

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 31 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 10 January 2017	3 - 10
4. PLANNING APPLICATIONS AND OTHER MATTERS	
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A2	16/01059/OUT: Demolition of farm buildings and erection of five detached dwellings (outline with access and layout included) Quarry Lane Snarestone Swadlincote Derby DE12 7DD	REFUSE	27 - 40
A3	16/01269/OUT: Erection of one detached dwelling (outline - means of access and layout approval) 78 Loughborough Road Peggs Green Coalville Leicestershire LE67 8HG	PERMIT	41 - 50
A4	16/01080/OUT: Erection of one detached dwelling including demolition of existing garage (outline - layout and access included) Mount Pleasant Nottingham Road Peggs Green Coalville Leicestershire LE67 8HN	PERMIT	51 - 62
A5	16/01127/VCU: Variation of Condition 2 of 14/00925/FUL to provide single storey extension detached garage 5 Melbourne Lane Breedon On The Hill Derby DE73 8AT	PERMIT	63 - 70

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 10 JANUARY 2017

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, J Bridges, R Canny, J Clarke (Substitute for Councillor V Richichi), J Cotterill, J G Coxon, D Everitt, P Purver (Substitute for Councillor R Boam), N Smith and M Specht

In Attendance: Councillors R Blunt, J Geary, T J Pendleton and S Sheahan

Officers: Mr S Bambrick, Mr C Elston, Mrs C Hammond, Mr J Mattley, Mr R McKillop, Mr A Mellor and Miss S Odedra

80. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Boam, V Richichi and M B Wyatt.

81. DECLARATION OF INTERESTS

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

Councillor J Cotterill declared a non pecuniary interest in item A7, application number 16/01247/FUL, as Deputy Chairman of Coleorton Parish Council.

Councillor J Coxon declared a non pecuniary interest in item A3, application number 16/01224/FUL, as a Member of Ashby Town Council.

Councillor M Specht declared a non pecuniary interest in item A7, application number 16/01247/FUL, as Chairman of Coleorton Parish Council.

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

Item A1, application number 16/00967/OUTM

Councillors R Adams, J Bridges, R Canny, J Clarke, J Cotterill, J G Coxon, D Everitt, R Johnson, G Jones, J Legrys, N Smith, M Specht and D J Stevenson.

Item A4, application number 16/01207/FUL

Councillors R Adams and J Legrys.

Item A5, application number 15/01005/FUL

Councillors J G Coxon, J Legrys and N Smith.

Item A6, application number 16/01145/OUT

Councillors N Smith and M Specht

Item A7, application number 16/01247/FUL

Councillor G Jones

Item A8, application number 16/01397/PDNATR

Councillors G Jones and D J Stevenson

Item A9, application number 16/00287/FUL

Councillor D J Stevenson

82. MINUTES

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

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

RESOLVED THAT:

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

83. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Regeneration, as amended by the update sheet circulated at the meeting.

The Chairman advised the Committee that item A2, application number 16/00617/OUTM had been withdrawn and therefore would not be considered.

84. A1**16/00967/OUTM: RESIDENTIAL DEVELOPMENT OF UP TO 135 DWELLINGS, ACCESS, INFRASTRUCTURE AND PUBLIC OPEN SPACES (OUTLINE)**

Land at Swepstone Road, Heather, Coalville, Leicestershire, LE67 2RE

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mrs A Wright, Parish Councillor, addressed the Committee. She highlighted to the Committee that the proposed site was a Greenfield site and was outside the Limits to Development, therefore it did not comply with policy S2. She advised Members that the development would increase the village by 31.75% and therefore deem it unsustainable. She informed Members that the village had one shop, the village school and the doctor's surgery in the next village was oversubscribed, there was no bus service. She drew to Members attention that the site was opposite an industrial site and that the developer had means tested the speed along the road and both ways were averaging in excess of 30mph. She urged Members to refuse the application as it was not policy compliant.

The officer's recommendation was moved by Councillor J Bridges, seconded by Councillor J Legrys.

RESOLVED THAT:

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

85. A3**16/01224/FUL: ERECTION OF 4 BUNGALOWS AND ASSOCIATED INFRASTRUCTURE**

Site at Staley Avenue, Ashby De La Zouch, Leicestershire, LE65 2PP

Officer's Recommendation: PERMIT

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

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

Councillor G Jones stated he was happy to support the application as ward member.

RESOLVED THAT:

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

86. 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

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

The officer recommendation was moved by Councillor R Adams and seconded by Councillor J Legrys.

Councillor R Adams stated that it was good to see that the Council was providing new bungalows.

RESOLVED THAT:

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

87. 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

Officer's Recommendation: PERMIT subject to S106 Agreement

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

The Legal Advisor reminded Members that boundary disputes were not planning matters and therefore could not be considered a reason for refusal.

Councillor S Sheahan, neighbouring Ward Member addressed the Committee. He stated that the site would be over developed and as these were proposed starter homes there were issues around the highways safety as the roads were narrow, there were two blind bends and an inadequate turning circle. The access and private drive would not comply with the County Council's 6Cs document. He felt that the applicant should consider combining the development with the Queensway House site to make it more attractive. He urged the Committee to consider deferring the application if they felt the problems could be resolved, but if they could not then they should refuse the application.

Ms P Wheatcroft, objector, addressed the Committee. She advised the Members that a previous application for seven houses had been refused in 2013 as the proposal did not fit the site and the developer had not addressed the issues over the boundary which would be solved if the northern boundary was accurately shown on the plans. She highlighted that the location of the storage for the seven waste bins would have an adverse effect on

the neighbouring properties and due to the narrow road the bin lorry would not be able to access them without reversing which would be dangerous. There was no suitable turning and the drive was not wide enough which would not be acceptable in relation to the County Councils 6Cs document. She questioned the root protection of the trees and whose responsibility it would be. She felt that the development was a very poor design and not deliverable, and urged Members to refuse the application.

Mr S Mitchell, applicant, addressed the Committee. He advised Members that permission had been granted for five dwellings but the site had been extended to accommodate eight dwellings and the application had now been reduced to seven dwellings. He informed Members that each property would have well adequate sized gardens and two car parking spaces each, and the landscaping would enhance the amenity of the area. He highlighted to Members that they had addressed all the concerns that had been raised by officers, including preserving neighbour's privacy and amenity, the development would contribute to the area and there was a huge requirement for good quality housing at starter prices that the application would contribute towards.

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

Councillor D Everitt stated that having seen the site it was difficult to visualise the development as it was covered in natural growth. He was of the view that the site should be developed but expressed concerns over the large slope and that the district would be stuck if the site was developed and this later turned out to be a mistake. He stated that he could not support the development as he felt too much was being packed in for the site to be enjoyable.

Councillor J Legrys stated that he had a number of issues with the development. He felt that the previous application for the site with five dwellings met the 6C's design guide, but the one before them did not. He felt that the applicant should have negotiated with the Council over the Queensway House site to provide a better development and that he was not happy with the access. He stated that the site would be over developed and that the applicant has missed an opportunity.

Councillor D Harrison stated that he had listened to what had been said and understood where speakers were coming from but was unsure of the legalities for working with Queensway House. He felt that the site was not the prettiest and questioned what preparation and safety measures were to be taken against the risk of flooding in relation to the slope. He highlighted that houses were needed and that it was with a heavy heart that he supported the application.

The Director of Services stated that developing the site with Queensway House included was a consideration and that the applicant was open to the idea, however they wanted to crystallise permission for the land that they owned.

Councillor M Specht stated that there would be an engineering solution for the slope of the site and whilst he would like to see a wider development, the site had deteriorated since the last site visit and it was time something was done with it.

The Director of Services stated that discussions had taken place with the applicant in respect of deferring the application so that further information could be obtained. The applicant was not willing to do this as all the required information and detail had been obtained and provided for within this application. He therefore explained that should the application be deferred we would have the same application before us next time and therefore advised that the matter should be decided upon at this committee.

Councillor R Canny stated that on this basis she could not support the application.

Councillor J Legrys requested a recorded vote.

Councillor J Bridges stated that he had reservations over the density, however there was no objection from the County Highways Authority and there was a need for housing.

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

For the motion:

Councillors J Bridges, J Clarke, J Cotterill, J G Coxon, D Harrison, J Hault, G Jones, P Purver, N Smith, M Specht and D J Stevenson(11).

Against the motion:

Councillors R Adams, R Canny, D Everitt, R Johnson, J Legrys(5).

Abstentions:

None (0).

The motion was declared CARRIED. It was therefore

RESOLVED THAT:

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

88.

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

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mrs H Parsons, applicant, addressed the Committee. She advised the Members that the application would be for family members to live in to give them a better life and get them out of rented properties, and thus a local needs dwelling. She highlighted to the Committee that there was full support from the neighbours, there would be no overshadowing of other properties, the proposed development was within the boundary of her land and the application would have no impact on highway safety with adequate visibility. She informed Members that the family contributed to the village with litter picking, gritting and that a local architect had been contracted to ensure that the development was sympathetic to the area.

The officer's recommendation was moved by Councillor J Legrys and seconded by Councillor R Johnson.

Councillor D Harrison stated that he thought that the development was a gift and a wonderful idea to build in their own garden for the benefit of the family. He highlighted that the dwellings would be in the curtilage of the property and he had thought that site was a neighbouring field.

Councillor G Jones concurred that it was an ideal location to build and supported the application.

Councillor J Bridges stated that the only issue was the speed along the road and that he would have to support the officer recommendation. He stated that the speed limit should be reduced on the road and if it was then he could support the application.

Councillor D Everitt stated that the application was going against the rules on protecting the countryside as it was not one house but two.

Councillor J Legrys stated that he was clear why he was supporting the officer recommendation as the issue was building in the countryside. He felt that even if the speed limit was reduced along the road, many people would not obey it and that if the application was permitted the residents would still be reliant on cars. He advised the Committee that rules and standards needed to be adhered to as the Local Plan was with the Secretary of State and the plan needed to be safeguarded.

Councillor N Smith stated that he would support the application if the speed limit was 30mph.

Councillor M Specht questioned whether the applicant had sought pre application advice from officers as they would have been advised that the site was in the countryside and would possibly be refused. He supported the officer's recommendation.

Councillor J G Coxon questioned if there were any records of any accidents that had occurred along the road as he was not aware of any. He stated that you could not stop people from walking along the road and that there were already existing properties on the road. He supported the application.

Councillor D J Stevenson stated that it was becoming difficult to explain how applications for a small number of houses to be built outside the Limits to Development were being permitted and that the only issue with the application that was in front of them was the speed along the road that the development would be accessed off.

RESOLVED THAT:

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

89.

A7

16/01247/FUL: PROPOSED ERECTION OF A DETACHED DWELLING

Land adjacent to 27 Moor Lane, Coleorton, Coalville, Leicestershire, LE67 8FP

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Ms A Smedley, Agent, addressed the Committee. She advised the Members that the application was for a genuine local need as the applicant needed a home close to the family farm where he worked adding that the applicant was born and bred in the village and there was nowhere else for him to reside. She accepted that the site was outside the Limits to Development but it lay between two other dwellings therefore it would not be isolated. She informed the Committee that the applicant would be happy to enter into a Section 106 Agreement to restrict the dwelling to meet a local need and that it would assist with maintaining the vitality of the village and there would be no reliance on a car to travel to work as he would only be crossing the road. She highlighted that the development would be socially and economically sustainable and there were no statutory objections.

Councillor J G Coxon moved that the application be permitted on the grounds that development would be infill and that it was related to the farm across the road. It was seconded by Councillor J Bridges.

Councillor J Bridges stated that the Council needed to support the farming community as it was in decline and the development would allow the family to continue. He highlighted that there had been no objection from statutory consultees and that the applicant was happy to enter into a Legal Agreement.

Councillor J Clarke stated that he did not like the idea of building outside the Limits to Development, but the application before them was more in fill.

Councillor G Jones stated that he had little to add but supported that motion to permit the application.

Councillor J Legrys stated that application was on a 60mph road similar to the previous application and that he would be supporting the officer's recommendation to refuse. He stated that there was enough room for two or three dwellings and that having visited the site there were several other sites that in future could put applications in to be developed. He added that the Committee needed to clear on its policy of refusing applications that were outside the Limits to Development in the countryside.

Councillor J Hoult stated that it was not a fast road and that the family had farmed there for nearly a hundred years having built the farm up from just two acres. He advised that the house was local needs to allow the family's lively hood.

Councillor M Specht stated that the site was outside the Limits to Development and as such the Parish Council had objected to the application, however having been out on site he felt that it would not isolated and rounded off the settlement.

Councillor N Smith stated that the Committee had to be consistent as he could not see how the previous one had been refused on a 60mph road and it appeared that the one before them would be permitted.

RESOLVED THAT:

The application be permitted as it was a sustainable development with the imposition of conditions and negotiation of a Section 106 agreement delegated to the Head of Planning and Regeneration.

- 90. 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

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members.

Councillor R Blunt, Ward Member, addressed the Committee. He stated that in principal the application was fine but drew their attention to the officer's report that stated that a previous application had been refused on the grounds of highways safety and even though the application before them was for one dwelling the road that the site was accessed from was a commuter road with a 60mph average speed. He urged Members to refuse the application on the grounds of highways safety.

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

Councillor J Bridges stated that there was no objection from the highways safety and felt that a tractor pulling out slowly from the site would be more dangerous. He stated that he could not see how we could sustain an argument to refuse.

Councillor R Adams raised concerns over the speed that he had seen vehicles travelling along the road whilst on the site visit and felt that he could not support the application.

RESOLVED THAT:

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

91.

A9

16/00287/FUL: FORMATION OF SLURRY LAGOON AND ASSOCIATED INFRASTRUCTURE

Springwood Farm, Melbourne Road, Staunton Harold, Derby, Leicestershire, DE73 8BJ

Officer's Recommendation: PERMIT

Cllr Stevenson advised what the proposal was for and that previous objections from Natural England had been withdrawn and on that basis he moved the application for approval. It was seconded by Councillor J Bridges.

RESOLVED THAT:

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

Councillor R Blunt entered the meeting at 5.15pm.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.49 pm

APPENDIX B

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

31 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.

Erection of 9 no. dwellings

Report Item No
A1

Land At North Close Blackfordby DE11 8AP Derby

Application Reference
16/01408/FUL

Applicant:
East Midlands Homes

Date Registered:
15 December 2016
Consultation Expiry:

Case Officer:
Jenny Davies

6 February 2017

8 Week Date:

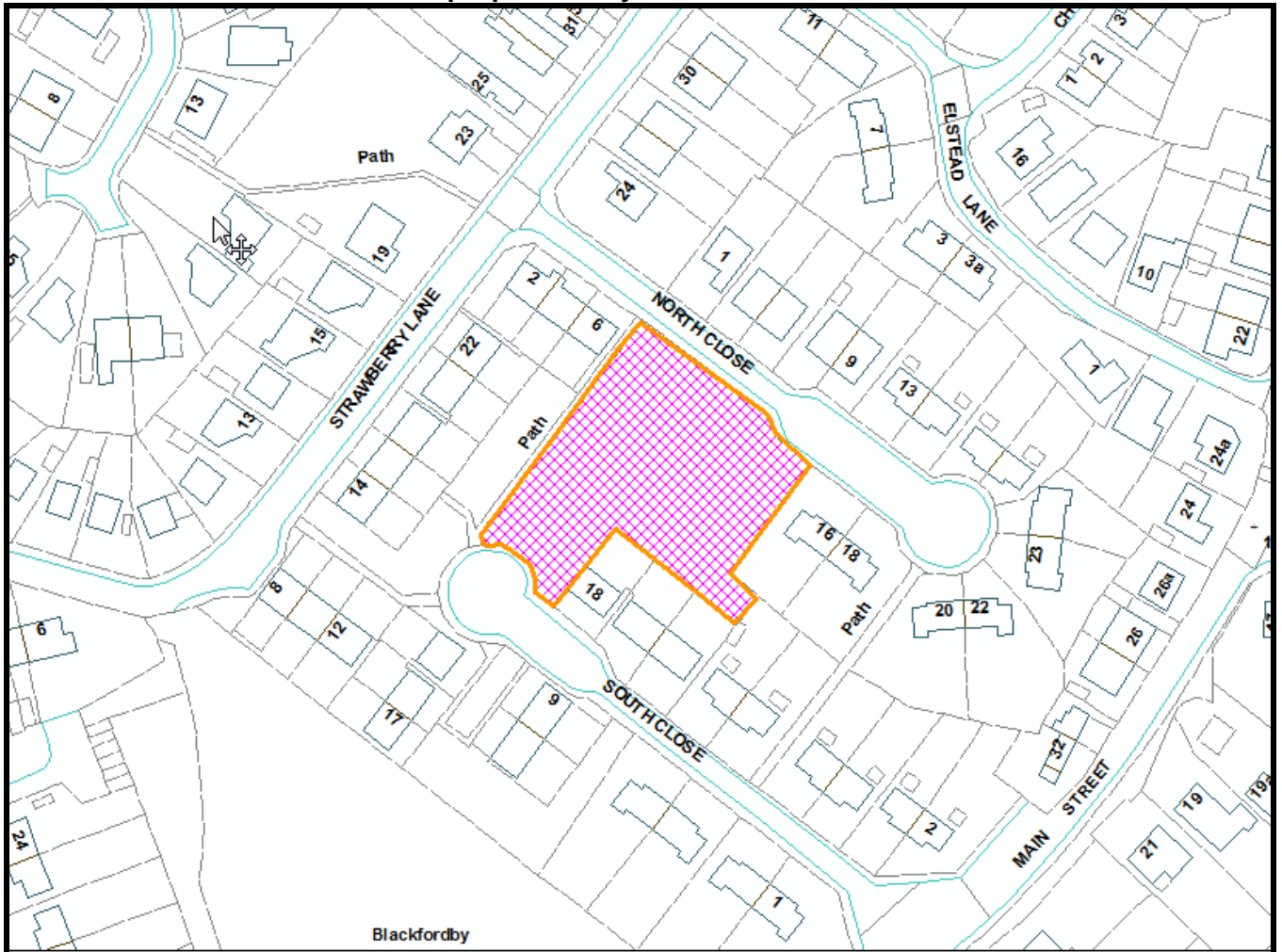
Recommendation:
PERMIT

9 February 2017

Extension of Time:

None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Call In

The application is brought before Planning Committee as the site is owned by North West Leicestershire District Council and objections have been received.

Proposal

Planning permission is sought for the erection of nine dwellings on land at North Close, Blackfordby. The site is currently grassed open space. Three pairs of two storey semi-detached dwellings would front onto North Close, with three detached single storey dwellings fronting onto South Close and a footpath that adjoins the site to the west.

Consultations

Five letters of objection have been received. No comments have been received by Ashby de la Zouch Town Council and Historic England by this date of the report. There are no objections raised by other statutory consultees.

Planning Policy

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

Conclusion

As set out in the main report below, it is considered that on balance a reason for refusal on the basis of impact on open space provision could not be justified in this case. The site would be socially sustainable in relation to distance to services and facilities. The design of the scheme is acceptable and there would be limited harm to the character and visual amenities of the area. It is considered that a reason for refusal on the basis of severe impact on highway safety could not be justified in this case. The less than substantial harm to the heritage assets is in this case considered on balance to be outweighed by the public benefit of the provision of nine dwellings, which would make a contribution to the housing needs of the community. The development would be acceptable in terms of impacts on the character of the area, residential amenities, trees/ecology and the River Mease SAC/SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted, subject to the signing of a legal agreement and 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

Planning permission is sought for the erection of nine dwellings on land at North Close, Blackfordby. The site is currently grassed open space and is adjoined by residential development on all sides. Three pairs of two storey semi-detached dwellings would front onto North Close, with three detached single storey dwellings fronting onto South Close and the footpath that adjoins the site to the west. Access to the site would be via North Close and South Close. All nine dwellings would have two bedrooms and are proposed to be affordable housing.

The application has been submitted by East Midlands Homes, although the land is currently owned by the District Council .

The site lies within the Limits to Development as identified in the adopted North West Leicestershire Local Plan and in the Submitted Local Plan. The site also lies within the catchment area of the River Mease Special Area of Conservation and the Shell Brook, which is a tributary of the River Mease, lies approximately 150 metres to the south of the site. St Margaret's Church, which is a Grade C listed building, lies 475 metres to the north east of the site and the Blackfordby Conservation Area lies 95 metres to the north east. There are no planning history records for the site back to 1974.

2. Publicity

43 Neighbours have been notified.

Press Notice published Burton Mail 25 January 2017.

Site notice posted 16 December 2016

3. Summary of Consultations and Representations Received Statutory Consultees

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

Leicestershire County Council - Archaeology does not require any archaeological work to be carried out.

Leicestershire County Council - Ecology has no objections.

NWLDC Environmental Protection has no environmental observations.

Severn Trent Water has no objections subject to a condition.

NWLDC Housing Services advises it is supportive of the application.

No comments have been received from Ashby de la Zouch Town Council, Historic England and the Council's Leisure Services by the date of this report. Any comments received from these consultees will be reported on the Update Sheet.

Third Party Representations

Five letters of representation had been received which object on the following grounds:

Principle

- Loss of green open space for new houses.

Residential amenity

- Loss of privacy and south facing aspect.
- Two storey dwellings will impact on neighbour's bungalow.
- Two storey properties should be repositioned at South Close end of the site so they don't overlook neighbouring properties, only the recreation ground.

Design and layout

- Two storey dwellings would be out of keeping with the area.
- The whole site should be developed with bungalows which would be more in keeping as the site is surrounded on three sides by bungalows.
- Design of the dwellings needs to be further investigated and thought out.

Highways and access

- Access to properties already reduced by narrow width of road on North Street which will be made worse by additional vehicles from new properties parking on the street.
- Road too narrow and two cars can't pass.
- Problems in emergency vehicles accessing site from North Road.
- On street parking will further restrict access from neighbour's driveways.
- Needs to be more parking on the site as many existing dwellings do not have driveways.

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

4. Relevant Planning Policy

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.

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)

Paragraphs 32 and 35 (Promoting sustainable transport)

Paragraphs 47, 49 and 54 (Delivering a wide choice of high quality homes)

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

Paragraph 69 and 74 (Promoting healthy communities)

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

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

Paragraphs 129, 131, 132, 133, 134, 137 and 138 (Conserving and enhancing the historic environment)

Paragraph 203, 204 and 206 (Planning conditions and obligations)

North West Leicestershire Local Plan:

The North West Leicestershire Local Plan forms the development plan and the following policies

of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

- Policy S1 - Overall Strategy
- Policy S2 - Limits to Development
- Policy E2 - Landscaped Amenity Open Space
- Policy E3 - Residential Amenities
- Policy E4 - Design
- Policy E7 - Landscaping
- Policy E8 - Crime Prevention
- Policy F1 - National Forest - General Policy
- Policy F2 - Tree Planting
- Policy F3 - Landscaping & Planting
- Policy F5 - Forest-Related Development
- 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 the submitted Local Plan should be commensurate to the stage reached towards adoption.

- Policy S1 - Future Housing and Economic Development Needs
- Policy S2 - Settlement Hierarchy
- Policy D1 - Design of New Development
- Policy D2 - Amenity
- Policy H4 - Affordable Housing
- Policy H6 - House Types and Mix
- Policy IF1 - Development and Infrastructure
- Policy IF3 - Open Space, Sport and Recreation Facilities
- Policy IF4 - Transport Infrastructure and New Development
- Policy IF7 - Parking Provision and New Development
- Policy En1 - Nature Conservation
- Policy En2 - River Mease Special Area of Conservation
- Policy En3 - The National Forest
- Policy HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
- Policy Cc2 - Water - Flood Risk
- Policy Cc3 - Water - Sustainable Drainage Systems

Other Guidance

- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations')
- Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)
- National Planning Practice Guidance 2014
- The River Mease Water Quality Management Plan (August 2011)
- The River Mease Developer Contributions Scheme (DCS2) - September 2016

The Community Infrastructure Levy Regulations 2010
 6Cs Design Guide - Leicestershire County Council
 Blackfordby Conservation Area Appraisal and Study (2001)

5. Assessment

The main issues for consideration in the determination of this application relate to the principle of the development, its design and visual impact and its impact on residential amenities, highway safety, trees/ecology, the historic environment and the River Mease Special Area of Conservation/SSSI.

Principle

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)).

The application site lies within the defined Limits to Development within the adopted Local Plan and the submitted Local Plan. The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirement contained in the submitted Local Plan.

Consideration must also 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.

In terms of social sustainability, the proposal would result in the loss of an area of grassed open space which is approximately 0.22ha in size. Paragraph 74 of the NPPF sets out the criteria under which open space may be built on, including where an assessment has been undertaken which clearly shows the open space is surplus to requirements. Policy IF3 of the submitted Local Plan sets out similar criteria. The site is not marked out with any sports pitches, although it is understood that the land has some use for informal recreation by local residents. Two smaller parts of the open space (separated from the application site by a footpath) would be retained, although it is acknowledged that they would not offer the same opportunities for recreational activities as the site itself, given their size. However an assessment submitted with the application identifies three areas of open space within the village. Two of these are a recreation ground/playing field off Main Street (approximately 0.83 ha) which is a maximum 110 metres walking distance from the site and which includes a football pitch, and a recreation ground/play area off Well Lane/Main Street (approximately 0.52 ha), which is a maximum of 310 metres walking distance from the site. The third area is land located to the rear of the Methodist Church, which benefits from permission for use as a playing field solely for use by Blackfordby Primary School, which therefore cannot be taken into account. Open space, likely to be in the form of play areas, is also proposed as part of the outline permissions for new housing on Butt Lane. Whilst the submitted assessment does not provide evidence to demonstrate that the site is surplus to open space requirements, given the above circumstances it is considered that on balance a reason for refusal on the basis of impact on open space provision could not be justified in this case.

Blackfordby provides a range of day to day facilities, e.g. a primary school, churches, village hall, two public houses, recreational facilities/open space, some employment sites, and there is a limited hourly public transport service. These services/facilities are within one km (preferred

maximum walking distance) of the site. Norris Hill is also located approximately one km from the site, which is within the preferred cycling distance, where other services can be found, including another primary school and shops. There is a lit footway along Blackfordby Lane which links to Norris Hill. Other services/facilities are also available within Woodville. Therefore, it is considered that occupiers of the dwellings would not necessarily be dependent on the private car. Taking all of these matters into account it is considered that the site is socially sustainable in terms of access to services/facilities. The provision of two bed dwellings, whilst limited in housing mix, would make a contribution to the housing needs of the community given their smaller size and inclusion of three bungalows. Such provision, along with the dwellings proposed to be affordable, would contribute to social sustainability, and is given considerable weight.

In terms of environmental sustainability some harm would arise from the loss of greenfield land. However as set out in more detail below, the proposal would not result in 'isolated' dwellings or any unacceptable impacts on the natural, built or historic environment. There would also be limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

In conclusion, whilst the proposal would result in the loss of open space and greenfield land, the site's social sustainability credentials, lack of unacceptable impacts on the natural or built environment and limited economic benefits all weigh positively in the balance. Therefore in the overall balance it is considered that the proposal represents a sustainable form of development and is acceptable in principle.

Design and Visual Impact

The development would result in the loss of open space which does contribute to the character and visual amenities of the area. However in this case dwellings already surround the site on all sides, and as two small areas of open space would remain to the west of the site and a large area of open space is located to the south, views of other open space would remain.

The proposal results in a density of 40 dwellings per hectare, which is above that sought under Policy H6 of the Local Plan (a minimum of 30 dwellings per hectare). The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances. This density is considered appropriate having regard to the character of the area and location within a sustainable settlement.

The area is characterised by a mix of bungalows and two storey dwellings, although the site is adjoined predominantly by bungalows. Bungalows are proposed on the southern part of the site. Whilst two storey dwellings are proposed on North Close, two storey dwellings are present at the eastern end of North Close and on Strawberry Lane. The scale of the dwellings is considered to be acceptable and amended plans have been received which improve their appearance by including more detailing.

The layout and relationship of the dwellings to the streets are considered to be generally acceptable, and the development would not appear cramped. However the Urban Designer raised concerns regarding the lack of surveillance of parking spaces and the adjacent footpath. He considers that policing of the footpath is required to ensure that development contributes positively to the community. In addition the Urban Designer had concerns regarding the lack of demarcation between plots, displaced parking, need for space to move around parking spaces and lack of bin storage areas, which have been addressed by the submission of amended plans. The design of the scheme is therefore considered to be acceptable.

As such it is considered that harm to the character and visual amenities of the area would be limited and the proposal would not conflict with the provisions of adopted Policy E4 and submitted Policy D1.

Residential Amenities

No. 1 North Close is two storey and Nos. 3-9 North Close are single storey, with front windows facing towards the site. Plots 4 and 5 would be located 20.8 metres from Nos. 1-5, and Plots 6-9 would be located at least 26.2 metres from Nos. 5-9. The existing dwellings are also located at a higher land level than the proposed dwellings, and it is not unusual for dwellings to face each other across the street (including two storey dwellings opposite single storey dwellings).

Plot 4 would be two storey and five metres from No. 6 North Close, which is single storey with no side windows. Plot 4 would not impinge on the 45-degree line from No. 6's rear windows. Plot 9 would be located 11.4 metres from No. 16 North Close's two storey element, which has a first floor side window, and 8.3 metres from No. 16's single storey element, which has a side door. The first floor side window to Plot 9 could be conditioned to be obscure glazed. Whilst Plot 9 would impinge on the 45-degree line from No. 16's side window, given the distance between the two dwellings and the position of this window, which would have an open aspect to the north/north west, it is considered that Plot 9 would not result in an adverse impact on No. 16.

Plots 6-9 would be located over 28 metres from Nos. 14-18 South Close, which are single storey with rear windows. Whilst Plots 6-9 would be sited at least 1.5 metres higher than Nos. 14-18, a similar relationship can be found between two storey dwellings on North Close and single storey dwellings on South Close.

Plot 1 would be 4.2 metres from No. 18 South Close, which is single storey with no side windows. Plot 1 would not impinge on the 45-degree line from No. 18's rear windows. Plots 2 and 3 (which would be single storey) would be at least 25 metres from the rear elevations to Nos. 18-22 Strawberry Lane (which are also single storey), and 16 metres from their rear gardens.

As such it is considered that the proposed dwellings would not result in significant detriment to the amenities of existing residents from loss of light, loss of privacy or oppressive outlook.

Highway Safety

Concerns have been raised by local residents in respect of highway safety, including regarding the existing width of North Close, so cars currently cannot pass each other along the road, resulting in difficulties for existing residents living opposite the site being able to access or exit their driveways if cars are parked on the opposite side of North Close (either part on the footway and part on the road, or wholly on the road). Also residents are concerned that due to this existing road width additional traffic resulting from the proposed development would impact on access for emergency vehicles, and that the junction of Strawberry Lane and North Close is not wide enough to cope with existing traffic due to the width of the road and on-street parking.

The County Highway Authority has been made aware of these concerns. The Highway Authority advises that *'North Close and South Close are restricted in their width and are subject to an on-street car parking situation because of the absence of off-street car parking facilities for existing dwellings. However, the existing widths of the roads are regarded as appropriate to enable two cars to pass one another. There have been no personal injury accidents on roads in the vicinity of the site in the last five years plus the current year to date. The development will provide an appropriate number of off-street car parking spaces for the proposed dwellings and it is considered that North Close and South Close will both provide an appropriate and safe*

means of access into the site.'

The Highway Authority therefore advises that in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with paragraph 32 of the NPPF, subject to conditions. On this basis it is considered that a reason for refusal on the basis of severe impact on highway safety could not be justified in this case.

Trees/Ecology

There are mature trees adjacent to the site, ponds within 500 metres and the site is a large grassed area. These are features that could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions. The submitted Ecology Report found that the nearest pond is 220 metres away, with all four ponds being on the edge of the village, and as such amphibians would be extremely unlikely to access the site. Furthermore the maintained nature of the site provides little opportunity for use by amphibians. No evidence was found of badgers, although there is potential for badgers to pass through the site given the proximity to arable farmland. No suitable bat roosts were found and the site is considered to provide poor bat foraging habitat. The nearby trees may be suitable for nesting birds. The site is also considered to be poorly suited to reptiles. The site is also likely to restrict use by protected or notable flora and fauna and the Report concluded that it is of negligible ecological value. The County Ecologist advises that no protected species or ecological features of note were identified and therefore no further surveys are required. The County Ecologist also advised that the recommendations of the Report should be included as an informative. On this basis it is considered that protected species would not be adversely affected by the proposal.

The Council's Tree Officer advises that a silver birch tree located adjacent to No. 6 North Close would not be impacted on by the development and would not need to be removed.

Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting or a conservation area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess, and to the desirability of preserving or enhancing the character or appearance of a such an area. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the NPPF stipulates that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

St Margaret's Church, which is a Grade C listed building, lies 475 metres to the north east of the site and the Blackfordby Conservation Area lies 95 metres to the north east, which are designated heritage assets. Therefore the impact of the development on the setting of the listed buildings and Conservation Area should be given special regard as required by the 1990 Act.

The significance of the church derives from it being a well-proportioned mid-19th century parish church of a single unified design and with an accomplished hammerbeam roof. It is also prominently sited within the village and forms a strong group with the adjacent St Margaret's Church of England Primary School and Schoolhouse. The significance of the nearest part of the Conservation Area in part relates to it being the location of the oldest building in the village

(No. 15 Main Street), which also has a thatched roof, along with the former National School building.

Significant weight is given to preserving the setting of the listed building and Conservation Area. The spire to the church, and mature trees around the church, which lie within the Conservation Area, are visible in views of the site from South Close. Existing development, including existing dwellings on North Close, screen the remainder of the church and other development within the Conservation Area from view, and forms the foreground to the church and Conservation Area. Development of the site would largely remove views of the church from this part of South Close, although some views of the church spire may be visible in gaps between dwellings. As such it is considered that the proposal would result in less than substantial harm to the setting of the listed building and Conservation Area. Paragraph 134 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal. The less than substantial harm to the heritage assets is in this case considered on balance to be outweighed by the public benefit of the provision of nine no. two bed dwellings, which would make a contribution to the housing needs of the community given their smaller size and inclusion of three bungalows, and that they are proposed to be affordable.

River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC) and the Shell Brook, which is a tributary of the River Mease, lies approximately 150 metres to the south of the site. 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 First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

DCS2 was adopted by the Council on 20 September 2016. However there is only limited capacity available for new development until pumping out of foul drainage discharge from the SAC catchment area takes place. It is considered that this limited capacity should be directed to the most sustainable locations for new development within the District as set out in Policy S2 of the submitted Local Plan. Therefore as the application lies within the Limits to Development in the adopted Local Plan and submitted Local Plan the application is considered acceptable under DCS2. The applicant has indicated they are willing to pay the required DCS contribution. The Council's legal team has advised that the Council (as the only owner of the site) cannot enter into a Section 106 Agreement with itself to secure the DCS2 contribution. Accordingly an appropriately worded condition could be imposed, which allows flexibility in the event that the site is sold so that any future developer/owner would need to enter into a legal agreement to secure the DCS2 contribution.

Surface water is shown to discharge to a sewer, which would then either discharge to the treatment works or into a tributary of the River Mease, as the ground conditions means the site is not suitable for sustainable drainage. As such discharge would adversely impact on the SAC, it is considered that a contribution to mitigate against this impact is also required, of which the applicant has been made aware. Given the distance of the site from the Shell Brook and intervening development, it is considered that the proposal would not adversely impact on this watercourse.

The flows from the nine dwellings need to be taken into account against the existing headroom

at Packington Treatment Works. At March 2016 capacity was available for 3368 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (1444) and those subsequently approved or with a resolution (282). Taking these into account there is currently capacity available at the treatment works for the development.

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

Other Matters

The Council's Environmental Protection team has no environmental observations. The County Archaeologist advises that no archaeological work is required. It is considered that a construction traffic route needs to be agreed given that some of the roads leading to the site, e.g. Well Lane, are unlikely to be suitable for construction traffic.

Severn Trent Water initially advised that it has no objections subject to a condition relating to foul and surface water drainage details. Such details were included within a Flood Risk Assessment which has been sent to Severn Trent Water for further comments, which will be reported on the Update Sheet.

In respect of matters raised in the letters of representation that have not been addressed above, it is not unusual to find bungalows located close to dwellings, as is already the case in this part of Blackfordby. It is also not unusual to find older people living in close proximity to younger people. Impact on views is not a planning matter and can therefore be afforded very limited weight.

Conclusion

As set out in the main report above, it is considered that on balance a reason for refusal on the basis of impact on open space provision could not be justified in this case. The site would be socially sustainable in relation to distance to services and facilities. The design of the scheme is acceptable and there would be limited harm to the character and visual amenities of the area. It is considered that a reason for refusal on the basis of severe impact on highway safety could not be justified in this case. The less than substantial harm to the heritage assets is in this case considered on balance to be outweighed by the public benefit of the provision of nine dwellings which would make a contribution to the housing needs of the community. The development would be acceptable in terms of impacts on the character of the area, residential amenities, trees/ecology and the River Mease SAC/SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

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

- 1 Time limit**
- 2 Approved plans**
- 3 Construction hours**
- 4 External materials and external details**
- 5 Foul and surface water drainage**
- 6 Levels**
- 7 Construction traffic management plan**
- 8 Pedestrian visibility splays**

- 9 **Parking and surfacing**
- 10 **Landscaping and boundary treatments**
- 11 **Landscaping - replanting**
- 12 **External lighting details**
- 13 **No extra first floor side windows to Plots 4, 5 and 6**
- 14 **First floor side window to Plot 9 - obscure glazed and top opening**
- 15 **No frontage gates, walls and fences**
- 16 **Bin collection area to Plots 2 and 3**
- 17 **River Mease - legal agreement**

Demolition of farm buildings and erection of five detached dwellings (outline with access and layout included)

**Report Item No
A2**

Quarry Lane Snarestone Swadlincote Derby DE12 7DD

**Application Reference
16/01059/OUT**

**Applicant:
Mr & Mrs J Glover**

**Date Registered:
21 September 2016
Consultation Expiry:**

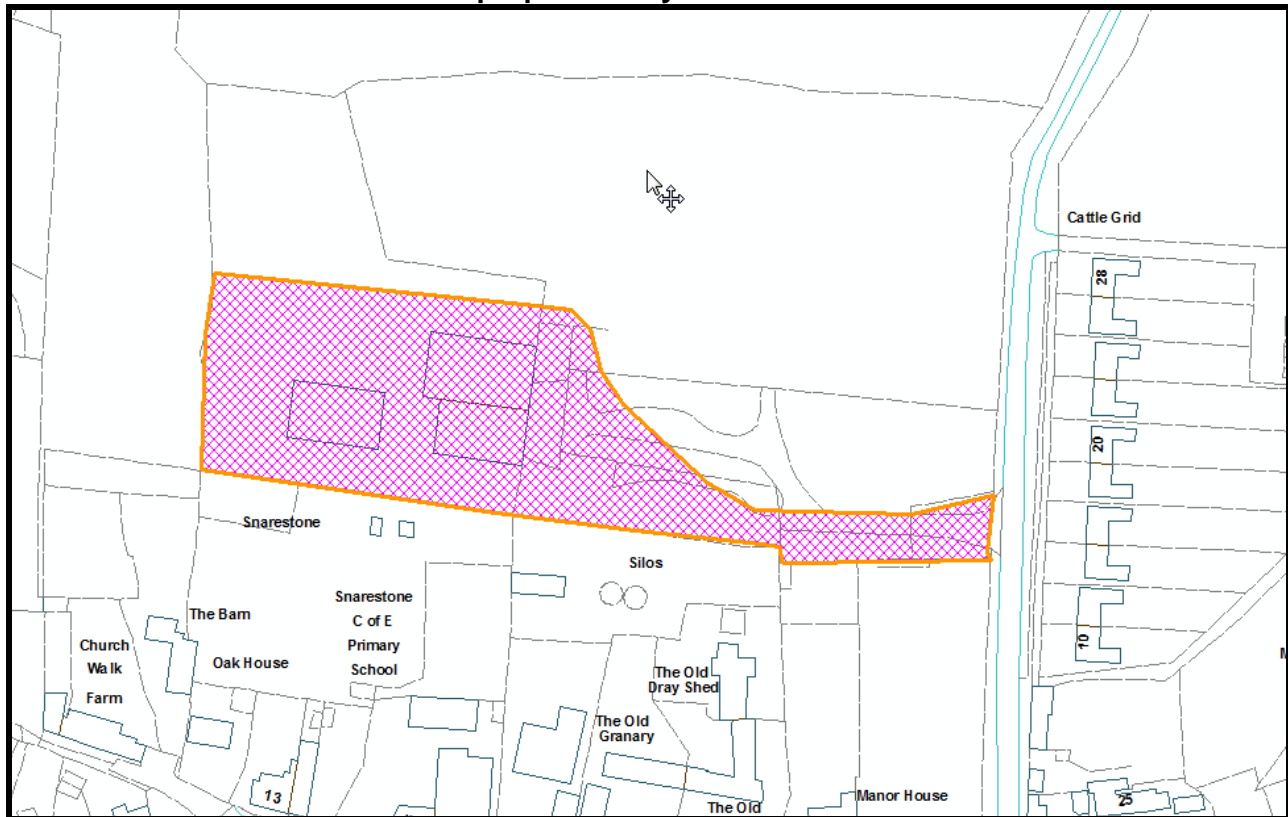
**Case Officer:
Jenny Davies**

**26 January 2017
8 Week Date:**

**Recommendation:
REFUSE**

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

Proposal

Outline planning permission (with access and layout included for determination) is sought for the demolition of farm buildings and erection of five detached dwellings on land at Quarry Lane, Snarestone. The site lies on the western side of Quarry Lane and an existing access from Quarry Lane would be utilised.

Consultations

Eight letters of support have been received, along with two letters which raise concerns. Snarestone Parish Council does not object. There are no objections raised by other statutory consultees.

Planning Policy

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

Conclusion

In conclusion, whilst the site is outside the Limits to Development and constitutes greenfield land, the proposal would not have unacceptable impacts on the natural, built or historic environment, would have limited economic benefits and would provide an affordable dwelling. However it is considered that the future occupiers of the dwellings would be reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially sustainable. Furthermore as the site lies outside the Limits to Development, in the context of the River Mease Special Area of Conservation (SAC) the proposal does not constitute a sustainable form of development. On balance these matters would not be outweighed by the benefits of the proposal or any other material considerations. It is therefore recommended that planning permission be refused.

RECOMMENDATION - THAT PLANNING PERMISSION BE 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 (with access and layout included for determination) is sought for the demolition of farm buildings and erection of five detached dwellings on land at Quarry Lane, Snarestone. The site is 0.65 hectares in size and lies on the western side of Quarry Lane, adjoined by Snarestone Primary School and existing dwellings to the south and east, and farmland to the north and west. The western part of the site is occupied by three modern farm buildings, all of which would be demolished, and areas of vegetation. The eastern part of the site is occupied by hardsurfacing and the access drive.

Five dwellings and five detached garages are proposed on the site of the existing farm buildings and hardstanding. Three of the dwellings would be detached, and the indicative elevations show the other two dwellings to be linked by an archway. An existing access into the site from Quarry Lane would be utilised, which would be re-routed to terminate in a central courtyard. Scale, appearance and landscaping have been reserved for future determination, although two indicative elevational drawings have been submitted.

The supporting information advises that the applicant is agreeable to negotiating in respect of:

- the transfer of land, including a traditional red brick building (which lies adjacent to the site to the south) to Snarestone Primary School and payment of £100,000 to the school;
- civic amenity contribution;
- library contribution;
- health contribution;
- affordable housing - Plot 5 is proposed as a local needs dwelling in perpetuity;
- monitoring costs.

The site lies outside the Limits to Development as identified in the adopted and submitted North West Leicestershire Local Plans and lies within the catchment area for the River Mease Special Area of Conservation/SSSI. The Ashby Canal SSSI lies approximately 98 metres to the west/north west of the site. The Snarestone Conservation Area adjoins the site to the south and Manor Farm, Nos. 13 & 15 Main Street and Snarestone Primary School adjoin the site to the south and are Grade 2 listed buildings. The traditional red brick building referred to above may have had a historic and functional relationship with Manor Farmhouse and therefore may be listed by virtue of being a curtilage building. The former outbuildings to Manor Farmhouse (now converted to dwellings) and Nos. 1 and 2 Quarry Lane are considered to form unlisted buildings of interest. The most recent planning history dates back to the mid-1990s and relates to the erection of farm buildings.

2. Publicity

27 neighbours notified.
 Site Notice displayed 14 October 2016.
 Press Notice published Leicester Mercury 19 October 2016.

3. Summary of Consultations and Representations Received Statutory Consultees

Snarestone Parish Council advises that it has unanimously approved this application.

Historic England recommends that the application should be determined in accordance with

national and local policy guidance and on the basis of the Authority's specialist conservation advice.

Leicestershire County Council Archaeologist advises no archaeological work is required.

Leicestershire County Council Ecologist has no objections.

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

Natural England has no objections subject to conditions.

Severn Trent Water has no objection subject to a condition.

NWLDC Environmental Protection team has no environmental observations subject to details of boundary treatments and conditions.

NWLDC Housing Services has no objections.

No comments have been received from the Environment Agency by the date of this report. Any comments received will be reported on the Update Sheet.

Third Party Representations

Eight letters of support (including from Snarestone Primary School's headteacher) have been received which make the following comments:

- growth in number of children attending the school and pre-school in recent years;
- number of children on the school roll is anticipated to increase in next few years;
- impact on space at the school to accommodate another class, including loss of an ICT space;
- limited space available at the school which is likely to worsen due to popularity and growth of the school;
- lack of space could impact on the school and quality of children's learning, well being and general school standards;
- becoming more difficult to deliver a full and varied curriculum due to lack of alternative spaces away from the classrooms;
- a new school room would open up more possibilities for the children's education, e.g. providing a space for creative activities, indoor sports, the pre-school, classroom for older children to prepare for next stage of education;
- a new school room would be a valuable asset for staff, the community and the children;
- acquirement and development of the building and land is absolutely necessary for school to pursue highest possible educational experience for pupils;
- new building would also enable community to use school facilities and benefit a wider group of people;
- adapting redundant farm buildings is the best way to extend housing in the village.

Two letters of representation raise concerns in respect of the following matters:

- the houses should be of a more 'affordable' size and type, which would attract young families and first time buyers who are needed in the village and would benefit existing facilities;
- the site lies adjacent to a Conservation Area and a beautiful rural landscape leading to Ashby Canal and is in close proximity to the River Mease which is a Special Area of Conservation;
- the site lies outside the Limits to Development and does not meet any of the criteria for development under Policy S3 of the adopted Local Plan;
- application is based on premise that this is a sustainable development on the basis of the church being used as a village hall, which is incorrect;

- Snarestone is not served by an hourly bus service, and existing bus service is always under threat;
- nearest hourly bus service is over 5km from the village;
- an additional 10 cars would exit onto Quarry Lane, which is single track;
- permission was also recently granted for five holiday lodges further along this road;
- T-junction with Main Street is located within 100 metres of the site entrance which has poor visibility, which is extremely congested at school drop off and collection times, and which is used as turning space;
- current farm traffic is distributed evenly through the day whereas family homes will generate traffic at peak times;
- development would constitute a large percentage increase in the housing stock of a tiny village and should be seen in the light of intensive expansion of housing in nearby Appleby Magna;
- developments at Appleby Magna will cause an increase in traffic through Snarestone;
- confusion regarding the information submitted with the application;
- not necessarily opposed to the development but feel that the premise under which the application is submitted is not correct and this should be addressed so as not to set a precedent for further development along Quarry Lane.

A letter of representation makes comments in respect of a public footpath that crosses the site. However these comments relate to a different application elsewhere on Quarry Lane.

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

4. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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

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)

Paragraphs 32 and 35 (Promoting sustainable transport)

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

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

Paragraphs 69 and 70 (Promoting healthy communities)

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

Paragraphs 109, 112, 118, 119, 120, 121 and 123 (Conserving and enhancing the natural environment)

Paragraphs 129, 131, 132, 133, 134, 137 and 138 (Conserving and enhancing the historic environment)

Paragraphs 203, 204 and 206 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002):

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated

otherwise within the assessment below, should be afforded weight in the determination of this application:

- Policy S1 - Overall Strategy
- Policy S3 - Countryside
- Policy E2 - Landscaped Amenity Open Space
- Policy E3 - Residential Amenities
- Policy E4 - Design
- Policy E7 - Landscaping
- Policy E8 - Crime Prevention
- 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 the submitted Local Plan 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 H4 - Affordable Housing
- Policy H6 - House Types and Mix
- Policy IF1 - Development and Infrastructure
- Policy IF4 - Transport Infrastructure and New Development
- Policy IF7 - Parking Provision and New Development
- Policy EN1 - Nature Conservation
- Policy EN2 - River Mease Special Area of Conservation
- Policy En6 - Land and Air Quality
- Policy HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
- Policy CC2 - Water - Flood Risk
- Policy CC3 - Water - Sustainable Drainage Systems

Other Guidance

- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Practice Guidance 2014
- The Conservation (Natural Habitats &c.) 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
- The River Mease Developer Contributions Scheme (DCS)
- The Community Infrastructure Levy Regulations 2010
- 6Cs Design Guide - Leicestershire County Council
- Snarestone Conservation Area Appraisal and Study (2001)
- NWLDC Affordable Housing SPD (2011)

5. Assessment

The main issues for consideration in the determination of this application relate to the principle of the development, its visual impact and its impact on the historic environment, residential amenities, trees and ecology, highway safety and on the River Mease Special Area of Conservation.

Principle of the Development

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)).

The application site lies outside the defined Limits to Development within the adopted Local Plan and the submitted North West Leicestershire Local Plan, with new dwellings not being a form of development permitted by Policy S3 in the adopted Plan and Policies S2 and S3 in the submitted 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.

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

Consideration must also 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.

In terms of social sustainability, it is considered that Snarestone does not benefit from a wide range of local services, limited to a public house, church, recreational ground and Primary School. The agent advises that the church is also used as a village hall, but this is not clear, in particular as a letter from a local resident advises that this is not the case. A limited two hourly bus service operates Monday to Saturday.

The closest settlements with a shop and other facilities/services and small-scale employment sites, (Appleby Magna and Measham) are in excess of the 800 metre-1km distance that it is considered would deter trips by walking. Whilst these settlements are within the average cycling trip distance, the routes include mostly 50-60mph roads with no streetlighting. Whilst a bus serves both Appleby Magna (five minutes) and Measham (10 minutes), this is limited to a two hourly service. Therefore it is considered that so future residents are likely to choose to use the private car to make journeys to these settlements. The infrequent bus service would also limit the opportunities for residents to travel to work by public transport.

The agent has advised that an application for prior notification could be submitted for the conversion of the existing farm buildings (up to 450 square metres) to three dwellings under Class Q, Part 3 of the General Permitted Development Order 2015. This would roughly be equivalent to conversion of the largest of the buildings on the site. If such an application was submitted the Authority could only have regard to certain matters (set out below), and whether any building operations are reasonably necessary for the building(s) to function as a dwelling.

As such whilst a prior notification could be submitted to convert part of the existing buildings to three dwellings, this provides a limited fallback as such an application has not been formally

submitted, and so a full assessment of the matters that can be considered under Class Q has not been undertaken. It is however acknowledged that transport and highway impacts, noise impacts, contamination risks and flood risk are unlikely to be significant issues given the comments received in respect of the current application. However without full details of a conversion scheme it is not possible to assess design and external appearance, whether it would be impractical or undesirable to convert the buildings and whether any building operations are reasonably necessary for the building to function as a dwelling.

The conversion of the existing buildings under Class Q is likely to give them a modern appearance, which is acceptable in principle under Class Q and which has been approved at other sites in the District. It may also be impractical to convert parts of the buildings to dwellings, given that other buildings would be adjacent or in very close proximity that could still be used for farming. Paragraph 105 of the National Planning Guidance advises that *'It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.'* Therefore the potential for a Class Q conversion of the existing buildings is given very limited weight.

The agent has also advised that the traditional red brick building to the south of the site could also be converted to a dwelling, resulting in four dwellings on the site. However as the applicant is offering this building to the village school alongside the proposed new dwellings (as discussed in more detail below), and that planning permission has not been granted for its conversion to a dwelling, its potential to be converted to a dwelling is also afforded very limited weight.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Given the above, and that very limited weight is given to the potential for four dwellings to be provided at the site by other means, it is considered the future occupiers of the dwellings would be reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially sustainable.

In terms of environmental sustainability the proposal would result in the loss of agricultural land. However given the relatively limited extent of the potential loss of the site (0.65 hectares), it is considered that this is not sufficient to sustain a reason for refusal in this case. Some harm would also arise from the loss of greenfield land located within the countryside. However as set out in more detail below, the proposal would not result in 'isolated' dwellings or any unacceptable impacts on the natural, built or historic environment. There would also be limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

However in the context of the River Mease SAC, as set out in more detail below, the limited capacity available in the adopted River Mease Developer Contribution Scheme Second Development Window (DCS2) should be directed to the most sustainable locations for new development. Therefore as the site lies outside the Limits to Development, in the context of the River Mease SAC, the proposal does not constitute a sustainable form of development.

In conclusion, whilst the site is outside the Limits to Development and constitutes greenfield land, the proposal would not have unacceptable impacts on the natural, built or historic environment, would have limited economic benefits and would provide an affordable dwelling. However it is considered that the future occupiers of the dwellings would be reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially sustainable. Furthermore as the site lies outside the Limits to Development, in the

context of the River Mease SAC, the proposal does not constitute a sustainable form of development, which on balance would not be outweighed by the benefits of the proposal or any other material considerations.

Visual Impact

The proposal would result in a density of 7.7 dwellings per hectare, which is significantly below that sought under Policy H6 of the adopted Local Plan (a minimum of 30 dwellings per hectare). However the NPPF states that authorities should set their own approach to housing density to reflect local circumstances. The submitted Local Plan does not contain a policy setting specific densities. This density is considered appropriate having regard to the character of the area and the location of the site within the countryside.

The proposal would result in the loss of greenfield land within the countryside. However, the proposed dwellings would be set well back from the road, largely on the site of existing buildings and hardsurfacing. It is considered that the layout would reflect a traditional farmstead and some improvements have been made. Development on the site would therefore not be prominent within the streetscene and locality, and would be seen close to existing development, in particular to the south. There is variety in the scale and design of the dwellings in this part of Snarestone and the footprints of the dwellings give an opportunity to reflect local character and distinctiveness. The site could accommodate all of the necessary requirements (private garden, parking/turning space) without being too cramped or resulting in over-development. As such it is considered that harm to the character and visual amenities of the countryside would be limited and the proposal would not conflict with the provisions of adopted Policy E4 and submitted Policy D1.

Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting or a conservation area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess, and to the desirability of preserving or enhancing the character or appearance of a such an area. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the NPPF stipulates that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Manor Farmhouse, Nos. 13 & 15 Main Street and Snarestone Primary School adjoin the site to the south and are Grade 2 listed buildings. The traditional red brick building adjacent to the site may have had a historic and functional relationship with Manor Farmhouse and therefore may be listed by virtue of being a curtilage building. The former outbuildings to Manor Farm (now converted to dwellings) and Nos. 1 and 2 Quarry Lane are considered to form unlisted buildings of interest. The site is also adjoined to the south by the Snarestone Conservation Area. Therefore the impact of the development on the setting of the listed buildings and Conservation Area should be given special regard as required by the 1990 Act.

The significance of the school building derives from it being one of the oldest buildings in the village, as it dates from the early 18th century, with part of the existing building and land donated in 1717 by a member of the Charnell family (who were important landowners in the village since the 13th century) to found the Snarestone Endowed School. Manor Farm's significance partly derives from it being one of a group of prestigious houses developed in the 18th century, and the conversion of its former outbuildings reflects the decline in agricultural

activities within the village in the 20th century. Manor Farmhouse's significance also derives from some of its external detailing, which are typical of Georgian properties of architectural pretension. Nos. 13 and 15 Main Street date from the 18th/19th century and their significance in part derives from their group value with the school and the retention of 18th century internal and external features. The significance of the traditional red brick building lies in it being one of the only remaining unconverted traditional farm buildings in the village. The historic centre of the village is centred on the nearby part of the Conservation Area, and Quarry Lane itself provides a strong visual edge and sense of enclosure due to the mature trees and hedgerows to the Manor House.

Significant weight is given to preserving the setting of the Grade 2 listed buildings and Conservation Area. The development would be well separated from Manor Farmhouse and screened by existing boundary walls and mature trees. Whilst there may have been an historic and/or functional relationship between the site and Manor Farm, the sites are now completely separate and the introduction of the modern farm buildings has weakened any such relationship. Whilst there would be a more open aspect between the converted former outbuildings to Manor Farm and the development, they are quite separate. The new dwellings would be adjacent to the boundary with the school, and occupy more of the site and are likely to be of a larger scale overall than the existing buildings. However the existing buildings are of a large scale and height, and already form the backdrop to the school and Nos. 13 and 15 when viewed from Main Street and the school grounds, and form part of the view of the school from Quarry Lane. There is no evidence to suggest there is any direct functional/historic relationship between the site and the school and Nos. 13-15. The layout largely reflects a traditional farmstead and it is considered that dwellings could be designed that would reflect the location of the site adjacent to heritage assets. As such it is considered that the proposal would not adversely impact on the setting of the listed buildings, Conservation Area and unlisted buildings, and would not be harmful to their significance.

The County Archaeologist advises that due to the level of previous ground disturbance at the site no archaeological work would be required.

Residential Amenities

The dwellings would be sited at least 51 metres from No. 17 Main Street and 33 metres from its boundary, with the garages being 47 metres from No. 17 and 31 metres from its boundary. Plot 5 would be 40 metres from the Old Dray Shed and 28 metres from its boundary. Plot 3 would be at least 25 metres from the garden to The Barn. As such it is considered that the proposal would not adversely affect residential amenities in terms of loss of privacy, loss of light and oppressive outlook.

The Council's Environmental Protection team has requested that a boundary treatment is erected to the site's southern boundary (at a minimum a close boarded fence) to show how noise from the primary school playing field/play area would be abated so as not to impact on the amenity space to the new dwellings. However erection of a boundary treatment would impact on both the setting of the school and result in the loss of a mature hedgerow that contributes to the amenities of the area. Furthermore such a request was not made in respect of the dwelling that has been erected immediately to the east of the school (10/01142), whose garden adjoins the school's hardsurfaced sports area. The school playing field is also adjoined by the gardens to at least four existing dwellings. On this basis it is considered unreasonable to require a boundary treatment to be provided.

Trees and Ecology

There are buildings to be demolished, trees and hedgerows on and near the site and large

areas of grassland/gardens nearby, all of which are features that could be used by European Protected Species (EPS) or national protected species. Therefore the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions and to the requirements of the Wildlife and Countryside Act 1981 (as amended).

The County Ecologist advises that there is no need for surveys of the three buildings to be demolished, but there may be a need for a survey of the traditional red brick building should it be converted. However this building lies outside the application site and is not proposed to be converted as part of this application. There are no trees within the site and the trees within the grounds to Manor Farm are unlikely to be affected as the access drive will either remain in its existing position or move further from the trees.

No hedgerows are shown to be removed. Visibility splays have not been requested by the County Highway Authority and the garage to Plot 3 has been moved further away from the southern boundary hedgerow. As such it is considered that protected species would not be adversely affected.

Highway Safety

The site access is located around 90 metres from the junction of Quarry Lane and Main Street and is currently used by farm traffic, which would cease. Visibility splays for a 30mph road could be achieved on both sides of the access, although the frontage hedgerow would need to be cut back. The County Highway Authority advises that Quarry Lane is a rural road with a 30mph limit adjacent to the site and with no recent history of traffic incidents. The geometry of the junction indicated on the drawing would provide safe and acceptable access to the development. The Highway Authority goes on to state that it is satisfied that the proposal is unlikely to lead to an unnecessary increased risk to road users, and advises that in its view the residual cumulative impacts of development are not considered severe in accordance with paragraph 32 of the NPPF, subject to the conditions. Given the above it is considered that the proposal is unlikely to result in a severe impact on highway safety.

River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC)/SSSI. 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.

A condition could be imposed requiring discharge of surface water to a sustainable drainage system. The flows from the five dwellings need to be taken into account against the existing headroom at Snarestone Treatment Works, which serves this area. At March 2016 capacity was available for 85 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (21) and those subsequently approved or with a resolution (1). As such it is considered that capacity is available at the relevant treatment works for foul drainage from the site.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

Members will be aware that DCS2 was adopted by the Council on 20 September 2016. However there is only limited capacity available for new development until pumping out of foul

drainage discharge from the SAC catchment area takes place. It is considered that this limited capacity should be directed to the most sustainable locations for new development within the District as set out in Policy S2 of the submitted Local Plan. Therefore as the site lies outside the Limits to Development in the adopted Local Plan and submitted Local Plan it is considered that in the context of the SAC and the limited capacity available in DCS2 the proposal does not constitute a sustainable form of development. Development of the site would therefore be contrary to the provisions of Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

Developer Contributions

Whilst only five new dwellings are proposed, more than 1000 square metres of floorspace would be created. Therefore the proposal can be subject to developer contributions under the National Planning Policy Guidance.

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.

The supporting information advises that the applicant is agreeable to negotiating in respect of providing:

- the transfer of land, including a traditional red brick building (which lies adjacent to the site to the south), to Snarestone Primary School and payment of £100,000 to the school;
- civic amenity contribution;
- library contribution;
- health contribution;
- affordable housing - Plot 5 is proposed as a local needs dwelling in perpetuity.

Under the Council's Affordable Housing SPD, 30% affordable housing is required on sites of five dwellings or more. The Council's Strategic Housing Team advises that the provision of Plot 5 as a discounted open market property is acceptable and this could be secured in a legal agreement. One affordable dwelling on the site would contribute to social sustainability, although the remaining housing mix would make a limited contribution to the housing needs of the community given that they are all proposed to be larger dwellings.

Although sympathetic to the position of the school in respect of lack of space and increasing pupil numbers, the proposal falls below the threshold of 10 dwellings or more under which the Education Authority (Leicestershire County Council) would be consulted. Furthermore this threshold applies to other developer contributions (other than affordable housing), including civic amenity sites, libraries and healthcare. As such there is no evidence or justification that the land, building and money for the school and the other proposed contributions are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale and kind to the proposal. Therefore it is considered that the proposed contributions would not comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and therefore do not form a material consideration and should not be taken into account in the determination of the application.

Other Matters

The supporting information advises that a working farm in the centre of the village has implications for smell, noise and wider environmental issues such as vermin control. However it is not unusual for farm buildings to be located close to the edge of villages, and there does not

appear to be a history of complaints about the site.

The Ashby Canal SSSI lies approximately 98 metres to the west/north west of the site. Given this distance, that surface water already discharges from the site into the ground, and that a condition could be imposed to prevent pollution of the SSSI from surface water discharge, it is considered that the proposal is unlikely to adversely impact on this SSSI.

The Council's Environmental Protection team requests the imposition of conditions relating to contaminated land due to the agricultural use of the site.

Conclusion

In conclusion, whilst the site is outside the Limits to Development and constitutes greenfield land, the proposal would not have unacceptable impacts on the natural, built or historic environment, would have limited economic benefits and would provide an affordable dwelling. However it is considered that the future occupiers of the dwellings would be reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially sustainable. Furthermore as the site lies outside the Limits to Development, in the context of the River Mease Special Area of Conservation (SAC) the proposal does not constitute a sustainable form of development. On balance these matters would not be outweighed by the benefits of the proposal or any other material considerations. It is therefore recommended that planning permission be refused.

RECOMMENDATION, REFUSE for the following reasons:

- 1 In the opinion of the Local Planning Authority Snarestone is not considered to benefit from a wide range of local services, nor is it considered to be readily accessible via public transport and the scheme would result in future occupiers being reliant upon the private motorcar to access basic day to day needs. It is therefore considered that the development would be contrary to Policy S3 of the adopted North West Leicestershire Local Plan, Policies S2 and S3 of the submitted North West Leicestershire Local Plan and the social strand of sustainability enshrined within the National Planning Policy Framework. As such the development would not constitute a sustainable form of development.
- 2 The River Mease Developer Contribution Scheme Second Development Window (DCS2) was adopted by the Council on 20 September 2016 and allows for a limited amount of capacity for new development in the catchment area of the River Mease Special Area of Conservation (SAC). In the opinion of the Local Planning Authority, the limited capacity should be directed to the most sustainable locations for new development within the District as set out in Policy S2 of the submitted North West Leicestershire Local Plan. The site lies outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan and submitted North West Leicestershire Local Plan. Therefore, in the context of the River Mease SAC and the limited capacity available in the adopted DCS2, the proposal does not constitute a sustainable form of development and would therefore be contrary to the provisions of Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

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Erection of one detached dwelling (outline - means of access and layout approval)

Report Item No
A3

78 Loughborough Road Peggs Green Coalville Leicestershire
LE67 8HG

Application Reference
16/01269/OUT

Applicant:
Mr & Mrs Hildreth

Date Registered:
3 November 2016

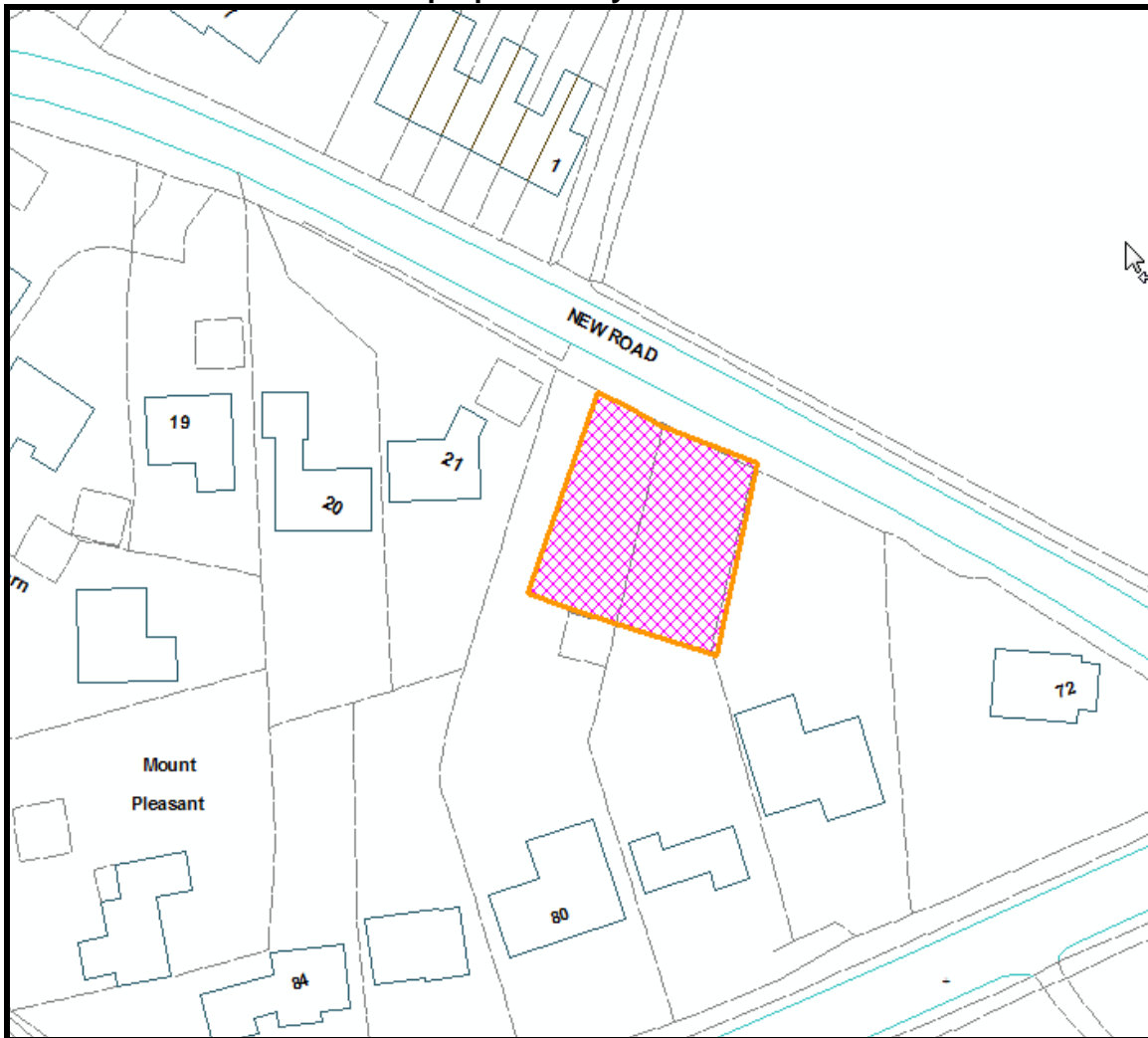
Case Officer:
Adam Mellor

Consultation Expiry:
20 December 2016

Recommendation:
PERMIT

8 Week Date:
29 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 as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Outline planning permission is sought for the erection of one detached dwelling at 78 Loughborough Road, Peggs Green, Coleorton with the access and layout for approval at this stage. The 0.06 hectare site is situated on the south-western side of New Road, to the north-west of no. 78, and is within the defined Limits to Development.

Consultations

One individual representation has been received which supports the development proposals. Swannington Parish Council object to the application. All other statutory consultees, with the exception of Severn Trent Water and the Coal Authority whose comments are awaited, have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

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

Conclusion

The application site is located within the Limits to Development where the principle of this form of development would be acceptable with the application site being within an acceptable walking distance of services in order to ensure the development is socially sustainable. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, highway safety, soft landscaping or ecology. 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 National and Local planning policies.

RECOMMENDATION - PERMIT, subject to conditions.

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

MAIN REPORT

1. Proposals and Background

Outline planning permission, with means of access and layout for approval, is sought for the erection of a detached dwelling at 78 Loughborough Road, Peggs Green, Coleorton. The 0.06 hectare site is situated on the south-western side of New Road and currently comprises residential garden associated with nos. 78 and 80 Loughborough Road, it is situated within the defined Limits to Development. Residential dwellings of varying designs and scales are concentrated around the site with open countryside to the north-east.

It is proposed that a dwelling would be provided to the north-west of these dwellings and would cover a ground area of 127.5 square metres. Whilst the scale is not for approval at this stage the indicative elevation details highlight that the dwelling would be two-storey in height.

In terms of vehicular access this would be achieved via a newly created access off New Road with off-street parking and manoeuvring facilities being provided within the site. A detached single garage, covering a ground area of 22.75 square metres, would also be provided.

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

An outline application for the erection of one dwelling with means of access for approval was refused on the 12th September 2006, under application reference 06/01179/OUT, on the basis that the site was not in a socially sustainable location.

No recent or relevant planning history was found.

2. Publicity

9 no neighbours notified.

Site Notice displayed 29 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 no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Leicestershire County Council - Ecology has no objections.

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. Any comments will be reported to Members on the update sheet.

Swannington Parish Council object to the application as it is outside the Limits to Development and is a backland form of development setting an undesirable precedent.

Third Party Representations

One representation has been received in support of the development with the comments raised summarised as follows: -

- Development fits in well with existing properties.
- Addition housing stock will bring more people into the community.
- The garden is too large to maintain by the current occupants.
- A reduction in the garden sizes will allow the existing occupants to remain in their properties.

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 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 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 203 (Planning conditions and obligations); and
 Paragraph 204 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2002)

The application site is within the Limits to Development as defined in the adopted 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 F1 - General Policy;

Policy F2 - Tree Planting;
 Policy F3 - Landscaping and Planting;
 Policy T3 - Highway Standards;
 Policy T8 - Parking;
 Policy H4/1 - Housing Land Release; 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 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 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 Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

6Cs Design Guide (Leicestershire County Council)

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

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

Circular 06/2005 sets out 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 the Development and Sustainability

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

be restricted.

Policy H4/1 of the adopted Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential test is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

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) - 156 metres;
- Church (St Georges Church, Church Hill) - 125 metres;
- Public House (New Inn, Zion Hill) - 271 metres;
- Recreation Ground (Zion Hill) - 316 metres;
- Social Centre (Beaumont Centre, Nottingham Road) - 519 metres;

A bus stop served by the service referred to in the appeal decision at 85 Loughborough Road would also be 353 metres from the site. In terms of the closest school this would be Griffydham County Primary School, Top Road) which would be 1189 metres from the site. It is considered that the distance to the school is only just in excess of the threshold deemed to be an acceptable walking distance to a school in a rural environment (1000 metres) and therefore there is a reasonable likelihood that future occupants would walk to utilise this service. Access to the above services could also be undertaken on raised footways which are well lit.

In conclusion on the social sustainability credentials of the development it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a convenience store) with other facilities and employment opportunities being accessible by utilising the public transport options. In this circumstance it is considered that a scheme for one dwelling would score well against the social sustainability advice contained within the NPPF with occupants of the property also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

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 and in the circumstances that the proposal would not impact adversely on the character and appearance of the wider area and streetscape, as assessed in more detail below, and that an adequate amenity area is retained for both no. 78 and 80 Loughborough Road it is considered that there is no conflict with the intentions of Paragraph 53 of the NPPF.

Overall the principle of development would be considered sustainable in accordance with the core principles of the NPPF.

Accessibility

The County Highways Authority have raised no objections subject to their standing advice being considered in respect of access widths, visibility splays, surfacing and car parking.

A new access would be formed onto New Road and this would be of a width which would be sufficient to serve one property with the set back of the access also allowing adequate visibility splays to be provided particularly given that no raised footway exists on this side of New Road at this point, thereby reducing the conflict with pedestrians. Within the site itself the layout demonstrates that a suitable sized area could be provided to enable vehicles to manoeuvre and exit the site in a forward direction.

Whilst the indicative street elevation suggests that the vehicular access would be gated it is determined that there would be insufficient depth at the site frontage to provide such gates so that a vehicle is clear of the highway whilst the gates are opened. Given the level of vehicular traffic which utilises New Road it is considered necessary to ensure that such obstructions in the highway do not occur, therefore a condition would be imposed on any consent granted to specify that no gates (or other such obstruction) shall be provided at the vehicular access.

In conclusion the development would not impact severely on pedestrian or highway safety and therefore 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.

Compliance with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan would be achieved at the reserved matters stage once the total number of bedrooms in the proposed dwelling was known.

Neighbours and Future Occupants' Amenities

It is considered that the properties most immediately affected by the proposed development would be nos. 78 (the applicants property) and 80 Loughborough Road, to the south, no. 76 Loughborough Road to the south-east and no. 21 New Road, to the west.

The proposed layout is for approval at this stage and it is intended that the south-western (rear) elevation of the dwelling would be set 21, 28 and 32 metres, respectively, from the north-western facing (rear) elevations of nos. 76, 78 and 80. The proposed dwelling would also be set, excluding a rear projection, 10 metres from what would become a shared boundary with nos. 78 and 80. Given these relevant distances, as well as the orientation of the new dwelling to these neighbouring properties, it is considered that no adverse overbearing or overshadowing impacts would arise. A rear projection to the new dwelling would be set 5 metres from what would become a shared boundary with no. 80 and as such careful consideration would need to be given to the scale of this element when assessing any reserved matters submission given that a two-storey projection may have the potential to create an overbearing impact.

It is proposed that the dwelling would be set 10 metres from the south-eastern (side) elevation of no. 21 New Road and given the orientation of the dwelling no adverse overbearing or overshadowing impacts would arise.

A detached single garage would be set 9.5 metres, at its closest point, from the north-western

(rear) elevation of no. 76 but given the orientation of the site to this dwelling it is considered that no adverse overbearing or overshadowing impacts would arise subject to the scale of this building being carefully considered at the reserved matters stage.

An assessment in respect of overlooking impacts to neighbouring properties would need to be undertaken once the scale and appearance of the dwelling was known at the reserved matters stage but, on the basis of the proposed layout, it is considered that a dwelling could be provided which would not result in any adverse overlooking impacts to neighbouring properties.

In terms of future amenities it is considered that the above separation distances would ensure that no substantially adverse overbearing or overshadowing impacts would arise even though the proposed dwelling is orientated to the north of existing dwellings. The windows in the north-western elevation of no. 76 would also not result in any adverse overlooking implications particularly as any direct views would be towards the detached single garage and off-street parking area associated with the proposed dwelling.

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 and Wider Area

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, slightly, from south-east to north-west with a 2.0 metre high mature hedgerow and 1.8 metre high brick wall being present to the roadside boundary with New Road and hedgerows also defining the garden boundaries between nos. 76 and 78 and nos. 78 and 80. Properties on the south-western side of New Road are generally orientated to face towards the highway although their separation distances from this carriageway vary. Such a development character is also reflected in the properties on the north-eastern side of New Road.

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. Dwellings initially were concentrated on Loughborough Road and the north-eastern side of New Road however, over time, dwellings have spread to be concentrated around the junction of New Road and Nottingham Road and along the south-western side of New Road where the size of gardens to those dwellings fronting onto Loughborough Road has permitted. In this context an expansion of 'backland' development is already well established and as such it would be difficult to support the view that the dwelling would be 'inappropriate' backland development given that it is laid out to reflect the dwellings on the south-western side of New Road (i.e. it is orientated to address the highway and respects the irregularity in the proximity of properties to the highway). On this basis the layout would accord with the pattern of development in the area and thereby would not be detrimental to the character of the streetscape. It is also considered that the footprint of the dwelling would be consistent with dwellings in the area with its visual association with other properties ensuring it has no significant impact on the appearance of the wider area.

With regards to the detached garage it is considered that this would be of a scale that would be subservient to the property and would not impact significantly on the visual amenities of the streetscape or wider area given its position to the rear of the property.

The appearance of the dwelling 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 shown on the indicative street elevation drawing is likely to be considered appropriate although consideration should be given to the use of a 'hipped roof on the basis of their usage on neighbouring properties.

Overall 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 Council 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, 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 encouraged for the development with Policies E7 and F2 of the submitted Local Plan, and Policy En3 of the submitted Local Plan, seeking to ensure existing vegetation is retained and enhanced. The application site is grassed with a mature hedgerow being present to the boundary of the site with New Road as well as currently defining the shared boundary between nos. 78 and 80 Loughborough Road.

The layout is for approval at this stage and it is proposed that the hedgerow between the two properties would be removed to facilitate the development with the new vehicular access being formed in the hedgerow to New Road. In respect of the width of the vehicular access this has been kept to the minimum necessary so as to ensure that the majority of the hedgerow can be retained albeit it is trimmed back to provide the necessary visibility splays. The loss of the hedgerow on the boundary between nos. 78 and 80 could also be mitigated against by the provision of replacement hedgerow planting as part of a boundary treatment/landscaping scheme.

On the basis that a suitable landscaping scheme could be secured under any subsequent reserved matters submission, as well as the fact the roadside hedgerow would not be compromised by the provision of the vehicular access, 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.

Other Matters

The application site lies within a Coal Mining Referral Area and whilst a response from the Coal Authority is awaited to the application it is noted that new residential properties have been constructed to the immediate north-west of the site, also within the referral area, which have been considered to be acceptable in respect of the risk to future occupants associated with former coal mining activity in the area. On the basis that an appropriately worded condition would likely address the comments that would be raised by the Coal Authority it is considered that the development would accord with Paragraphs 120 and 121 of the NPPF. Any comments

received from the Coal Authority will be provided to members on the Committee Update Sheet.

Summary Reasons for Granting Outline Planning Permission

The application site is located within the Limits to Development where the principle of this form of development would be acceptable with the application site being within an acceptable walking distance of services in order to ensure the development is socially sustainable. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, highway safety, soft landscaping, ecology or former coal mining activity in the area. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the above mentioned policies.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1. Outline Time Limit**
- 2. Submission of Reserved Matters**
- 3. Approved Plans**
- 4. REM to Include Levels**
- 5. Boundary Treatments**
- 6. Hedgerow Protection**
- 7. Access Gradient**
- 8. Highway Safety**
- 9. No Gates to Access**
- 10. Ecology**
- 11. Coal Authority**

Erection of one detached dwelling including demolition of existing garage (outline - layout and access included)

Report Item No
A4

Mount Pleasant Nottingham Road Peggs Green Coalville
Leicestershire LE67 8HN

Application Reference
16/01080/OUT

Applicant:
Mr A Greenwood

Date Registered:
25 October 2016

Case Officer:
Hannah Exley

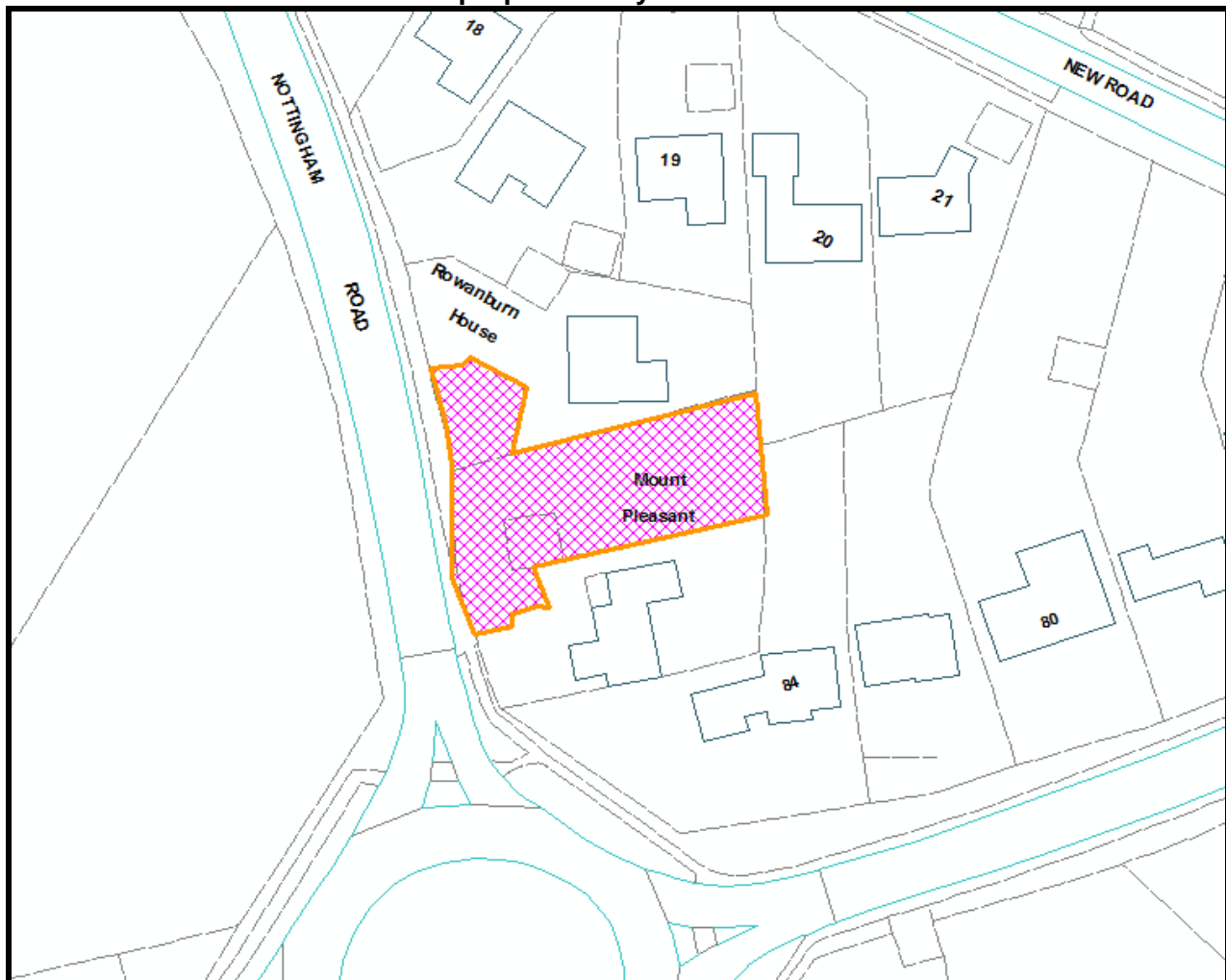
Consultation Expiry:
7 February 2017

Recommendation:
PERMIT

8 Week Date:
20 December 2016

Extension of Time:
3 February 2017

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

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

Proposal

Outline planning permission is sought for the erection of one detached dwelling on land at Mount Pleasant, Nottingham Road, Peggs Green, Coleorton with the access and layout for approval at this stage. The 0.07 hectare site is situated on the eastern side of Nottingham Road and is within the defined Limits to Development.

Consultations

Five letters of representation have been received; four which raise objection to the development proposals and one which supportive of the proposals. Swannington Parish Council object to the application. All other statutory consultees, with the exception of NWLDC Environmental Protection, Severn Trent Water and the Coal Authority whose comments are awaited, have raised no objections subject to the imposition of conditions on any permission granted.

Planning Policy

The application site is within the Limits to Development as defined in the adopted Local Plan but outside the limits in the submitted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

Conclusion

The application site is located within the Limits to Development where the principle of this form of development would be acceptable with the application site being within an acceptable walking distance of services in order to ensure the development is socially sustainable. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, highway safety, soft landscaping or ecology. 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 National and Local planning policies.

RECOMMENDATION - PERMIT, subject to conditions.

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

MAIN REPORT

1. Proposals and Background

Outline planning permission, with means of access and layout for approval, is sought for the erection of a detached dwelling on land currently used as garden to Mount Pleasant, Nottingham Road, Peggs Green, Coleorton. The 0.07 hectare site is situated on the eastern side of Nottingham Road and it is situated within the defined Limits to Development. Residential dwellings of varying designs and scales are concentrated around the site with open countryside to the east and south.

It is proposed that a dwelling would be provided to the north of the existing dwelling and would cover a ground area of 89.5 square metres. Whilst the scale is not for approval at this stage the indicative elevation details highlight that the dwelling would be two-storeys in height.

In terms of vehicular access this would be achieved via an existing access off Nottingham Road which would be shared with the existing dwelling and the dwelling known as Rowanburn House to the north of the site. Off-street parking and manoeuvring facilities would be provided within the site for the proposed dwelling and there is sufficient space within the remaining curtilage of Mount Pleasant for three car parking spaces to be provided for the existing dwelling.

The application submission was accompanied by a Tree Survey, Coal Mining Risk Assessment and Design and Access Statement.

No recent or relevant planning history was found.

2. Publicity

6 Neighbours have been notified.

Site Notice displayed 16 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 no representation received at the time of this report. Any comments received will be reported on the update sheet.

Leicestershire County Council - Ecology has no objections.

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

NWLDC - Environmental Protection no representation received at the time of this report. Any comments received will be reported on the update sheet.

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

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

Third Party Representations

Five letters of neighbour representation have been received both objecting to and in support of

the application.

Original Submission

Two letters of objection have been received from one neighbouring property, raising the following concerns:

- Peggs Green has limited services and the development of a greenfield site here would be unsustainable and conflict with policy;
- insufficient parking and turning for the proposed and existing dwelling;
- the driveway is incorrectly drawn and includes land within the neighbouring property;
- loss of trees and hedgerows and the introduction of a two-storey dwelling would have an urbanising effect on the area;
- noise and disturbance to neighbouring dwelling as a result of an increase in vehicles using the shared private drive;
- loss of light to the south west Rowanburn House and its garden;
- concern about overlooking from a two-storey dwelling and therefore, loss of privacy;
- concern about the suitability of the access for increased use given its close proximity of the access to the traffic island on the A512;
- concern about vehicles turning right into the access due to restricted visibility of drivers travelling in a northerly direction as they exit the traffic island (which is close to the access) at speed;
- vehicles have come off the road further along Nottingham Road due to the speed at which vehicles travel along this stretch of road;
- concern about whether a dwelling can fit on the site;
- the site is higher than the neighbouring property to the north and therefore, any dwelling on the site would be higher than the neighbouring property which is not clear on the illustrative streetscene drawing which shows both sites to be at the same level;
- the development of the site would conflict with a covenant in the deeds for the property;
- loss of property value;
- disturbance and inconvenience during construction works;
- concern about damage to the shared driveway.

One letter of neighbour representation has been received, stating support for the application for the following reasons:

- the number of dwellings on the triangle of lane between New Road, Loughborough Road and Nottingham Road has increased over the last 30 years from 4 to 14 without detriment to the area;
- the increase in the number of dwellings helps to diversify the community and supports local services.

Amended Plans

Two letters of objection have been received from two neighbouring properties, raising the following additional concerns:

- Part of the site (driveway/hedgerow fronting the neighbouring dwelling) are not owned by the applicant and cannot be changed as indicated by the application site area;
- the plans are not to scale as it indicates a large space between the site and the neighbouring dwelling which does not exist;
- there is insufficient space available to provide turning and three parking bays for the existing and proposed dwellings and the neighbouring driveway is not available for use as a turning space;
- delivery/service vehicles already struggle to turn around on the site and the proposal will make this worse;
- increased turning traffic on this section of Nottingham Road close to the traffic island will make

the road more dangerous;

-loss of vegetation at the front of the site would reveal unsightly highway signs which would affect the aesthetics of the area.

Where concerns submitted in respect of the amended plans are a duplication of comments made in respect of the original submission, these have not been repeated as they are already set out above.

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 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 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 203 (Planning conditions and obligations); and
 Paragraph 204 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2002)

The application site is within the Limits to Development as defined in the adopted 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 F1 - General Policy;
 Policy F2 - Tree Planting;
 Policy F3 - Landscaping and Planting;

Policy T3 - Highway Standards;
 Policy T8 - Parking;
 Policy H4/1 - Housing Land Release; 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 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 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 Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

6Cs Design Guide (Leicestershire County Council)

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

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

Circular 06/2005 sets out 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.

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Policy H4/1 of the adopted Local Plan relating to the release of land for housing states that a

sequential approach should be adopted. Whilst a sequential test is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

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.

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- Public House (New Inn, Zion Hill) - 271 metres;
- Recreation Ground (Zion Hill) - 316 metres;
- Social Centre (Beaumont Centre, Nottingham Road) - 519 metres;

A bus stop served by the service referred to in the appeal decision at 85 Loughborough Road would also be 135 metres from the site. In terms of the closest school this would be Griffydram County Primary School, Top Road) which would be 1180 metres from the site. It is considered that the distance to the school is only just in excess of the threshold deemed to be an acceptable walking distance to a school in a rural environment (1000 metres) and, therefore, there is a reasonable likelihood that future occupants would walk to utilise this service. Access to the above services could also be undertaken on raised footways which are well lit.

In conclusion on the social sustainability credentials of the development it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a convenience store) with other facilities and employment opportunities being accessible by utilising the public transport options. In this circumstance it is considered that a scheme for one dwelling would score well against the social sustainability advice contained within the NPPF with occupants of the property also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

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 and in the circumstances that the proposal would not impact adversely on the character and appearance of the wider area and streetscape, as assessed in more detail below, and that an adequate amenity area is retained for both the proposed and existing dwellings, it is considered that there is no conflict with the intentions of Paragraph 53 of the NPPF.

Overall the principle of development would be considered sustainable in accordance with the core principles of the NPPF.

Accessibility

The County Highways Authority have raised no objections subject to their standing advice being considered in respect of access widths, visibility splays, surfacing and car parking.

Means of access into the site would be via an existing vehicular access off Nottingham Road and would be shared by Mount Pleasant and Rowanburn House. The access has a suitable width and visibility splays for the speed limit of the road. The applicant does not own the land on which the vehicular access is sited but has a right of way over the neighbouring land. No alterations to the vehicular access are proposed as part of the application submission and no cutting back of vegetation along the site front would be required to achieve visibility splays. The existing access is covered by planning permission 96/0546 for the dwelling now known as Rowanburn House and the conditions to that planning permission cover the surfacing and gradient of the access drive and the required set back distance for any gates installed.

Within the site itself the layout demonstrates that a suitably sized area could be provided to enable vehicles to manoeuvre and exit the site in a forward direction. The indicative streetscene shows a large two storey dwelling which could have four bedrooms. The layout also shows how three car parking spaces could be provided for the existing four bedroomed dwelling and that three parking spaces could also be provided on the site for a new dwelling. Neighbour concern has been raised about turning space for delivery/service vehicles but the turning space available for both the existing and proposed dwellings would cumulatively provide a greater area than is currently available for vehicle turning.

Neighbour representations indicate that vehicles travel in excess of the speed limit in this location and that dangers exist to drivers waiting to turn off the road into private drives due to the speed of vehicles and the close proximity of the traffic island to the site. However, the County Highways Authority has no records of any reported Personal Injury Collisions in close proximity to this junction within the last 5 years. On this basis, it is not considered that a reason for refusal on the basis of increased highway dangers could be sustained.

In conclusion the development would not impact severely on pedestrian or highway safety and therefore 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.

Compliance with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan would be achieved at the reserved matters stage once the total number of bedrooms in the proposed dwelling was known.

Neighbours and Future Occupants' Amenities

It is considered that the properties most immediately affected by the proposed development would be Mount Pleasant, Rowanburn House, No.84 Loughborough Road and No.20 New Road.

Mount Pleasant is a two-storey dwelling located to the south of the application site. The proposed layout is for approval at this stage and it shows the south facing elevation of the dwelling to be 4m from the side elevation of this existing dwelling which contains 6 windows serving a lounge, study, a bedroom, en-suite and bathroom. Of these, only the lounge and bedroom are habitable rooms, with the bedroom window functioning as a secondary window and the two lounge windows being secondary to the main windows serving the lounge in other elevations. Therefore, whilst it is accepted that there would be some overshadowing/overbearing impact on this neighbouring dwelling, it is not considered to be significantly detrimental to warrant a refusal of permission on this ground.

Rowanburn House is a two-storey dwelling located to the north of the application site. The land levels drop from the site to this neighbouring property by between 0.5-1m (approx.). The layout shows the north facing elevation of the proposed dwelling to be between 5m at its closest and 7m at its furthest from the side elevation of this existing dwelling which contains 3 windows serving a bathroom, WC and lounge. Of these, only the lounge is a habitable room and the window functions as a secondary window to the main rear windows serving the lounge. Due to the orientation of the dwelling, the rear windows to this neighbouring property do not benefit from direct sunlight for most of the day and therefore, the side windows are a source of sunlight for this dwelling and therefore, these would be affected by the siting of the dwelling as proposed. Whilst this is noted, in view of the non-habitable/secondary status of these windows, it is not considered that a reason for refusal on the ground of there being a significant overbearing/overshadowing impact on the amenities of the occupiers of this neighbouring dwelling could be sustained.

The occupiers of this neighbouring dwelling have raised concern about the loss of light to their rear garden. The garden is located to the north/north east of the proposed dwelling and during the afternoon/evening, the proposal would cast a shadow over the neighbouring property. However, the garden is already overshadowed by a large hedgerow and trees occupying the common boundary and the neighbouring dwelling also casts a shadow over its own garden, such that only the northern section of the garden currently gets direct sunlight in the afternoon/evening. When having regard to the siting of the proposed dwelling in relation to the neighbouring dwelling, it is not considered that the proposed dwelling would result in any overshadowing impacts upon the garden that would be significantly detrimental to the amenities of the occupiers of this dwelling.

Concern has been raised by the occupier of Rowanburn House about noise and disturbance from comings and goings along the access drive as a result of the occupation of the proposed dwelling. The access drive is already used by the occupiers of Mount Pleasant and it is not considered that the additional movements associated with one further dwelling would result in an impact that would be significantly detrimental to the amenities of the occupiers of this existing dwelling.

No.s 20 New Road and 84 Loughborough Road are located to the east of the site and have their side garden boundaries abutting the rear boundary of the application site. There would be a distance of between 12-15m between the rear elevations of the dwelling and these neighbouring gardens. The dwellings to these properties would be at least 20m from the proposed dwelling. These distances are considered to be sufficient to prevent any significant overbearing or overshadowing impacts on these dwellings or their gardens areas as a result of the proposed dwelling.

An assessment in respect of overlooking impacts to neighbouring properties would need to be undertaken once the scale and appearance of the dwelling was known at the reserved matters stage but, on the basis of the proposed layout, it is considered that a dwelling could be provided which would not result in any adverse direct overlooking impacts to neighbouring properties.

In terms of future amenities, it is considered that a dwelling could be provided on the site without any significant overbearing, overshadowing impacts arising. Any first floor windows overlooking the site, either serve non-habitable rooms or are secondary windows to habitable rooms and therefore, it is not considered that any adverse overlooking implications would arise.

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 and Wider Area

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.

Peggs Green is characterised by a mix of new and old properties, predominantly two-storeys high but with examples of single storey dwellings. Properties are typically sited back from the highway boundary and front elevations are sited both parallel with and at an angle to the road. This section of Nottingham Road is occupied by predominantly modern development with gardens of varying sizes. The front elevation of the proposed dwelling would be in line with the general building line of the two neighbouring dwellings and the depth of the dwelling would reflect that of the existing dwelling on the site. It is considered that the erection of a new dwelling in the layout proposed would not appear out of keeping with the existing pattern of development and would not be harmful to the character and appearance of the streetscape or locality generally.

It is noted that there is a change in level between the application site and the neighbouring property to the north and therefore, the scale of the proposed dwelling would need to be carefully considered at the reserved matters stage to ensure that the scale of the building respects that of the neighbouring dwellings. The appearance of the dwelling 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.

Overall 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 Council 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, 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 encouraged for the development with Policies E7 and F2 of the submitted Local Plan, and Policy En3 of the submitted Local Plan, seeking to ensure existing vegetation is retained and enhanced.

There are a number of trees on the site and mature vegetation along the boundaries of the site, including fronting Nottingham Road. A number of trees would need to be removed on the site to accommodate a dwelling in the proposed. There are no Tree Preservation Orders on the site that would indicate that the trees should not be removed but the vegetation along the front boundary contributes to the rural amenities of the locality and should be retained. As landscaping is reserved for consideration at a later stage, it is considered that a note to application would be appropriate to cover this issue.

On the basis that a suitable landscaping scheme could be secured under any subsequent

reserved matters submission, 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.

Other Matters

The application site lies within a Coal Mining Referral Area and whilst a response from the Coal Authority is awaited to the application it is noted that new residential properties have been constructed to the immediate north of the site, also within the referral area, which have been considered to be acceptable in respect of the risk to future occupants associated with former coal mining activity in the area. On the basis that an appropriately worded condition would likely address the comments that would be raised by the Coal Authority it is considered that the development would accord with Paragraphs 120 and 121 of the NPPF. Any comments received from the Coal Authority will be provided to members on the Committee Update Sheet.

In response to matters raised by neighbours that have not been covered in the above text, loss of property value is not a planning matter and therefore, cannot be considered in the determination of this application. Noise and disturbance during construction works are covered by separate Environmental Health legislation and the restrictions imposed by legal covenants, along with any damage to the neighbouring driveway are civil matters and therefore, are not relevant to the determination of the application. As for comments about whether the plans were accurate, the plans have been checked and the dimensions on the site plan reflect ordnance survey data. With regard to concerns about the shared access drive being drawn incorrectly, this has been addressed through the submission of amended plans.

Summary Reasons for Granting Outline Planning Permission

The application site is located within the Limits to Development where the principle of this form of development would be acceptable with the application site being within an acceptable walking distance of services in order to ensure the development is socially sustainable. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, highway safety, soft landscaping, ecology or former coal mining activity in the area. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the above mentioned policies.

RECOMMENDATION - PERMIT, subject to the following conditions:

- 1. Outline time Limit**
- 2. Submission of Reserved Matters**
- 3. Approved Plans**
- 4. REM to include levels**
- 5. Boundary Treatments**
- 6. Parking and turning facilities**
- 7. Ecology**
- 8. Coal Authority**

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Variation of Condition 2 of 14/00925/FUL to provide single storey extension detached garage

Report Item No
A5

5 Melbourne Lane Breedon On The Hill Derby DE73 8AT

Application Reference
16/01127/VCU

Applicant:
Mr J Rochester

Date Registered:
31 October 2016

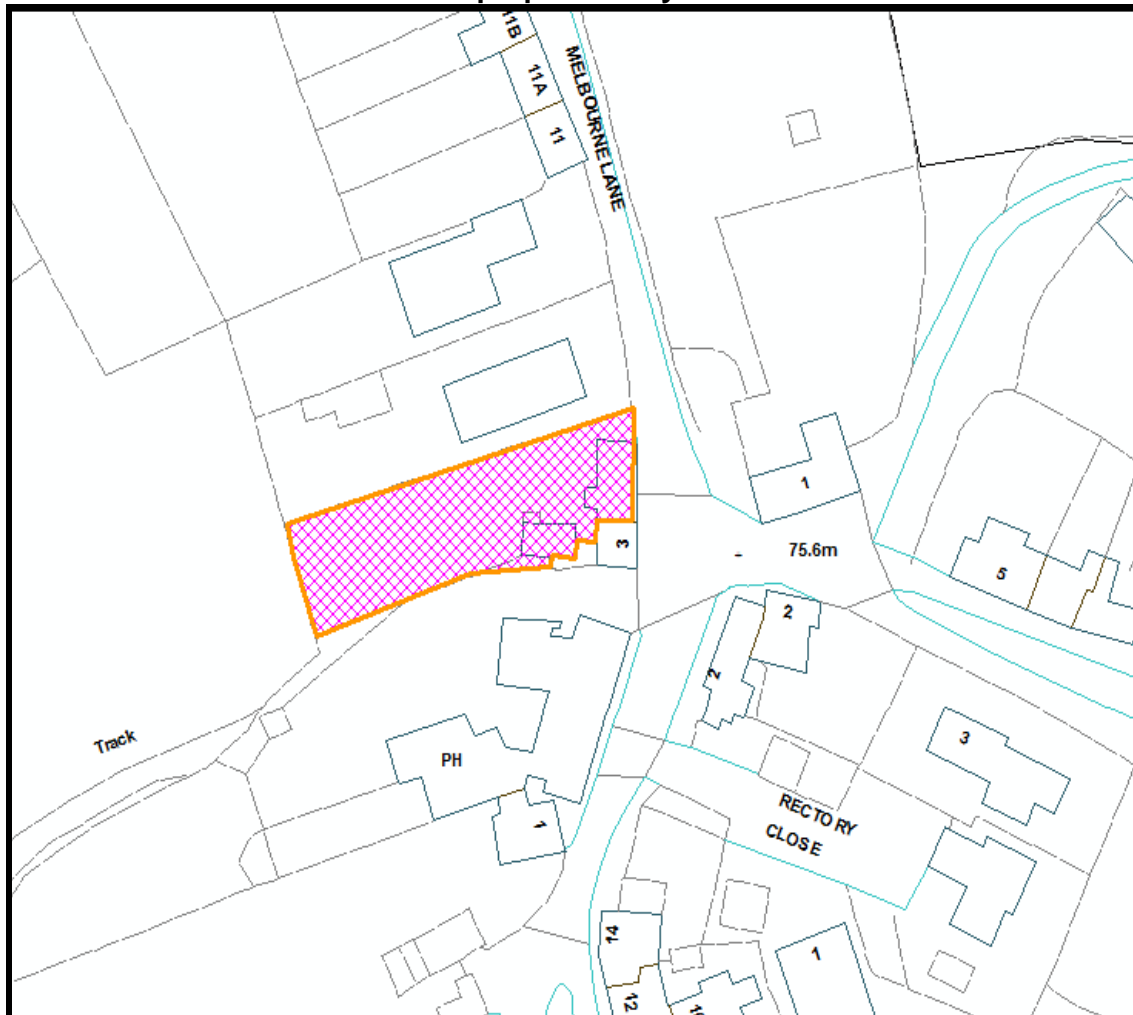
Case Officer:
Hannah Exley

Consultation Expiry:
26 January 2017

Recommendation:
PERMIT

8 Week Date:
26 December 2016
Extension of Time:
3 February 2017

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 Stevenson due to concerns about the impact on a neighbouring property to the north.

Proposal

This is an application for variation of condition 2 attached to planning permission 14/00925/FUL which approved the erection of a two-storey dwelling on land to the rear of No.5 Melbourne Lane.

The application proposes to amend the design of the house by introducing a single storey rear extension and a detached single garage.

Consultations

Two letters of representation have been received which raise objection to the development proposals. Breedon on the Hill Parish Council object to the application. All other statutory consultees, have raised no objections.

Planning Policy

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

The site lies within the Breedon on the Hill Conservation Area and the Holly Bush Inn, which is a grade II listed building located to the south of the site.

Conclusion

The site lies within Limits to Development where the proposal would represent a sustainable form of development and therefore, is acceptable in principle. The proposed dwelling would not appear out of keeping within the locality and would not give rise to any adverse impacts on highway safety or heritage assets and would not adversely impact on the occupiers of adjacent dwellings from loss of light, overlooking or creation of oppressive environment. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposed development therefore accords with the planning policies stated above. It is therefore recommended that planning permission be granted.

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

This is an application for the variation of condition 2 attached to planning permission 14/00925/FUL which permitted the erection of a two-storey dwelling.

The application as originally submitted proposed to amend the house type by introducing single storey extensions to the front and rear elevations to provide additional living accommodation and an integral garage. During the course of the application, the application has been amended and the garage extension has now been removed and replaced with a single detached garage.

The site lies within the Breedon on the Hill Conservation Area and the Holly Bush Inn, which is a grade II listed building located to the south of the site.

Relevant Planning History

Planning permission was granted for the erection of a two-storey dwelling under application 14/00925/FUL. The proposed scheme was identical to a scheme that was previously allowed on appeal in 2008 and subsequently, was subject to an application to allow an extension of time for the implementation of that permission, which was granted in 2011 but had lapsed.

Planning permission was granted under application 11/00734/EXT to extend the time limit for implementation of planning permission 07/01612/FUL (granted on appeal) which was originally approved on 25 November 2008.

The 2008 permission related to the erection of one dwelling on land to the rear of 3 and 5 Melbourne Lane, Breedon on the Hill. The original application (07/01612/FUL) was refused by the Local Planning Authority in December 2007 but was subsequently overturned on appeal (Planning Inspectorate Reference APP/G2435/A/08/2073942).

2. Publicity

8 No neighbours notified.

Site Notice displayed 23 November 2016.

Press Notice published Derby Evening Telegraph 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.

Breedon on the Hill Parish Council

The Parish Council raise objection to the original plans and the amended plans on the following grounds:

It is the unanimous view of the Parish Council members that the revised drawings constitute an even larger massing and are totally out of scale with the site. In addition, the loss of amenity to neighbouring properties is even greater owing to the proximity of the proposed garage being very close to the boundaries of numbers three, five and seven, Melbourne Lane. Furthermore, we now note that the originally approved scheme under reference 14/00925 did in fact retain the large apple tree to the north-east of the approved property and that under the current proposals this would be lost. The conclusion therefore by the Parish Council is that this development should be refused due to the size, scale, massing and generally represents overdevelopment of the site. The location within the conservation area being a further reason for refusal.

NWLDC Conservation Officer has no objections to the amended plans.

Third Party Representations

Two letters of neighbour representation have been received, raising objection on the following grounds:

- overdevelopment of the site (scale and mass of the proposal);
- adverse impact on neighbouring property;
- the original permission should be adhered to.

4. Relevant Planning Policy

National Policies

The Planning (Listed Buildings and Conservation Area) Act 1990

National Planning Policy Framework

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

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

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

- Paragraph 10 (Achieving sustainable development);
- Paragraph 14 (Presumption in favour of sustainable development);
- Paragraph 17 (Core planning principles);
- Paragraph 32 (Promoting sustainable transport);
- Paragraph 39 (Promoting sustainable transport);
- Paragraph 49 (Delivering a wide choice of high quality homes);
- Paragraph 53 (Delivering a wide choice of high quality homes);
- Paragraph 55 (Delivering a wide choice of high quality homes);
- Paragraph 57 (Requiring good design);
- Paragraph 60 (Requiring good design);
- Paragraph 61 (Requiring good design);
- Paragraph 118 (Conserving and enhancing the natural environment);
- Paragraph 120 (Conserving and enhancing the natural environment);
- Paragraph 131 (Conserving and enhancing the historic environment)
- Paragraph 132 (Conserving and enhancing the historic environment)
- Paragraph 134 (Conserving and enhancing the historic environment)
- Paragraph 203 (Planning conditions and obligations); and
- Paragraph 204 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2002)

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

- Policy S1 - Overall Strategy
- Policy S2 - Limits to Development
- Policy E3 - Residential Amenities

Policy E4 - Design
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: -

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
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;

Other Guidance

National Planning Practice Guidance - March 2014.

Breedon the Hill Conservation Area Appraisal and Study Document (April 2001).

6Cs Design Guide (Leicestershire County Council) -sets out the County Highway Authority's requirements in respect of the design and layout of new development.

5. Assessment

Principle of Development

The principle of this development has already been established by the previous planning permission (14/00405/FUL), which was granted in January 2015 and remains extant.

Since the previous decision the emerging Local Plan has been submitted for examination, which is currently underway. The site is within the Limits to Development on the Policy Map to the submitted Local Plan and Policy S2 of the submitted Local Plan identifies Breedon on the Hill as a sustainable village where some limited development will be permitted. It is considered that the development of the site for one dwelling would be consistent with these policies, along with the provisions of Policies S1 and S2 of the adopted Local Plan.

Overall the principle of development would be considered sustainable in accordance with the core principles of the NPPF.

The main issue in the determination of the application is, therefore, whether the revised proposal would be acceptable in terms of design and impact on heritage assets, impacts upon neighbouring residential amenities and highway safety.

This report should be read in conjunction with that of the earlier application that establishes the principle of development.

Design and Impact on Heritage Assets

With the exception of a single storey extension (2m x 3.6m) to the western elevation, the dwelling remains as previously approved. Therefore, consideration will need to be given to the

impact of the resulting dwelling and the proposed garage on the amenities of the locality along with the impact upon heritage assets.

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 possesses".

The proposed development must also be considered against section 72 of the 1990 Act, which requires that, in the exercise of planning functions with respect to any buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that 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 proposal is located within Breedon on the Hill Conservation Area which is characterised by buildings of traditional form and construction and there are a number of such buildings surroundings the site which are identified in the Conservation Area as buildings which make a positive contribution to the character and appearance of the Conservation Area including No.3-5 Melbourne Lane (non-designated heritage assets). The site is also within the setting of the Holly Bush Inn which is a grade II listed building which lies to the south of the site and the development should at least preserve the character of the Conservation Area and significant weight should be given to preserving the setting of Listed Buildings.

The proposed single storey addition to the dwelling would project from the western elevation a distance of 2m. The proposed addition would not materially change the overall scale or character of the dwelling and would only be visible from the open countryside to the rear where it would be viewed against the backdrop of the previously approved dwelling. It is not considered that the resulting building would appear out of scale or character with existing buildings within the vicinity of the site. The proposed garage would be visible through the access drive and would be of modest proportions which would reflect the scale and character of the proposed dwelling. There are examples of detached outbuildings and garages of a similar scale within gardens in the locality and it is not considered that the proposed garage structure would appear out of keeping in this context. Notwithstanding the provision of the garage building within the curtilage, there would remain adequate space available within the site for parking provision and private amenity areas such that the site would not appear overdeveloped. The Conservation Officer has been consulted on the application and raises no objection to the amended proposals.

As a result, it is considered that the proposed development would be in keeping with the character and appearance of the traditional buildings within the locality and would not adversely affect the setting of the nearby listed building and would preserve the character and appearance of the Conservation Area. It is not considered that the proposal would result in any materially greater harm to the nearby designated and non-designated heritage assets than the previously approved scheme and therefore, an assessment under paragraph 134 of the NPPF is not required. Furthermore, the proposal would preserve the wider character or appearance of Conservation Area and the setting of the nearby listed buildings, and therefore, would comply

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

Overall, the scale, design and appearance of this proposal are considered to be acceptable and the revisions are considered to be compliant with Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Neighbouring Residential Amenities

The neighbouring properties that would be most immediately affected by the proposal are No's 3 and 5 Melbourne Road to the east of the site and No.7 Melbourne Road to the north of the site. To the south of the site lies the Holly Bush Inn which is a commercial premise and to the west is open countryside.

The proposed amendments to the dwelling include the erection of a single storey 2m projection to the west facing elevation and a detached single garage measuring 3.4m by 6.4m in floor area with ridge and eaves heights of 4.2m and 2.3m respectively.

When having regard to the siting of the proposed extension to the west of the proposed dwelling, away from the dwellings to the north and east of the site, it is not considered that this element of the proposal would give rise to any overlooking or any significant overbearing/overshadowing impacts (either in isolation or cumulatively as an enlarged dwelling) that would be detrimental to neighbouring residential amenities.

With regard to the proposed garage building, this would be located in the north east of the plot adjacent to the boundaries of the site. The dwelling to the north (No. 7 Melbourne Lane) is sited at a higher land level (approx. 0.5m) and there is a closeboarded fence along the boundary at the higher land level. The proposed garage would be sited towards the rear of this existing dwelling and when having regard to the changing land levels and the treatment of the boundary, it is not considered that the proposed garage would appear unduly overbearing or result in any significant overshadowing of this neighbouring property. There are no windows in this single storey building that would result in any overlooking of this neighbouring dwelling and therefore, the proposal is considered to have an acceptable relationship with No.7 Melbourne Lane.

No.s 3 and 5 Melbourne Lane are located to the east of the application site and the proposed garage would be sited within 2m and 2.7m of the common boundary with No.5 which is currently open and therefore, a means of enclosure would be required to ensure the privacy of the neighbouring occupiers is maintained. No.5 has a large rear extension and conservatory which extend close to the common boundary but when having regard to the scale and height of the proposal, its proximity to the boundary which would need to be enclosed by boundary treatment of at least 1.8m in height, it is not considered that the proposed garage would appear unduly overbearing, result in any significant overshadowing or allow any overlooking of this neighbouring dwelling. The proposal is considered to have an acceptable relationship with No.5 Melbourne Lane. No.3 Melbourne Lane is sited at a further distance from the proposed garage and has a large outbuilding in its rear garden between the dwelling and the proposal. It is not considered that the proposed garage would appear unduly overbearing, result in any significant overshadowing or allow any overlooking of this neighbouring dwelling. The proposal is considered to have an acceptable relationship with No.3 Melbourne Lane.

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

Highway Safety

The proposed vehicular access to the site is located within the southern boundary and would be accessible via the vehicular access to the Holly Bush Inn car park. These arrangements are identical to those approved under planning permission 14/00925/FUL.

The existing access to the public house has restricted visibility and the proposal will result in an increase in the use of the use of this access. The County Highways Authority have previously advised that whilst they would normally seek to resist such a proposal, they advise that there is an opportunity with kerb realignment/widening of the footpath in and around the access to improve visibility. Although visibility would not accord with standards, the improvements to visibility would lead to a highway gain that would offset the impact of the proposed traffic. Therefore, subject to conditions, as concluded with respect to application 14/00925/FUL, the access arrangements are considered acceptable.

Notwithstanding the provision of the garage within the site, there is sufficient space within the site to provide two parking spaces for the proposed development and therefore, the proposal is considered to comply with the provisions of Policies T3 and T8 of the adopted Local Plan and Policies IF4 and IF7 of the submitted Local Plan and the 6C's Design Guide.

Conditions

Application ref: 14/00925/FUL was subject to 6 conditions. Condition 1 related to time allowing development to commence within three years and condition 2 is hereby varied. All other conditions are still considered necessary and have not been discharged and it is therefore recommended that these be carried forward.

Other

Concern has been raised by the Parish Council about the loss of an apple tree on the site but the tree is not protected by a Tree Preservation Order. Furthermore, the tree is not highly visible from public vantage points outside the site and therefore, makes a limited contribution to the visual amenities of the locality.

Conclusion

The site lies within limits to development where the proposal would represent a sustainable form of development and therefore, is acceptable in principle. The proposed dwelling would not appear out of keeping within the locality and would not give rise to any adverse impacts on highway safety or heritage assets and would not adversely impact on the occupiers of adjacent dwellings from loss of light, overlooking or creation of oppressive environment. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposed development therefore accords with the planning policies stated above. It is therefore recommended that planning permission be granted.

RECOMMEDATION - PERMIT, subject to the following condition(s):

- 1. Time Limit**
- 2. Approved Plans**
- 3. Schedule of Materials**
- 4. Landscaping and Means of Enclosure**
- 5. Scheme of visibility improvement at the junction of the vehicular access with Melbourne Lane**
- 6. Removal of Permitted Development Rights**