the dwellings would be socially isolated and heavily reliant on the private car to access basic services. On this basis to permit the development would be contrary to the social strand of sustainability enshrined within the NPPF as well as Policy S2 of the submitted Local Plan.

Notes to applicant

- 1 Outline planning permission has been refused for this proposal for the clear reasons set out in this decision notice. It is considered that the application is not acceptable in principle and as such the Local Authority has not entered into dialogue to seek any amendments. The Local Planning Authority has therefore complied 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.

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Proposed erection of a detached dwelling

Report Item No
A7

Land Adjacent To 27 Moor Lane Coleorton Coalville
Leicestershire LE67 8FP

Application Reference
16/01247/FUL

Applicant:
Mr Alan Webster

Date Registered:
27 October 2016

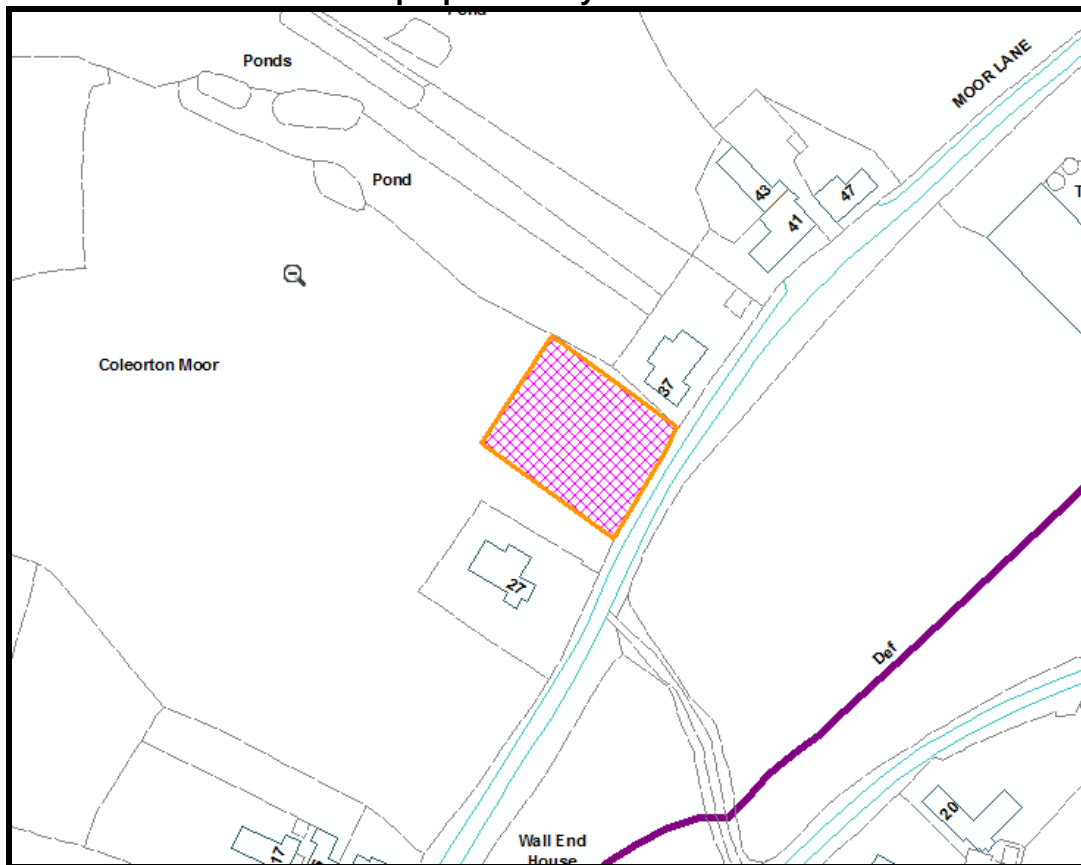
Case Officer:
Adam Mellor

Consultation Expiry:
15 December 2016

Recommendation:
REFUSE

8 Week Date:
22 December 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee at the request of Councillor Boam in order to allow the Committee to assess the 'local need' for the proposed dwellings given that they are outside the defined Limits to Development.

Proposal

Planning permission is sought for the erection of a detached dwelling at land adjacent to 27 Moor Lane, Coleorton. The 0.12 hectare site is currently utilised for agricultural purposes and is outside the defined Limits to Development being situated on the north-western side of Moor Lane. It is proposed that the dwelling would meet a 'local need'.

Consultations

No third party representations have been received but Coleorton Parish Council have objected to the application. A consultation response from Severn Trent Water is awaited but all other statutory consultees have no objections subject to the imposition of conditions on any consent granted.

Planning Policy

The application site lies outside the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

Conclusion

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment and would represent inappropriate ribbon development contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. The location of the site would also lead to the development not being socially sustainable due to the inability to access services via means other than the private car.

It is therefore recommended that the application 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

Planning permission is sought for the erection of a detached dwelling at land adjacent to 27 Moor Lane, Coleorton. The 0.12 hectare site is situated on the north-western side of Moor Lane, where it lies between nos. 27 and 37 Moor Lane, and is currently utilised for agricultural purposes. It is situated outside the defined Limits to Development and the surrounding area mainly comprises agricultural land with residential properties contained to clusters on Moor Lane and The Rowlands. Public footpath M85 runs to the north-west of the site with M88 being set to the immediate east.

The proposed dwelling would be a 3 bedroom two-storey (with habitable accommodation in the roof slope) detached type which would have a total floor area of 161 square metres and would utilise a pitched gable ended roof with a ridge height of 6.5 metres.

A new vehicular access would be formed onto Moor Lane to serve the dwelling with a detached car port, covering a ground area of 32.16 square metres and utilising a pitched gable ended roof with a ridge height of 4.6 metres, also being provided for off-street parking purposes.

A planning statement, incorporating a design and access statement, phase 1 & protected species survey and coal mining risk assessment have been submitted in support of the application. Following the initial objection from the County Council Ecologist a 'Precautionary Method Statement' for great crested newts has also been submitted and the County Ecologist re-consulted accordingly.

Within the planning statement it is specified that the dwelling is to meet a 'Local Need' with the property being occupied by the applicant who currently resides with his brother at Moor Lane Farm, where he is employed in the agricultural business.

No recent or relevant planning history was found.

2. Publicity

11 Neighbours have been notified.

Site Notice displayed 24 November 2016.

Press Notice published Leicester Mercury 23 November 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Coleorton Parish Council object to the application as the site is outside the defined Limits to Development and there are concerns over highway safety.

Leicestershire County Council - Archaeology has no objections.

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

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

NWLDC - Environmental Protection has no objections.

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

Third Party Representations

No third party representations have been received at the time of this report.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

Paragraph 10 (Achieving sustainable development);
 Paragraph 14 (Presumption in favour of sustainable development);
 Paragraph 17 (Core planning principles);
 Paragraph 28 (Supporting a prosperous rural economy);
 Paragraph 32 (Promoting sustainable transport);
 Paragraph 34 (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 64 (Requiring good design);
 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 203 (Planning conditions and obligations); and
 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 Local Plan. The following adopted Local Plan policies are relevant to this application: -

Policy S3 - Countryside;
 Policy E3 - Residential Amenities;
 Policy E4 - Design;
 Policy E7 - Landscaping;
 Policy F1 - General Policy;

Policy F2 - Tree Planting;
 Policy F3 - Landscaping and Planting;
 Policy T3 - Highway Standards;
 Policy T8 - Parking; and
 Policy H7 - Housing Design.

Submitted North West Leicestershire Local Plan

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

Policy S1 - Future Housing and Economic Development Needs;
 Policy S2 - Settlement Hierarchy;
 Policy S3 - Countryside;
 Policy D1 - Design of New Development;
 Policy D2 - Amenity;
 Policy H6 - House Types and Mix;
 Policy IF4 - Transport Infrastructure and New Development;
 Policy IF7 - Parking Provision and New Development;
 Policy En1 - Nature Conservation;
 Policy En3 - The National Forest;
 Policy En6 - Land and Air Quality;
 Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
 Policy Cc2 - Water - Flood Risk; and
 Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance

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

6Cs Design Guide (Leicestershire County Council)

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

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

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

5. Assessment

Principle of Development and Sustainability

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of

the submitted Local Plan.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

With regards to the sustainability credentials of the site, it would be well related to the following services which are within an acceptable walking distance of 800 metres, or 1000 metres for a school: -

- Bus Stop for One Service (Robert Coaches Air Link Service 155 two hourly between Coalville and East Midlands Airport Monday to Saturday) - 364 metres on The Moor;
- Public House (Angel Inn, 85 The Moor) - 623 metres;

The nearest shop (post/office shop at Lower Moor Road) and school (Viscount Beaumont Church of England School, Ashby Road) would be well in excess of the 800 and 1000 metre acceptable walking distance thresholds being 1406 metres and 1498 metres, respectively, from the site.

The social role, as defined in Paragraph 7 of the NPPF, requires the supply of housing to be linked to accessible local services which meet the needs of the community and support its health, social and cultural wellbeing. It is considered that the site is poorly related to services which would meet the 'day to day' needs of the applicants with the few services within an acceptable walking distance of the site not being easily accessible due to no raised footway being present on Moor Lane or adequate street lighting. On this basis it is considered that walking to the available services would not be a desirable option for any future residents and consequently they would be heavily reliant on the private car to access basic services. Such a reliance on the private car would conflict with the social role of sustainability, as defined by the NPPF, given that accessibility to a range of local services for future residents would be severely limited.

As agricultural land the application site would be classed as greenfield and would be detached from the Limits to Development on both the Proposals Map to the adopted and submitted Local Plans. On this basis the proposal would be assessed against the context of Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan, particularly as the Local Authority is able to demonstrate a five year supply of housing. Such policies are considered to be supported by the principles of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

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

In respect of the location of the dwelling it is noted that it would be situated on greenfield site which comprises an open agricultural field defined by mature hedgerows and links with the wider open fields therefore making a positive contribution to the character and appearance of the rural environment and wider landscape. A development of the site for the provision of the dwelling, as well as the associated infrastructure, would result in an urbanisation of the site which would diminish its present open character and represent unwarranted development within the rural environment given that there is no overriding need for this type of proposal to come forward on the land. In this circumstance it would conflict with a fundamental principle of the NPPF by virtue of its failure to protect or enhance the natural environment. As the development site is also outside the defined Limits to Development it would conflict with Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan.

Whilst it is considered that the proposed development will impact adversely on the 'openness' of the rural environment, the dwelling would not be 'isolated' due to its relationship with the dwellings comprising this part of Moor Lane. Although the planning agent has taken a view the development would be 'infill' it is considered that the site is associated with wider agricultural land, which surrounds no. 27 Moor Lane to the immediate south-west, and consequently an acceptance of development on this site would set an undesirable precedent for there to be subsequent development between no. 27 Moor Lane and nos. 11 - 17 Moor Lane of a similar nature. On this basis it is considered that the development would exacerbate a ribbon form of development which is contrary to the intentions of Policy S3 of the submitted Local Plan.

There are no policies within the NPPF, adopted Local Plan or submitted Local Plan which attach any weight to a potential 'Local Need' for dwellings and as a consequence no consideration is given to this matter in the assessment of the application particularly given the substantial conflict with National and Local Plan policies specified above.

To conclude, any support warranted to the economic benefits of the scheme, which would be simply associated with the construction of the dwelling, would be significantly and demonstrably outweighed by the negative social and environmental impacts of the proposal. 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 as well as relevant policies of the adopted and submitted Local Plans.

The application site falls within Grade 4 of the Agricultural Land Classification and therefore does not represent Best and Most Versatile (BMV) land. Given this grading of the land it is considered that the proposal would not conflict with Paragraph 112 of the NPPF.

Residential Amenity

The closest residential properties to the application site are no. 27 Moor Lane, to the south-west, and no. 37 Moor Lane, to the north-east.

At present a 1.8 metre high hedge defines the boundary with no. 27 Moor Lane with the boundary with no. 37 comprising a 1.8 metre high hedge and dense tree planting to the part of the boundary furthest from Moor Lane. It is proposed that the dwelling would be set 16.3 metres from the north-eastern (side) elevation of no. 27 and 16 metres from the south-western (side) elevation of no. 37 and given such separation distances, as well as taking into account the height of the proposed dwelling, it is considered that no adverse overbearing or overshadowing impacts would arise. No direct overlooking impact would be established from first floor windows in the front and rear elevations of the proposed dwelling given its orientation with no first floor windows being present in the side elevations. Views from the windows at ground floor level in

the side elevations would be restricted by the presence of the boundary treatments. On this basis no adverse overlooking impacts would arise to existing amenities. Whilst the detached car-port would be closer to no. 37 than the proposed dwelling, being 5.4 metres, it would not be of a scale which would cause sufficient detriment to the amenities of no. 37 in respect of overshadowing or overbearing impacts.

With regards to future amenities it is considered that an acceptable separation distance would be established between the site and neighbouring properties with there being no windows on nos. 27 and 37 which would result in a direct overlooking impact. On this basis future amenities would be adequately protected.

Overall the development would comply with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Impact on the Character and Appearance of the Streetscape

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

The topography of the site results in land levels falling from south-east to north-west with them not varying significantly from south-west to north-east. Properties on the north-western side of Moor Lane are a mix of two-storey or single storey detached and terraced types which are either orientated to present their principal elevations to the carriageway or are perpendicular to the highway which is prevalent in the terraced forms. The proposed dwelling has been orientated so that its principal elevation fronts onto Moor Lane and has a building line consistent with no. 27, as a result it is considered to be in accordance with the defining characteristics of the streetscape and as such would not impact adversely on its appearance. Whilst the height of the dwelling would be slightly higher than nos. 27 and 37 it is considered that this would not disrupt the appearance of the streetscape to a point where a refusal could be justified given that nos. 41 - 45 Moor Lane and 11 - 17 Moor Lane are two-storey dwellings which sit between single storey properties. In views established from public footpaths M85 and M88 the development would be assessed in the context of its relationship with existing built forms and would not prevent views to features of interest in the immediate or wider landscape. The detached car-port has also been positioned so as to ensure that it would not be a prominent form of development in the streetscape being located where it would be screened by the proposed dwelling or existing mature landscaping. It is also considered that, following amendments, the vehicular access into the site would not appear 'over-engineered' or 'urban' in the context of the accesses which exist on this part of Moor Lane.

In respect of the design of the dwelling it is considered that it would be acceptable and would utilise design features which the Local Authority would deem desirable, including brick cills and lintels, eaves and verge detailing, brick/stone plinths, wet-bedded verges and external chimneys, with these features being consistent with properties within the settlement of Coleorton which are deemed to have a positive impact on the appearance of the streetscape. A condition would be imposed on any consent granted for these precise design features to be agreed. The overall footprint of the dwelling is also considered to be comparable with the scale of dwellings in the immediate area with the detached car-port also being subservient to the host property.

It is proposed that the materials of construction would be agreed with dwellings in the immediate area mainly being of brick or render construction and utilising concrete or clay roof tiles. In

conditioning the materials of construction it can be ensured that appropriate materials are utilised. The detached car-port would be clad in timber and given the National Forest setting of the site the use of such a material would be considered acceptable.

Notwithstanding the in principle objection to this proposal outlined above, overall the design, scale and appearance of the dwelling would be acceptable and would ensure compliance with Paragraphs 57, 60 and 61 of the NPPF, Policies E4, F1 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Highway Safety

The County Council Highways Authority has raised no objections subject to their standing advice being considered.

A new vehicular access would be formed to serve the dwelling which would have a relative width of 4.5 metres with visibility splays of 2.4 metres by 60 metres also being accommodated. Such an access width would be acceptable for one property, being consistent with the width to the vehicular accesses to neighbouring dwellings, with the visibility splays also being sufficient for the speed of traffic on the carriageway. In these circumstances it is considered that there would be no severely detrimental impact to pedestrian or highway safety and therefore the proposal would accord with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

In respect of off-street parking requirements the detached car-port would have sufficient dimensions for the parking of one vehicle with an additional external parking space being supplied. In the circumstances that two off-street parking spaces would be sufficient for a three bedroom dwelling the development would be compliant with Paragraph 39 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Ecology

The County Council Ecologist initially objected to the application due to the absence of a precautionary mitigation strategy addressing the presence of great crested newts in the area. Following the submission of this strategy the County Council Ecologist has no objections to the application subject to the imposition of conditions associated with the development being carried out in accordance with the submitted strategy and recommendations of the initial ecology report. In the circumstances that such conditions would be imposed on any consent granted it is considered that the proposal would be compliant with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

As the application site is situated within the National Forest a strong landscaping scheme would be a necessity for the development with Policies E7 and F2 of the adopted Local Plan, and Policy En3 of the submitted Local Plan, seeking to ensure existing vegetation is retained and enhanced. Mature hedgerows are located to the boundaries of the site.

The proposed dwelling has been positioned away from the hedges to the boundaries of the site so as to ensure that they are retained as part of the development with the only hedge which would be impacted on being that to the south-eastern (front) boundary onto Moor Lane. Following amendments to the width of the access there are now less implications to the integrity of the roadside hedge with the only gap being where the access would be situated and some

'trimming' being undertaken in order to provide visibility splays. It is considered that the undertaking of such works would be acceptable with the 'gap' created in the roadside hedge being mitigated against by the provision of soft landscaping on the site via a planning condition.

Given that mature landscaping on the site would not be significantly impacted on by the development, with a landscaping condition mitigating against the 'gap' created in the roadside hedge, it is considered that the proposal would accord with Policies E7, F1, F2 or F3 of the adopted Local Plan and Policy En3 of the submitted Local Plan.

Archaeology

The County Council Archaeologist has specified that they have no objections and that archaeology would not act as a constraint on the development. In these circumstances the proposed development would accord with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

Conclusion

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment and would represent inappropriate ribbon development contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. The location of the site would also lead to the development not being socially sustainable due to the inability to access services via means other than the private car.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan provide a presumption against non-essential residential development outside the Limits to Development with Paragraph 17 of the NPPF indicating that planning should recognise the intrinsic character and beauty of the countryside. The proposed development being on a greenfield site would adversely affect and diminish the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a consequence of this the development would fail to protect or enhance the natural environment and would represent inappropriate ribbon development. On this basis to permit the development would be contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.
- 2 The NPPF outlines that socially development should provide a supply of housing required to meet the needs of present and future generations with accessible local services and the support of their health, social and cultural wellbeing. It is considered that the application site is remote from basic services with Moor Lane not benefitting from a raised footway or adequate street lighting, therefore the future occupants of the

dwelling would be socially isolated and heavily reliant on the private car to access basic services. As a result of this to permit the development would be contrary to the environmental strand of sustainability enshrined within the NPPF as well as Policy S2 of the adopted Local Plan.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. It is considered that the application is not acceptable in principle and as such the Local Authority has not entered into dialogue to seek any amendments. The Local Planning Authority has therefore complied 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.

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Prior approval notification for the demolition and change of use and external alterations of an existing agricultural building to form 1 no dwelling

Report Item No
A8

Clock Mill Swebstone Road Measham Swadlincote Derby
DE12 7HS

Application Reference
16/01397/PDNATR

Applicant:
Colin A Roberts

Date Registered:
6 December 2016

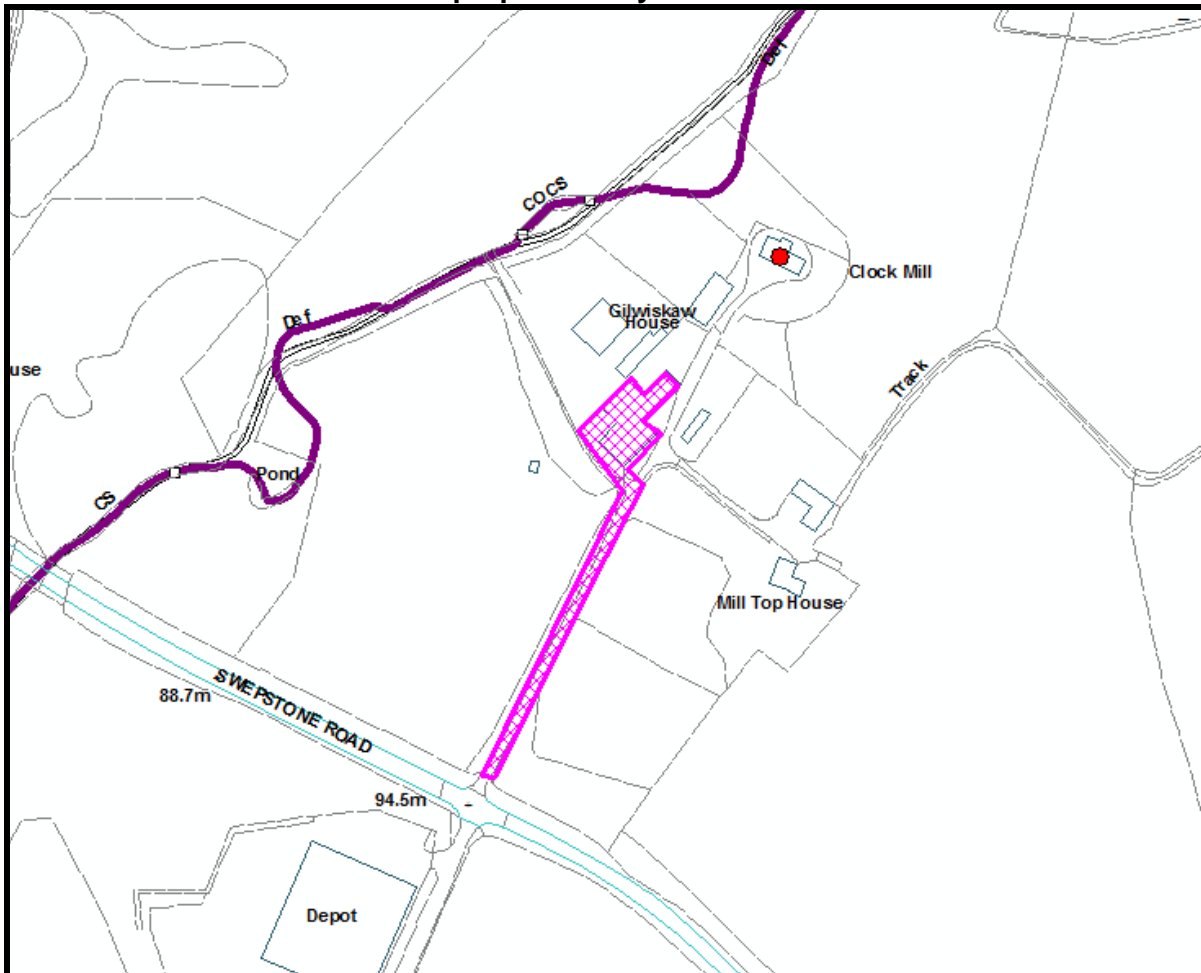
Case Officer:
Ebony Mattley

Consultation Expiry:
2 January 2017

Recommendation:
PERMIT

8 Week Date:
31 January 2017
Extension of Time:
None Agreed

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 Blunt on the grounds of highway safety, at the junction where the drive joins the main road,

Proposal

This is an application for prior notification under Part 3 Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of an existing agricultural barn to form 1 no. residential dwelling and external alterations including demolition, at 'Clock Mil', Swepstone Road, Measham.

Consultations

Members will see from the main report below that there is one letter of representation received (jointly by two neighbours) objecting to the scheme. There are no other objections raised from statutory consultees.

Planning Policy

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

Conclusion

The submission has been assessed against the criteria set out under Part 3 Class Q of the General Permitted Development (England) Order 2015 and has been found to comply with them all. The proposals would be acceptable with regard to noise implications and flood risk, and considered to be acceptable subject to the imposition of conditions in relation to highway safety and contamination risks. Furthermore, the location is considered to be appropriate and the scheme does not give rise to any significant material impacts upon the designs of the building or the appearance of the site. Accordingly it is therefore recommended that prior approval be granted, subject to the imposition of planning conditions.

RECOMMENDATION - NO OBJECTIONS, subject to no new significant material objections being received prior to the expiry of the consultation period on 2 January 2017 and the imposition of conditions

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

MAIN REPORT

1. Proposals and Background

This is an application for prior notification under Part 3 Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of an existing agricultural barn to form 1 no. residential dwelling and external alterations and demolition at 'Clock Mil', Swepstone Road, Measham.

The General Permitted Development (England) Order 2015 grants permitted development rights to allow for certain types of development without the need for planning permission. However, in cases such as this it is necessary to seek prior approval from the Local Planning Authority as to whether specified elements of the development are acceptable before work can proceed. The assessment criteria for prior notification applications are strictly limited to those defined in the General Permitted Development (England) Order 2015; the specifics of which have been identified in the detailed report. The Local Planning Authority may grant prior approval either unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. If a decision does not reach the applicant within the 8 week expiry date from the date of receipt of the application by the Local Planning Authority then the development would be permitted by default.

Recent Planning History:-

16/00592/PDNATR - Prior approval notification for the change of use and external alterations of existing agricultural building to form 3 no. dwellings - Refused - 16.06.2016.

Applications between 2001 and 2003, including that reference below, for the conversion of a barn to a dwelling is not the same building as that seeking conversion within this application.

03/00969/FUL - Conversion of barn to one dwelling and alterations to access - Approved - 12.09.2003.

2. Publicity

4 Neighbours have been notified.
Site Notice displayed 12 December 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided:

Statutory Consultees

Natural England raises no objection, subject to the imposition of conditions.

Leicestershire County Council - Highways raises no objection, subject to the imposition of a condition.

NWLDC Environmental Protection - Land Contamination raises no objection, subject to the imposition of conditions.

NWLDC Environmental Protection has no environmental observations.

Third Party Representations

One letter of objection has been received (jointly by the owners of Milltop House and Clock Mill) raising the following concerns:-

- the application is invalid - the present authorised use of the site is not agricultural and the site has benefit of planning permission for residential use ref: 03/0969 and the planning permission has been implemented;
- the conversion would neither be practical nor desirable;
- the size of the building is inappropriate for a single dwelling and twice the size of a large four bedroom house;
- the access from Sweptstone Road to the proposed development is owned by Clock Mill and the applicant has access only via a narrow single trackway;
- the entrance and access off Sweptstone Road is owned by Clock Mill;
- the applicant has no say in the width of the entrance, surfacing, visibility splays. Signage cannot be erected, the gates open both ways;
- the applicant has never contacted us within regards to the access;
- the applicant's access along the driveway does not permit any passing places and any cars meeting only have the option of reversing onto the highway;
- proximity to Gilwiskaw Brook and impact upon the SSSI;
- the conversion is a metal and tin shed with internal girders;
- approval will set a precedent for all tin sheds; and
- details of demolition have not been included on the plans.

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

4. Relevant Planning Policy

Town and Country Planning (General Permitted Development) (England) Order 2015 Part 4, Class Q of Schedule 2.

National Planning Policy Framework (NPPF)

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

Save where stated otherwise, the policies of the adopted Local Plan as listed in the 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 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 118 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2002)

The following adopted Local Plan policies are relevant to this application:

Policy S3 - Countryside

Policy E3 - Residential Amenity

Policy E4 - Design

Policy T3 - Highway Standards

Policy T8 - Parking

Submitted North West Leicestershire Local Plan

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

S3 - Countryside

D1 - Design of New Development

D2 - Amenity

EN2 - River Mease Special Area of Conservation

CC2 - Water - Flood Risk

IF7 - Parking Provision and New Development

Other Guidance

National Planning Practice Guidance - March 2014.

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

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

River Mease Water Quality Management Plan - August 2011.

River Mease Water Quality Management Plan - Developer Contribution Scheme June 2016.

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.

5. Assessment

The site lies outside Limits to Development, as defined in the adopted Local Plan and outside Limits within the publication version local Plan, however the principle of the development is only subject to assessment criteria identified in the General Permitted Development (England) Order 2015.

Therefore the principle of and the need for the proposed dwelling (Policy S3 of the adopted Local Plan) does not need to be considered as part of this prior notification application.

The General Permitted Development (England) Order 2015 makes it clear that, where a development falls under Part 3 Class Q of Schedule 2 of the Order, the Local Planning Authority can only determine whether prior approval will be required in relation to 6 specific matters. Those matters that fall for consideration are:-

- 1) Transport and highways impacts of the development
- 2) Noise impacts of the development
- 3) Contamination risks on the site
- 4) Flooding risks on the site
- 5) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to use as a dwelling house
- 6) The design or external appearance of the building

The Local Planning Authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The General Permitted Development (England) Order 2015 also imposes some standard conditions on any development that is classified as general permitted development under Part 3, Class Q of Schedule 2.

This report, below therefore refers only to those six matters, identified above.

1) Highways

The previous application for prior notification ref: 16/00592/PDNATR for 3 dwellings was refused on the grounds of highway safety.

The scheme has been considered by the County Highway Authority (CHA) who confirm that whilst they have the same concerns with the site access, the individual circumstances surrounding each planning application must be taken into account in order to assess the merits of the application. In this case the CHA are of the opinion that the change of use of an agricultural building to one residential dwelling would potentially reduce the number of larger slower moving vehicles visiting the site and so consider this to be betterment, in highway terms.

The CHA conclude that on balance, the scheme is acceptable from a highway point of view and recommend that a condition be imposed in respect of providing and hard surfacing the parking spaces.

In relation to 'betterment' for the avoidance of doubt, the site could be continued to be or brought back into an agricultural use, at any time.

Therefore, it is not considered that the proposal would conflict with Saved Policies T3 and T8 in the adopted Local Plan or IF7 of the submitted Local Plan.

2) Noise impacts

The Council's Environmental Protection Officer has no objection to the proposal and has not raised any concerns regarding noise implications. Therefore it can be concluded that the proposed dwelling will have an acceptable level of residential impact in accordance with Saved Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

3) Contamination

The Council's Environmental Protection Officer has advised that it is necessary to attach conditions in relation to land contamination.

4) Flood Risk

The site is not within flood zones 2 or 3 and therefore no concerns are raised with regards to flood risk.

5) Location

The location of the proposal must be considered to ensure it would not be impractical or undesirable for the building to change from an agricultural building to one dwelling.

The wider site forms part of a farm, but this building is isolated from the main farm house. The nearest agricultural buildings are not considered to cause any impact upon future residential amenity.

The nearest building received consent for conversion to a residential use ref: 03/00969/FUL and documentation confirms that the Local Planning Authority is satisfied that development commenced. Accordingly the closest building also affords residential status.

6) Design

The scheme proposes render and cedar cladding with anthracite grey roof sheets and grey windows and doors. The scheme proposes large expanse of glazing to the south west, north east and north-west elevations. The window and glazing proportions to the mass of the building are considered acceptable and the use of the materials are considered to complement the scheme.

The proposals are therefore considered to respect the character of their surroundings in terms of scale, design, density, height, massing and materials of construction and as such would be compliant with Saved Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Other Matters

Structural Integrity

Paragraph 105 of the NPPG states that the PD right allows for the installation or replacement of windows, doors, roofs exterior walls, water, drainage, electricity, gas or other services to the extent reasonable necessary for the building to function as a dwellinghouse.

River Mease SAC/SSSI

The site lies within the catchment area for the River Mease Special Area of Conservation (SAC). Whilst the impact of the buildings on the SAC cannot be taken into account when determining this submission, the applicant is required to obtain prior approval before undertaking something that is deemed permitted development that might have a likely significant effect on the SAC. Natural England can be requested to provide an opinion as to the likelihood of a development having a likely significant effect. A note to applicant should therefore be imposed advising the

applicant of this matter.

It is also noted that Natural England have recommended conditions be imposed and a contribution under the River Mease DCS may be applicable. However, as this type of prior notification cannot consider foul drainage and the SAC, it would not be possible to attach conditions relating to foul drainage or a contribution under the River Mease DCS, in this instance.

Letter of Representation

The building was included within the application site of application ref: 03/00969/FUL and the plans show an annotation for the barns to be demolished, however no conditions were imposed in relation to demolition. Whilst the adjacent barn has consent for conversion, this barn, subject to this application does not have any residential status. Notwithstanding the requirement to satisfy a series of other criteria under the General Permitted Development (England) Order 2015, in relation to the previous use of the building, providing that the last use has been agricultural and there has been no intervening use, then it is acceptable for a prior approval notification to be submitted.

Accordingly it is not considered that this prior approval notification application is invalid. It is the last use of the building that is required to be agricultural and there is no reason to suggest from visiting the site that it has been used for anything else. It does not have any residential status and was not the building subject to consent ref: 03/00969/FUL for conversion.

With regards to size, a prior approval application can be made up to the floor area of 450 square metres and therefore on this basis, it is likely the size of a residential property would be large for a modern agricultural conversion.

The concerns raised by the neighbours with regards to the access and highway matters have been considered by the County Highway Authority.

The implications upon the River Mease SAC/SSSI have been addressed above.

Conclusion

The submission has been assessed against the criteria set out under Part 3 Class Q of the General Permitted Development (England) Order 2015 and has been found to comply with them all. The proposals would be acceptable with regard to noise implications and flooding risk and considered to be acceptable, subject to the imposition of conditions in relation to highway safety and contamination risks. Furthermore, the location is considered to be appropriate and the scheme does not give rise to any significant material impacts upon the designs of the building or the appearance of the site. Accordingly it is therefore recommended that prior approval be granted, subject to the imposition of planning conditions.

RECOMMENDATION - NO OBJECTIONS, subject to no new significant material objections being received prior to the expiry of the consultation period on 2 January 2017 and the following conditions:-

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

Reason: To comply with the requirements of Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission: 'Amended Site Layout Plan' and 'Proposed Elevations & Floor Plans. Design Section A/A' Drawing No. HMD/PD/0370/01 received by the Local Planning Authority on 6 December 2016.

Reason: To determine the scope of this permission.

- 3 In relation to Condition 2, the proposed development does not include any balcony projecting beyond the exterior walls of the dwelling, hereby approved.

Reason: For the avoidance of doubt and to determine the scope of this permission.

- 4 Before first occupation of the dwelling hereby approved, the section of the agricultural building shall first be demolished.

Reason: To ensure the residential amenity of future occupiers is maintained.

- 5 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application details, unless alternative materials are first agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance.

- 6 No development (except the demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- a) BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- b) BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs); and
- c) CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- d) Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:
- e) CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004; and
- f) BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- g) The Verification Plan shall be prepared in accordance with the requirements of:
- h) Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- i) 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.

7 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- a) Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- b) Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- c) Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- d) Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- e) Demonstrate the effectiveness of the approved Remedial Scheme; and
- f) Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

8 Before first occupation of the dwelling hereby approved, car parking shall be provided, hard surfaced and made available for use in accordance with the submitted details: 'Amended Site Layout Plan' (Scale 1:500) received by the Local Planning Authority on 6 December 2016. The parking spaces so provided shall thereafter be permanently so maintained.

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

Notes to applicant

1 The site lies within the catchment area for the River Mease Special Area of Conservation (SAC)/SSSI. Contact Natural England (0300 060 3900) for an opinion as to whether the proposed building is likely to have a significant effect on the special features of the SAC/SSSI. If this is considered to be the case then written prior approval from the Local

Planning Authority will be required before the development can be carried out. If you do not consult Natural England first regarding this matter, you will need to make an application direct to the Local Planning Authority for written prior approval of the development.

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Formation of slurry lagoon and associated infrastructure

Report Item No
A9

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

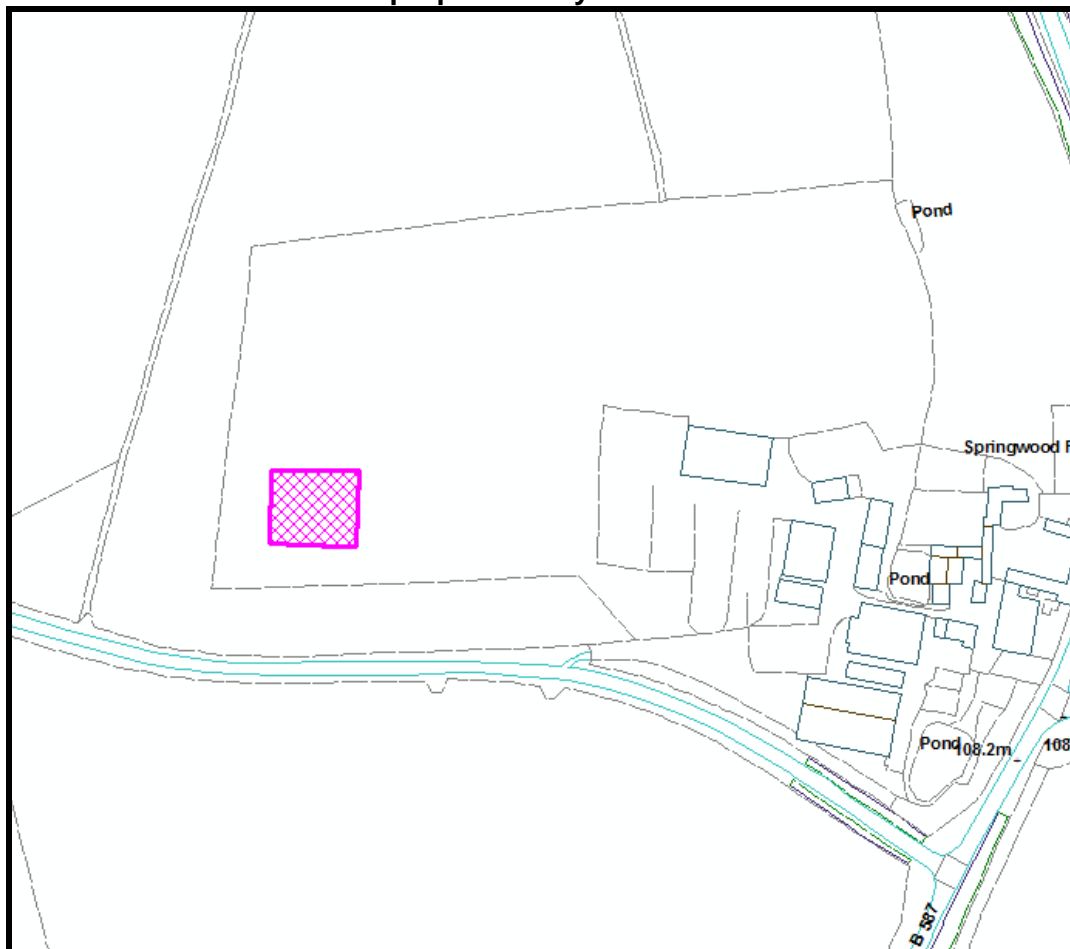
Consultation Expiry:
27 May 2016

Recommendation:
PERMIT

8 Week Date:
10 May 2016

Extension of Time:
11 January 2017

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.

Members may recall that the application was originally recommended for refusal, and was deferred by Committee in June 2016, to allow further discussions between Natural England and the applicant.

Consultations

No objections have been raised by statutory consultees and one letter of support has been received.

Planning Policy

The application site is located outside the Limits to Development, as defined in the adopted Local Plan Proposals Map 2002.

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, impact upon SSSI's or occupiers of neighbouring properties or highway safety.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

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

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

Natural England originally raised an objection based on the harm to Dimminsdale - a Site of Special Scientific Interest (SSSI) and other nearby SSSI's.

Members may recall that the application was originally recommended for refusal, and was deferred by Committee in June 2016 to allow further discussions between Natural England and the applicant.

Following an on-site meeting between all parties, amended plans have been received showing the surface water level measuring 31.6 x 31.6 meters, with a surface area of 998.56 square meters and re-consultation has been undertaken with Natural England and Leicestershire County Council Ecologist.

The application site is located outside the Limits to Development, as defined in the adopted Local Plan Proposals Map 2002 and submitted Publication Policies Maps June 2016.

Recent Planning History:-

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

2. Publicity

6 neighbours notified.

Site Notice displayed 11 April 2016.

Press Notice published Derby Evening Telegraph 13 April 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

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

Natural England raise no objection, subject to the imposition of a condition.

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.

All responses from statutory consultees and third parties are available for Members to view on

the planning file.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the 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

Submitted North West Leicestershire Local Plan

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

S3 - Countryside
D1 - Design of New Development
D2 - Amenity
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.

5. 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 both the adopted and submitted Local Plans. 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

Following the submission of amended plans the lagoon would now measure 31.6 x 31.6 metres and will be dug into the ground.

Given that the lagoon is to be underground, it will only be the 300 mm 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 for an earth banked slurry lagoon. 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 and Policy D1 of the submitted 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 above ground level. It is considered that the proposed lagoon would not 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 originally raised an objection based on the harm to Dimminsdale - a Site of Special Scientific Interest (SSSI) and other nearby SSSI's.

Following the submission of amended plans, Natural England have subsequently confirmed that there will be no significant adverse impacts on Dimminsdale Site of Special Scientific Interest (SSSI) and withdrew their objection.

Natural England have confirmed that this is on the basis of the surface area of the slurry lagoon and that the slurry lagoon will be crust-forming and have confirmed that in order to mitigate

adverse effects and make the development acceptable, the applicant should maintain a crust on the slurry lagoon as proposed in the amended plans and details of how the crust will be maintained should be provided as this is the key to keeping emissions at an acceptable level.

During the course of the application, details of how the crust will be maintained have been submitted and Natural England have confirmed that the details are acceptable. Conditions are recommended to be imposed requiring the lagoon to be crust forming and to be carried out and maintained in accordance with the submitted details.

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 lagoon to be situated 20 metres from the Wood, which therefore negates the need for a survey.

The amended plans still show a 20 metre distance from the Wood and the County Ecologist has confirmed she has no objection to the amendments.

Impact upon Residential Amenity

All neighbouring properties within 1 km of the site have 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 original 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 could 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 vehicles 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 and Policy IF7 of the submitted 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, impact upon SSSI's or occupiers of neighbouring properties or highway safety.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

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 the following amended plans, unless otherwise required by a condition of this permission: Proposed Site Plan Scale 1:1250; and 'Slurry Lagoon' Drawing No. GID.SEC.01.REV.A (scale 1:100) received by the Local Planning Authority on 18 November 2016.

Reason - For the avoidance of doubt and to determine the scope of the permission.

- 3 The slurry lagoon shall be crust-forming.

Reason - For the avoidance of doubt, and to ensure no significant adverse impacts on Dimminsdale Site of Special Scientific Interest (SSSI)

- 4 The crust will be maintained in accordance with the submitted details, received by the Local Planning Authority on 6 December 2016.

Reason - To ensure no significant adverse impacts on Dimminsdale Site of Special Scientific Interest (SSSI)

- 5 Before first use of the slurry lagoon hereby approved the fencing shall first be erected. The fencing to be erected shall be 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, unless alternative fencing is first agreed in writing by the Local Planning Authority.

Reason - To ensure a satisfactory standard of external appearance.

- 6 Before first use of the slurry lagoon hereby approved the topsoil and grass seeding as shown on 'Slurry Lagoon' Drawing No. GID.SEC.01.REV.A (scale 1:100) received by the Local Planning Authority on 18 November 2016 shall first be provided. Should the grass

fail to establish, die, be removed or become seriously damaged it shall be re-seeding during a period of 5 years from the first implementation of the approved landscaping scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

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

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 The slurry store is to be operated in accordance with current and future good farming practice guidance and advice as currently set out in Defra's Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers (2009).

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