

Meeting	PLANNING COMMITTEE
Time/Day/Date	6.30 pm on Tuesday, 3 July 2018
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 Council is aware that planning applications may be controversial and emotive for those affected by the decisions made by this Committee. However all persons present are reminded that the Council will not tolerate abusive or aggressive behaviour towards staff or other visitors attending this meeting and anyone behaving inappropriately will be required to leave the meeting and the building.

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 9 May 2018	3 - 8
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Strategic Director of Place.	9 - 12

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	18/00705/VCUM: Erection of 166 dwellings with associated public open space, infrastructure and National Forest planting approved under reserved matters approval 17/01326/REMM (outline planning permission 17/00433/VCUM) without complying with condition nos. 2, 3 and 8 so as to allow for a revised scheme of landscaping and retained trees Land Off Greenhill Road Coalville Leicestershire	Permit subject to S106 agreement	13 - 20
A2	18/00567/FUL: Erection of two single storey dwellings Land To The South Of Peters Close Tonge Derby	Refuse	21 - 36
A3	18/00627/FUL: Change of use of two garages within the block of three garages to create an administrative office in support of the occupancy of Nos. 7-11 Private Road (odd numbers inclusive) along with external alterations Private Road Standard Hill Coalville Leicestershire	Permit	37 - 44
A4	17/01342/FUL: New agricultural access Land At Worthington Lane Breedon On The Hill	Permit	45 - 52
A5	18/00054/FUL: Conversion of block of garages to form one two bedroom dwelling. 7 Elder Lane Griffydam Coalville Leicestershire LE67 8HD	Permit	53 - 60

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 9 May 2018

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors T Eynon, S McKendrick and T J Pendleton

Officers: Ms S Booth, Mr C Elston, Mr J Knightley, Mr J Mattley, Mr A Mellor, Mrs M Meredith, Mr J Newton, Miss S Odedra and Mr D Scruton

93. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Boam and R Johnson.

94. DECLARATION OF INTERESTS

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

Councillors J G Coxon, D Harrison and M B Wyatt declared a non-pecuniary interest in item A1, application number 17/01424/FULM, as members of Leicestershire County Council.

Councillor J Legrys declared that he had been briefed on item A1, application number 17/01424/FULM and his wife was speaking on the item as the County Councillor, however he came to the meeting with an open mind.

Councillor J Bridges declared a non-pecuniary interest in item A2, application number 16/01191/OUTM, as a member of Ashby Woulds Parish Council.

Councillors J G Coxon, J Hoult and G Jones declared a non-pecuniary interest in items A2 and A5, application numbers 16/01191/OUTM and 17/01607/FUL as members of Ashby Town Council.

During the debate, Councillor J Bridges declared a pecuniary interest in item A5, 17/01607/FUL, due to his involvement with a care home.

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

Item A1, application number 17/01424/FULM: Councillors J Cotterill, M Specht and M B Wyatt.

Item A2, application number 16/01191/OUTM: Councillors D Everitt and M Specht.

Items A4 and A5, application numbers 18/00257/FUL and 17/01607/FUL: Councillor M Specht.

95. MINUTES

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

RESOLVED THAT:

The minutes of the meeting held on 10 April 2018 be approved and signed by the Chairman as a correct record.

96. PLANNING APPLICATIONS AND OTHER MATTERS

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

97. A1

17/01424/FULM: RESIDENTIAL DEVELOPMENT OF UP TO 144 DWELLINGS (OUTLINE - ALL MATTERS RESERVED) AND ERECTION OF AN EXTENSION TO EXISTING THEATRE TO PROVIDE A CAFE/VISITOR CENTRE/RANGERS' OFFICE, INSTALLATION OF A PLAY AREA, PUBLIC REALM WORKS, LANDSCAPING AND CAR PARKS (FULL)

Snibston Discovery Park Ashby Road Coalville Leicestershire LE67 3LN

Officer's Recommendation: PERMIT subject to S106 Agreement

The Principal Planning Officer presented the report to members.

Councillor T Eynon, County Councillor, addressed the meeting. She commented on the anger of residents about the loss of Snibston Discovery Park, the fact that the site was outside the limits to development, the lack of affordable housing and the viability constraints, the concerns regarding open access and the fact that a scheduled ancient monument was in a derelict site in the town centre. She welcomed the investment in the Century Theatre and the support for the plans from the volunteers. She felt that on balance the site should have been within the limits to development and the benefits outweighed any harm.

Mr D Walton, applicant's agent, addressed the meeting. He spoke of the tangible community benefits associated with the development and the keenness of the local community to continue the legacy of coal mining. He outlined the benefits of the proposals which he felt outweighed any limited harm.

In determining the application, members had regard to the need for additional dwellings in Coalville, the highways impacts, the current condition of the site and the deterioration of heritage buildings, the need to conserve or enhance the heritage asset, the potential benefits of the proposals, community safety concerns, car parking provision and the fact that the site was brownfield and outside the limits to development.

Councillor J Geary moved that CCTV provision be secured by a condition to ensure that this was in place and monitored before the site was opened up. This was seconded by Councillor J Legrys and agreed by the Committee.

Councillor M Specht moved that a condition be included to ensure that adequate landscaping provision was made between the existing and proposed developments to provide screening and maintain privacy. This was seconded by Councillor J Legrys and also agreed by the Committee.

It was moved by Councillor M Specht, seconded by Councillor J G Coxon and

RESOLVED THAT:

- a) Subject to conditions relating to CCTV and landscaping, the application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure.
- b) The wording of the conditions be delegated to the Head of Planning and Infrastructure.

98.

A2

16/01191/OUTM: SELF AND CUSTOM BUILD RESIDENTIAL DEVELOPMENT CONSISTING OF 30 PLOTS WITH A NEW ACCESS AND SUPPORTING INFRASTRUCTURE (OUTLINE - ACCESS AND LAYOUT INCLUDED)

Land Off Hepworth Road Woodville Swadlincote Derbys

Officer's Recommendation: PERMIT subject to S106 Agreement

The Principal Planning Officer presented the report to members.

Councillor S McKendrick, ward member, addressed the meeting. She expressed concerns regarding the lack of affordable housing, the designation of the land as forestry land, ensuring the standards of design of individual properties and the completion of the whole development in a reasonable timescale, local concerns regarding flooding and increased traffic movements, the lack of signage and the risk of the loss of the identity of the village of Blackfordby.

Mr R Nettleton, objector, addressed the meeting. He expressed his objection to the proposals due to the forestry designation of the land and the legal agreement restricting its use in perpetuity. He voiced concerns that the existing trees had been felled creating scrubland, that the legal agreement had failed to be enforced and that a precedent may be set for other woodland in the district.

Dr G Carlin, applicant, addressed the meeting. He made reference to a similar site in Oxfordshire and highlighted that detailed planning and adherence to the design guide would be required on all plots which would ensure consistency in design standards across the site. He outlined the social and economic benefits of the proposals.

In determining the application, members had regard to the loss of the area of separation between Woodville and Blackfordby, the objections made by Ashby Town Council, the fact that the site was outside the limits to development, the legal agreement currently in place, school capacity and the loss of open space. Members expressed support for self builds generally but felt that sites should be situated across the district rather than condensed into a single site.

It was moved by Councillor J Hault, seconded by Councillor J Legrys and

RESOLVED THAT

The application be refused on the grounds that the site was outside the limits to development, the proposals were harmful to the openness of the countryside and were contrary to Policy S3 of the adopted Local Plan which sets out what represents appropriate development in the countryside and development of the site would undermine the physical and perceived separation and undeveloped character between the two settlements of Woodville and Blackfordby.

99. A3
18/00095/OUT: ERECTION OF DETACHED DWELLING (OUTLINE ACCESS AND LAYOUT INCLUDED)

Land Opposite Lower Farm House Netherseal Road Chilcote Derby

Officer's Recommendation: REFUSE

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

Mrs J Hancocks, applicant, addressed the meeting. She referred to the pre-application advice provided and emphasised that the officer's report had assessed eligibility relating to affordable housing against district wide income and housing prices instead of locally. She stated that she was happy to accept conditions relating to an archaeological survey and a 45% reduction of market value upon any future disposal of the dwelling.

In determining the application, members had regard to the pre-application advice, the most recent housing needs survey for Chilcote, the need for an archaeological survey and the need for affordable rural housing for people with a local connection.

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

RESOLVED THAT:

- a) The application be permitted subject to a condition requiring an archaeological survey and a Section 106 Agreement restricting the future value of the property and occupation to persons with a local connection; and
- b) The wording of the conditions and Section 106 Agreement be delegated to the Head of Planning and Infrastructure.

100. A4
18/00257/FUL: ALTERATIONS TO EXISTING ACCESS AND ERECTION OF HOLIDAY LODGE

Lavender House 80 Snarestone Road Appleby Magna Swadlincote Derby DE12 7AJ

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to members.

Mr A Large, applicant's agent, addressed the meeting. He highlighted the need for holiday lodges in the area and suggested that most occupants of holiday lodges would be reliant on the use of a private car.

In determining the application members had regard to the need for holiday accommodation in the national forest, the reliance of tourists on motor vehicles and the mechanisms available to ensure the lodge was solely occupied by tourists.

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

RESOLVED THAT:

- a) The application be permitted subject to a condition to ensure tourism related occupation only.
- b) The wording of the conditions be delegated to the Head of Planning and Infrastructure.

**101. A5
17/01607/FUL: PROPOSED TWO STOREY AND SINGLE STOREY EXTENSIONS TO
EXISTING C2 CARE HOME**

Lyndhurst Lodge 87 Burton Road Ashby De La Zouch Leicestershire LE65 2LG

Officer's Recommendation: PERMIT subject to S106 Agreement

The Principal Planning Officer presented the report to members.

At the start of the debate, Councillor J Bridges declared a pecuniary interest in this item due to his involvement with a care home. He left the meeting at this point and took no part in the debate.

In determining the application, members had regard to the proposed parking provision, the overdevelopment of the site and the access and egress for an ambulance.

Councillor R Adams moved that the application be permitted subject to a condition to ensure suitable access arrangements for the ambulance. The motion was seconded by Councillor V Richichi.

The Chairman put the motion to the vote and it was declared LOST.

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

RESOLVED THAT:

The application be refused on the grounds of impact on neighbour amenity and overdevelopment of the site.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.40 pm

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APPENDIX B

**Report of the Strategic Director of Place
To Planning Committee**

3 July 2018

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 Strategic Director of Place are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Strategic Director of Place 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 Strategic Director of Place.

5. Granting permission contrary to Officer Recommendation

Where the Strategic Director of Place 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 Strategic Director of Place.

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 Strategic Director of Place.

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 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 Strategic Director of Place.

9. Decisions on Items of the Strategic Director of Place

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 166 dwellings with associated public open space, infrastructure and National Forest planting approved under reserved matters approval 17/01326/REMM (outline planning permission 17/00433/VCUM) without complying with condition nos. 2, 3 and 8 so as to allow for a revised scheme of landscaping and retained trees

Report Item No
A1

Land Off Greenhill Road Coalville Leicestershire

Application Reference
18/00705/VCUM

Applicant:
Mrs Amy Gilliver

Date Registered:
24 April 2018

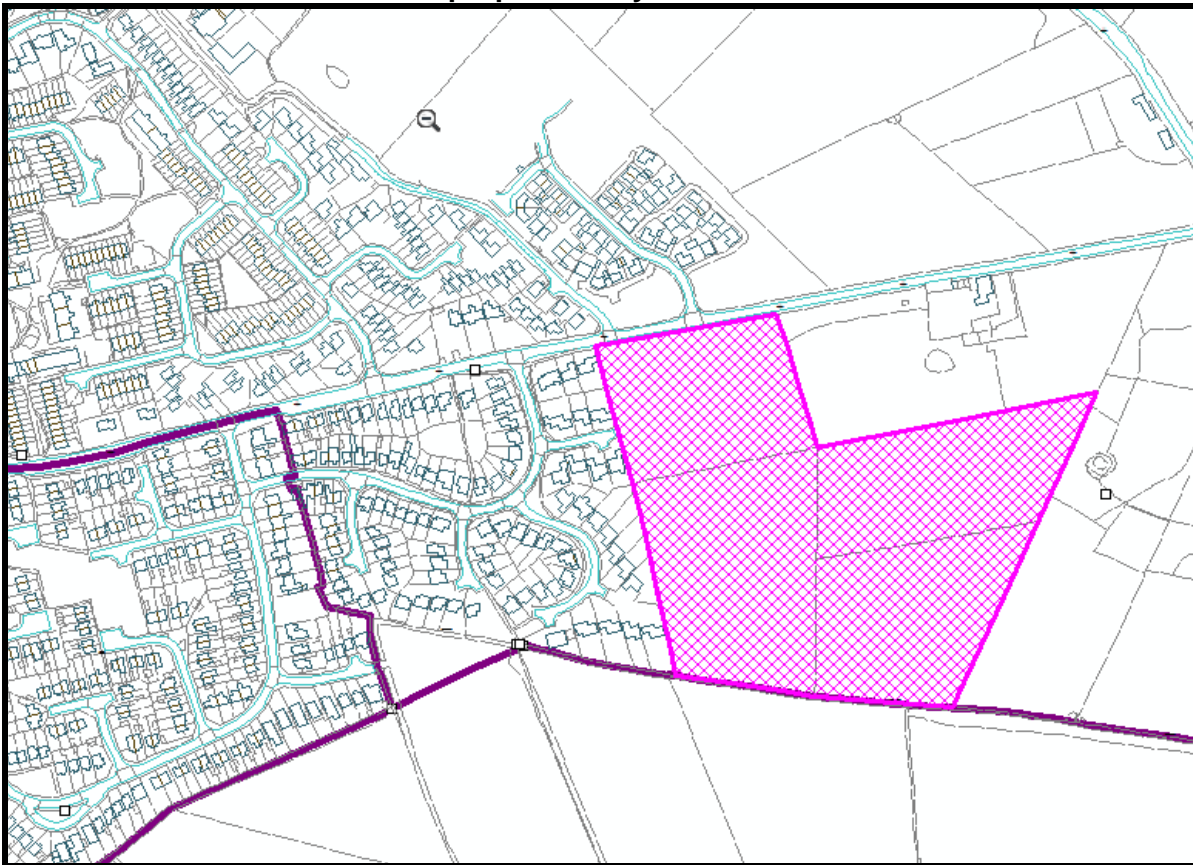
Case Officer:
James Knightley

Consultation Expiry:
12 June 2018
8 Week Date:
24 July 2018

Recommendation:
PERMIT subject to S106 Agreement

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 called in to Planning Committee by Councillor Wyatt on the basis of impact on the local community and breaches of conditions.

Proposal

This is an application to "vary" conditions attached to a reserved matters application for the erection of 166 dwellings.

Consultations

Objections have been received from a number of third parties in respect of the proposals; no objections have been received from statutory consultees.

Planning Policy

The application site is within Limits to Development in the adopted North West Leicestershire Local Plan.

Conclusion

The principle of residential development is already established and cannot be reconsidered by this application. The key issue is considered to be whether the proposed amendments to the scheme arising as result of the proposed revised conditions would be harmful to the amenities of the area; the officer view is that the proposed amended impacts would not result in unacceptable harm to amenity, and approval is recommended.

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS AND SUBJECT TO PLANNING OBLIGATIONS (OR SIMILAR)

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

MAIN REPORT

1. Proposals and Background

In January 2016, outline planning permission was granted on appeal for up to 180 dwellings, including a retail unit, access and associated infrastructure (appeal ref. APP/G2435/W/15/3005052; Local Planning Authority ref. 14/00614/OUTM). In August 2017, a Section 73 application to "vary" a condition attached to the original outline planning permission relating to the approved illustrative development framework plan was granted (ref. 17/00423/VCUM). In February 2018, a reserved matters approval for 166 dwellings submitted in respect of that Section 73 outline planning permission was resolved to be permitted and, following the completion of legal agreements, the reserved matters approval was issued in April 2018 (ref. 17/01326/REMM). Both the Section 73 outline planning permission and the reserved matters approval were granted subject to conditions (and including some requiring approval of details prior to commencement).

In April 2018, the District Council's Environmental Protection team was notified of works being undertaken on the site (including earth moving and works to trees), and requested that those works cease pending discharge of all relevant pre-commencement conditions. All works on the site subsequently stopped and, as of the time that this report was prepared, have not recommenced.

Those conditions included Conditions 2, 3 and 8 of the reserved matters approval which respectively related to the list of plans approved under that consent, the proposed site landscaping, and tree protection fencing. The developer no longer proposes the retention of the trees shown as retained on the drawings referenced in those conditions and, as such, this application seeks to "vary" those conditions to relate to revised drawings updated to reflect the trees' removal.

2. Publicity

9 neighbours notified.

Site Notice displayed 21 May 2018.

Press Notice published Leicester Mercury 23 May 2018.

3. Summary of Consultations and Representations Received

Third Party Representations

32 representations have been received, objecting on the following grounds:

- Trees removed deliberately
- Works commenced without consent
- Site now left in a mess
- Existing approval should be revoked
- Trees should be replanted (and at a ratio of 1,000 to 1 for every tree removed)
- Replacement planting should be mature trees
- Removed trees were Category B and therefore worthy of retention
- Legal action should be taken by the District Council and the developer fined
- Unsafe / unsuitable drainage
- Insufficient infrastructure / services to support the development (including in respect of policing, healthcare, transportation and education)
- Emergency service bases should be on the Coalville bypass rather than in the town

- centre
- Coalville becoming a brick and concrete jungle
- Loss of greenfield site
- Impact on wildlife
- Noise
- More affordable housing required
- Insufficient highway capacity
- Adverse impact on highway safety
- Too many dwellings proposed
- Development previously refused
- Stone walls removed
- Trees removed to provide additional space for more housing
- Overlooking from proposed public open space
- Planting of ivy would cause inconvenience to neighbours
- Proposed pedestrian link to Jacquemart Close would encourage trespass
- Additional trees should be provided
- House types should be amended
- Green screen should be provided prior to any further development
- Drainage easement should not prevent tree retention
- Ground instability
- Meadow planting now proposed near open space
- Applicant has previously confirmed that the previously indicated "viewing platform" would not be provided
- Incorrect site cross section plans
- Proposed surface water attenuation area not suitable for use as public open space
- Site location plan omits neighbours' extension
- Proposed levels details requested from developer
- Site should be subject to regular unannounced checks by Health and Safety and the Planning department to ensure compliance
- Site no longer required to meet housing targets

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2012)

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraph 61 (Requiring good design)

Paragraph 203 (Planning conditions and obligations)

Draft National Planning Policy Framework (2018)

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised NPPF. In view of the early stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this time, and greater weight should be attached to the 2012 version. Notwithstanding the limited weight to be attached at this stage, however, the following sections of the draft NPPF are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)
Paragraphs 48, 55 and 57 (Decision-making)
Paragraphs 126 (Achieving well-designed places)

Adopted North West Leicestershire Local Plan (2017)

The application site lies within Limits to Development as defined in the adopted Local Plan. The following adopted Local Plan policies are considered relevant to the determination of this reserved matters application:

Policy D1 - Design of new development
Policy D2 - Amenity

Other Policies

Good design for North West Leicestershire SPD

5. Assessment

Approach to Determination

The principle of development on this site for residential purposes along with any issues associated with the development of the site in principle (e.g. the suitability of the site generally for residential development, and the impacts of the development on the wider highway network) was established by the grant of the original outline planning permission in January 2016. In terms of the detailed layout of the scheme, this is as per that approved under the existing reserved matters approval in April 2018.

The principal changes vis-à-vis the reserved matters scheme approved under 17/01326/REMM are in respect of the non-retention of trees previously shown as retained. In particular, these include a small group of trees (comprising oak, silver birch, sycamore, hazel, eucalyptus, Leyland cypress and yew) close to the western boundary of the site (in an area adjacent to no. 180 Greenhill Road and no. 5 Jacquemart Close). This area of the site is proposed to remain undeveloped, and would act as an easement for proposed drainage. Whilst these trees were previously indicated as to be retained, the developer now advises that they would be required to be removed in order to satisfy adoption requirements of Severn Trent Water. In addition, trees indicated as retained at the time of the reserved matters approval in the vicinity of the proposed site access onto Greenhill Road are also now shown as being removed.

Given the removal of the trees previously shown as retained and to be protected, the developer would no longer be in a position to comply fully with the requirements of the conditions attached to reserved matters approval ref. 17/01326/REMM set out under Proposals and Background above (and, hence, the need to submit a Section 73 application).

In view of the above, it is considered that the key issue to be considered in this case is whether, in the absence of the trees previously indicated as retained, the scheme would remain acceptable (or could be rendered acceptable by way of alternative mitigation). Whilst a number of representations have been received raising concerns at the non-compliance with the conditions originally imposed, the appropriateness or otherwise of taking formal enforcement action is not a matter for this application which must be dealt with purely on its own merits; the fact that work had previously commenced in breach of conditions is not directly relevant to the decision to be made on this revised reserved matters application.

Assessment of Implications of Proposed Amendments

As set out under Approach to Determination above, the key issue to be considered is whether, in the absence of the trees previously indicated as to be retained, the scheme would be rendered unacceptable.

Under the provisions of the conditions attached to the existing reserved matters approval, precise details of the development's proposed landscaping will need to be submitted to the Local Planning Authority for approval under the relevant condition in the usual manner. Nevertheless, the applicant has provided some details (and including in respect of the western boundary) at this stage. This indicates that, for the area affected by the drainage easement, a range of shrub planting (including hazel, hawthorn, wild privet, blackthorn and elder) would be provided. The applicant has considered additional tree planting within this area but, given the presence of the easement, advises that it would not be able to do so. However, it has suggested that it would be able to provide enhanced (semi-mature) tree planting to the south western area of the site. A previously proposed "green screen" along the whole of the western boundary (originally proposed at the time that the reserved matters application was considered) is still intended to be provided.

Whilst it is considered that the retention of the removed trees would have been preferable in terms of providing appropriate landscaping to the residential development (and particularly given their level of maturity), it is accepted that, in their absence (and bearing in mind the continued provision of shrub planting and the green screen), the reduced degree of screening and landscaping that would still be achieved would not be so significant as to warrant a refusal. Insofar as the amenities of nearby occupiers are concerned, whilst the reduction in screening afforded by the removed trees would increase inter-visibility between proposed and existing dwellings (and whilst the applicant proposes erecting the dwellings in this area at a higher finished floor level than the existing adjacent properties), by virtue of the separation between proposed and existing dwellings, the configuration / orientation of the proposed plots, and the retention of the green screen to this boundary as previously proposed, the scheme would be considered to remain acceptable in residential amenity terms, and to comply with Local Plan Policy D2.

Insofar as the trees adjacent to the site access are concerned, whilst some of these were indicated at the time of the reserved matters approval as being retained, their merits (and the desirability to retain) were nevertheless considered at the time that the original outline application was considered (i.e. by virtue of being affected by the proposed site access which was included for consideration at the outline stage). Their removal in order to accommodate the required visibility splays was in effect approved at the time of the outline planning permission, and the current plan simply therefore reflects this position.

On this basis, it is therefore concluded that the proposals would remain as sustainable development overall, and approval is recommended.

At the time that the previous reserved matters approval was issued, the developer entered into a Section 106 agreement to ensure that the proposed estate roads (which are not intended to be offered for adoption by the County Highway Authority) function in an equivalent manner as adopted highways (with public rights of access etc.). As such, in the event that this application is resolved to be permitted, it is recommended that a deed of variation (or similar) be entered into so as to ensure that the previously agreed obligations would continue to apply in respect of this updated reserved matters approval.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations (or any alternative form of legal agreement as advised as appropriate by the District Council's Head of Legal and Commercial Services), and subject to those conditions previously attached to reserved matters approval ref. 17/01326/REMM (albeit amended to cross reference to any details approved under the equivalent condition attached to reserved matters approval ref. 17/01326/REMM), and as modified below:

- 2 Approved Plans (to include reference to the amended indicative landscaping and buffer planting plans)
- 3 Landscaping (including future maintenance and management, and including reference to the amended indicative landscaping and buffer planting plans)
- 8 Tree Protection (to include reference to the amended landscaping and buffer planting plans)

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Erection of two single storey dwellings

Report Item No
A2

Land To The South Of Peters Close Tonge Derby

Application Reference
18/00567/FUL

Applicant:
Ms Ruth Mulvany

Date Registered:
9 April 2018

Case Officer:
Ebony Mattley

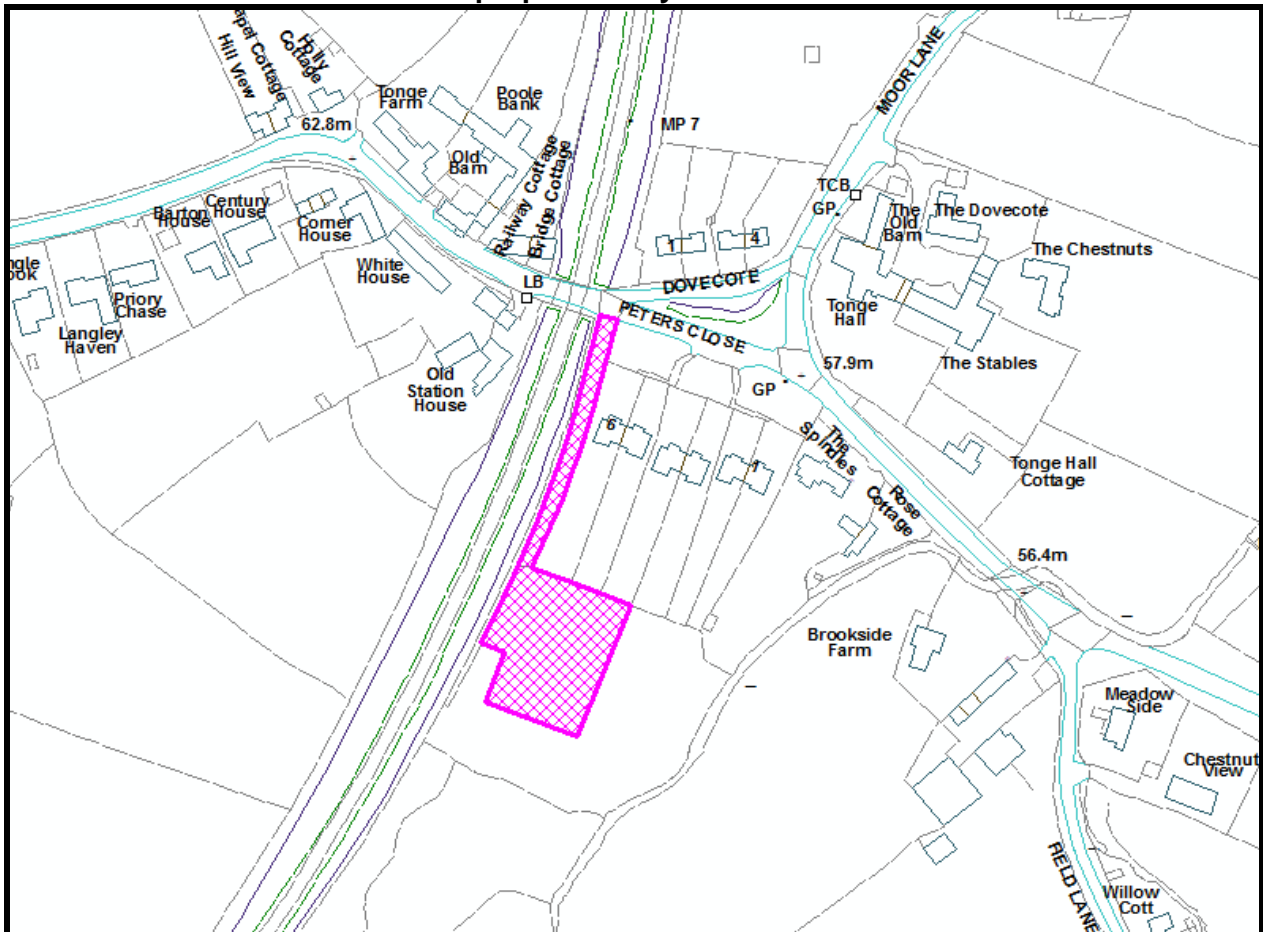
Consultation Expiry:
10 May 2018

Recommendation:
REFUSE

8 Week Date:
4 June 2018

Extension of Time:
7 June 2018

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is reported to the Planning Committee by the Strategic Director of Place under Section 4(f) of Section 5 (Bodies Exercising Council Functions) of Part 3 (Responsibility for Functions) of the Council's Constitution as the application is novel yet contentious and so merits further consideration by committee.

Proposal

Full planning permission is sought for the erection of two single storey dwellings at land to the south of Peters Close, Tonge.

Consultations

Members will see from the main report below that there are objections raised from surrounding neighbours and objections from Breedon-on-the-Hill Parish Council. The County Highway Authority and the Council's Conservation Officer have also raised objections.

There are no other objections raised from statutory consultees, and there are neighbouring letters of support.

Planning Policy

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

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Impact upon Character and Heritage Assets
- Impact upon Residential Amenity
- Highway Considerations
- Ecology

The scheme would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 in the adopted Local Plan (2017) and future occupiers of the dwelling would be heavily reliant upon the private motorcar to access basic day to day needs. Approval of the application would result in the unnecessary development of land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of Policies S2 and S3 of the adopted Local Plan (2017) and the advice in the NPPF. Further, the introduction of backland development would be at odds with the character of the area, and by virtue of the proposed layout, not reflecting local character and the formalisation of the access track would harm the significance and setting of the Tonge Conservation Area.

The scheme does not provide the required visibility splays, to the detriment of highway safety and is therefore contrary to Policy IF4 of the adopted Local Plan (2017) and the provisions of

Paragraph 32 of the NPPF.

It is considered, on balance, that any potential benefits of the scheme as proposed would be insufficient to outweigh the conflict with the development plan and the Framework resulting from the harm as identified in the report, below.

RECOMMENDATION - REFUSE

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

MAIN REPORT

1. Proposals and Background

Full planning permission is sought for the erection of two single storey dwellings at land to the south of Peters Close, Tonge.

The scheme proposes two bungalows or three bed configuration which are intended to be low cost, self-build, eco homes. The application details indicate that the bungalows will be constructed with British wood with the character and design is reflective of local agricultural buildings, in particular taking the appearance of a stable block.

Access is via an existing access and track to the north of the site. Public Footpath M18 runs along the access driveway.

The site is located outside Limits to Development, as defined by the adopted Local Plan.

Planning History:-

None

2. Publicity

8 neighbours notified.

Site Notice displayed 19 April 2018.

Press Notice published Derby Evening Telegraph 2 May 2018.

3. Summary of Consultations and Representations Received

Breedon on-the-Hill Parish Council object to the application on the following grounds:-

- *"This is a Greenfield site in open countryside outside the development boundary of Tonge village.*
- *The proposed access has no visibility, owing to the proximity of the Cloud Trail railway bridge parapets and would be dangerous.*
- *The Parish Council note there are many local objections from villagers living nearby and any letters of support as such come from outside of the parish.*
- *It is noted that there are no policies in place for eco-or self-build that might possibly support such an application. There are existing policies for affordable housing and exception sites which would not be applicable in this instance.*
- *The Parish Council concurs with the content contained in the pre-application advice to the applicant issued by NWLDC."*

Objection from:-

NWLDC Conservation Officer
Leicestershire County Council - Highways

No objection from:-

Environment Agency

Leicestershire County Council - Ecology
NWLDC Environmental Protection
NWLDC Footpaths

No objection, subject to condition(s) received from:-

NWLDC Environmental Protection - Land Contamination
Leicestershire County Council - Footpaths

No response received from:-

Lead Local Flood Authority - Standing Advice

Third Party Representations

Objections from 19 addresses have been received, raising objections on the following:-

- Not sustainable; the Local Plan has identified Tonge as a small village with limited services and the application does not meet the requirements of Policy S2; no shop, post office, church, pub etc. and the bus service runs 2 hourly;
- Intrusion outside the confines of the village; any housing should be one of infilling to logical extension of existing housing;
- The site has been used for cattle and sheep grazing and is part of the rural fabric;
- Site is outside limits and contrary to Policy S3;
- Questioning whether the second dwelling is meeting a genuine local need;
- Does not constitute affordable housing;
- Local affordable homes have been created in Breedon;
- No justification for one privately owned dwelling, let alone two;
- Spoil the beautiful countryside and character of the village;
- Spoil the view from properties;
- Loss of privacy;
- Highway Safety - Limited access, width of the narrow track - 5.4 metres with a noticeboard and bench within the entrance area and increase of traffic will make it dangerous for all wanting to access the Cloud Trail and no consideration of the footpath along the length of the access; the bridge creates a blind spot and the junction presents a hazard; there has never been hard-core placed on the access route
- Insufficient parking provision proposed;
- Impact upon the Conservation Area;
- Modern contemporary design will be at odds with the cultural identity of the hamlet;
- Distracting the foundation of many Grade 2 Listed Buildings in the village;
- Impact upon the local wildlife;
- Impact upon trees;
- Unclear how the foul sewage system is to be disposed of?;
- Flooding, proximity to and impacts upon the brook;
- Annual fetes would only cause more parking issues and
- Owners of access drive have not received a certificate B notification and a right of access is only for vehicles related to agricultural or equine use and no legal authority has been given to hard surface the access track.

6 letters of support have been received, stating the following:-

- Self-building in rural areas is very important;

- The buildings are in keeping and great low impact design, will look natural in the setting;
- Eco-credentials are excellent - rising fuel prices make this a sensible and logical option;
- People joining the community;
- Non-standard houses and individual development;
- It will prove that it can be done on a budget and
- Positive effects for the future.

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the 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 due weight in the determination of this application.

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

Paragraphs 7 and 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Core planning principles);
Paragraphs 32 and 39 (Promoting sustainable transport);
Paragraphs 49 and 55 (Delivering a wide choice of high quality homes);
Paragraph 57, 60, 61 and 64 (Requiring good design);
Paragraph 75 (Promoting healthy communities);
Paragraphs 96, 97 and 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 120, 121 and 123 (Conserving and enhancing the natural environment);
Paragraphs 131, 132 and 134 (Conserving and enhancing the historic environment).

Draft National Planning Policy Framework (2018)

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised NPPF. In view of the early stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this time, and greater weight should be attached to the 2012 version. However, there is nothing in the draft NPPF that would materially change any of the recommendations made on this application.

Adopted North West Leicestershire Local Plan (2017)

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

S2 - Settlement Hierarchy
S3 - Countryside
D1 - Design of New Development
D2 - Amenity
H5 - Affordable Housing
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
EN1 - Nature Conservation
EN3 - The National Forest
CC2 - Water - Flood Risk
CC3 - Water - Sustainable Drainage Systems
He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Other Policies/Guidance

National Planning Practice Guidance - March 2014
Leicestershire Highways Design Guide
Good Design for North West Leicestershire SPD - April 2017
The Planning (Listed Buildings and Conservation Area) Act 1990
Tonge Conservation Area Appraisal and Study 2002.

5. Assessment

Principle of 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 (2017).

The application site lies outside the defined Limits to Development within the adopted Local Plan, with new dwellings not being a form of development permitted in the countryside by Policy S3.

Paragraph 17 of the NPPF also states that planning should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it, and paragraph 109 states that the planning system should protect and enhance valued landscapes.

The scheme proposes the erection of two bungalows on an agricultural site. This scheme would introduce residential development and extend the southern edge of the settlement of Tonge, where it would encroach beyond the contained settlement and into the countryside beyond. A public footpath runs through the site and it is considered that the site represents a 'typical' rural countryside location.

The scheme is therefore considered to result in un-necessary development of greenfield land

and encroachment into the countryside.

Further, Policy S2 categorises Tonge as a 'Small Village' with very limited services, where development will be restricted to conversions of existing buildings or the re-development of previously developed land, or affordable housing in accordance with Policy H5.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Policy S2 is consistent with the core principle of the National Planning Policy Framework (the Framework) to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

It is considered that Tonge does not benefit from local services. There is a bus service, and a bus stop in close proximity to the application site, however this is restricted to one service - No.155. The No.155 bus service, operated by Roberts Coaches (Castle Donington - Coalville, via East Midlands Airport) operates a 2 hourly services from Tonge to Breedon, Monday to Saturday (08:14; 10:14; 12:14; 14:14; 16:14 and 18:14) and 2 hourly service from Breedon back to Tonge. For the avoidance of doubt there is no service on a Sunday.

The nearest settlement to contain a shop would be Breedon-on-the Hill. The shop in Breedon-on-the Hill is located well in excess of 1,000 metres away. Whilst a 3 minute bus ride does operate from Tonge to Breedon on the Hill (No.155) given the 2 hourly nature of this service, it is considered that future occupiers would choose to use this private motor vehicle to make such journeys.

Furthermore, residents of the new dwellings would rely on the private car for journeys to access other facilities (the primary school in Breedon is approximately 1,500 metres away) and the infrequent bus service would limit the opportunities for residents to travel to work by public transport.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. As the settlement of Tonge, does not benefit from a wide range of local services, nor is it readily accessible via public transport, it is considered the future occupiers would be reliant upon the private motorcar to access basic day to day needs. The proposal for new residential development, is therefore, not considered to represent a sustainable form of development.

Self Build

The applicant has indicated that one of the bungalows would be used for a self-build for their own occupation, with the other for an already identified, local resident self-builder. The applicant is on the self-build register.

Whilst Self and Custom building housing will be a consideration under the Local Plan review, as to whether a policy should be included, the adopted Local Plan does not refer to self-build dwellings and therefore no weight can be attributed to this, at this time.

The Council's Strategic Housing team also considers that individual self-build or bespoke market housing (as is proposed here) are not appropriate under Policy H5 as these homes, by their very nature, will be provided for specific households who have a) the means to meet their own housing needs and therefore are not in need of an affordable home; b) are not affordable

under the NPPF definition outlined above and c) will not be occupied initially by eligible households. Accordingly, for the avoidance of doubt, the absence of a self-build/eco policy does not make H5 acceptable.

Accordingly in the absence of any local or clear national policy which supports self-build dwellings, the proposal would fall to be determined under the provisions of Policy S3 of the adopted Local Plan, and the proposed residential dwelling would not be a form of development permitted by Policies S2 or S3 of the adopted Local Plan (2017).

Build for Life Solar

The application submission indicates that the bungalows will be "build for life solar slatted bungalows" which use a patented solar technology designed by a Leicestershire based timber framed company.

The bungalows are to be designed with windows facing the south west to optimise solar gain and incorporate features such as electric points for electric or hybrid vehicles.

The application has submitted carbon dioxide emission calculations, during the course of the application.

The applicant has also confirmed that the "zero carbon solar battery technology can be connected to the car battery and accept the charge through the car charging point in the dwelling. So not only is the lighting and heat of the dwelling powered by the solar technology and stored for future use but also the vehicles associated with the dwellings...The technology will mitigate this carbon footprint for the future of the dwellings. This means the existence of the dwellings has a positive impact environmentally which far greatly exceeds the initial reasons for using the technology in the first instance. If the dwellings are permitted the fact that the dwellings existed contributes to a positive reduction in the future carbon footprint of the occupants had they not existed in the first place."

Consideration has been given to the information submitted by the applicant to ascertain whether such a proposal would offset the harm caused by the private car journeys, as a result of the unsustainable location of the site (as set out earlier in the report). It would not be possible for the Authority to enforce the use of the powering of vehicles, by the solar battery technology, and no quantifiable evidence as whether the technology does mitigate the carbon footprint of the dwellings.

The applicant has also queried whether this technology would fall under the definition of renewable energy and therefore accord with Policy S3 criterion (o) of the adopted Local Plan. The Local Plan defines Renewable Energy as "Renewable energy is energy flows that occur naturally and repeatedly in the environment, for example from the wind, water flows, tides or the sun." Renewable energy covers those energy flows that occur naturally and repeatedly in the environment and it is not considered therefore that the construction of two dwellings, using renewable energy methodologies, constitutes the entire scheme being defined as renewable energy.

Whilst the use of low carbon and energy efficiency measures are encouraged, they do not make the development acceptable in this case.

Bungalows

The scheme proposes two single storey dwellings.

Whilst the adopted Local plan states *"It is important to ensure that the needs of the elderly population are taken into account when providing affordable housing."* there is no specific policy for bungalows within the adopted Local Plan.

Accordingly, the provision of bungalows are welcomed, however this does not make this development acceptable, in principle.

Affordable Housing

Policy H5 deals with rural exceptions sites for affordable housing which are located outside the Limits to Development.

For the avoidance of doubt, a Rural Housing Needs survey was carried out during February & March 2017 by the District Council as part of a wider countywide programme to identify the housing needs of residents living in, or with a close connection, to rural villages.

The Council's Strategic Housing Officer has confirmed that there was not a need for affordable housing identified in Tonge when the survey was undertaken in 2016/17.

The use of the survey is the accepted methodology within the Local Plan to identify housing needs to justify affordable housing in rural settlements under Policy H5. As such it is considered that the proposal would not comply with this part of Policy H5.

Affordable housing is available to eligible house households who are unable to meet their own housing needs in the market and not those who own their own home at present, have purchased land and are proposing to build their own home. As the applicants would occupy one of the dwellings themselves, and given they are not considered to be in housing need, the proposal would not comply with this part of Policy H5.

Policy H5 cannot be triggered and cannot be applied to the proposals. Accordingly, it is not necessary to assess this application in line with the subsequent criteria of Policy H5.

Principle of Development Summary

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 requirements contained in the adopted Local Plan.

The applications falls to be considered under Policy S3 of the adopted Local Plan (2017) which does not support residential development on greenfield sites, outside Limits to Development. The scheme is therefore considered to result in un-necessary development of greenfield land and encroachment into the countryside.

Further, Policy S2 of the adopted Local Plan (2017) contains a settlement hierarchy and Tonge is specified as a Small Village with very limited services and facilities. Accordingly, the application site would also be in a socially unsustainable location due to the lack of service

provision in the settlement of Tonge not assisting in supporting the basic needs of any future occupants of the properties which therefore results in a heavy reliance on the private car.

Approval of the application would result in the unnecessary development of land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of Policies S2 and S3 of the adopted Local Plan (2017) and the advice in the NPPF.

The provision of self-build bungalows, constructed to high environmental standards and any other potential benefits of the scheme as proposed, are not sufficient to outweigh the conflict with the development plan and the Framework. It is also considered that the scheme does not provide any justification or demonstrate special circumstances, as set out in Paragraph 55 of the NPPF and no other overriding need, justification or special circumstances have been presented to outweigh this fundamental policy objection.

Impact upon Character and Heritage Assets

Impact upon Character

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 and the Council's Good Design SPD but also paragraphs 57, 60, 61, and 64 of the NPPF.

The pattern of existing residential development in Tonge is predominantly characterised by dwellings that front the highway, or have a set-back, with front garden, from the road frontage.

No's 1-6 Peters Close, are later additions to the historic dwellings in the village and were developed c.1947-1963. There are set further back from the road, however they still front the road frontage and their layout, reflects the area.

The two bungalows are proposed to be sited to the rear of properties at Peters Close and they have been orientated with their frontages, facing the east. The introduction of backland development is therefore considered to be at odds with the character of the area.

In the opinion of the Local Planning Authority the introduction of backland development would be at odds with the character of the area, contrary to Policy D1 of the adopted Local Plan and Paragraph 64 of the NPPF.

Impact upon the character and appearance of the Conservation Area

The access road is located within the Tonge Conservation Area, which runs to the rear of the boundaries of No's 1-6 Peters Close. The site would also abut the Conservation Area to the east.

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

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to

viable uses consistent with their conservation. It further indicates (at paragraph 132) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The proposal is located within Tonge Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

The scheme has been considered by the Council's Conservation Officer who has stated:-

"Having reviewed the supporting statement, I cannot see how the proposed bungalows would reflect the characteristic density, layout, scale or materials of development in the conservation area"

The Conservation Officer is of the opinion that to development to the rear of Peters Close would not reflect the layout of the Conservation Area, and in this regard, the development would harm the setting of the Conservation Area.

The Tonge Conservation Character Appraisal notes the contribution made by open spaces including "open paddock areas" and grass verges. It notes the way that the surrounding agricultural landscape "penetrates into the hamlet in places".

The Council's Conservation has states that the grassed track contributes positively to the significance of the Conservation Area and the alteration of the grassed track to form a hard surface would harm the significance of the conservation area.

Accordingly, it is considered that there is less than substantial harm to the setting of the Conservation Area arising from two dwellings that would not reflect local character and less than substantial harm to the Conservation Area arising from the 'formalisation' of the access track.

Paragraph 134 of the NPPF and Policy He1 of the adopted Local Plan state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

It is not considered that there would be any particular public benefit from the proposal (it would not provide any affordable housing) and would make a limited contribution to the Council's 5 year supply of housing. The harm to the heritage asset is in this case is not considered to be outweighed by any such benefits, associated within this proposal.

The scheme would therefore be contrary to Policy He1 of the adopted Local Plan, and the Framework and furthermore, it is also considered that the scheme neither preserves nor enhances the character and appearance of the Conservation Area, contrary to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon Residential Amenity

The site is located to the south of No's 1 - 6 Peters Close, Tonge. No's 5-6 Peters Close would be the residential properties most immediately affected by the proposal.

There would be a distance of approximately 18 metres between the rear of No's 5 and 6 Peters Close to the proposed side elevation of Plot 2 which is a sufficient distance to ensure no

significant loss of light, overshadowing or overbearing impacts.

Other surrounding residential properties are considered to be sufficient distance away from the proposal and are therefore unlikely to be significantly affected by this proposal.

Overall, the proposal is not considered to result in significant impacts upon existing or future residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Considerations

Access is proposed to the north of the site. An access and track already exists and Public Footpath M18 runs along the access driveway.

The County Highway Authority (CHA) advice is that the residual cumulative impacts of the development are severe in accordance with Paragraph 32 of the NPPF and the Local Planning Authority is advised to consider refusal on transport/highway grounds.

The CHA state that:-

"Leicestershire's current Highway Design Guide specifies that for a development to gain access to the public highway -where a 30 mph speed limit is in place- visibility splays of 2.4 metres by 43 metres are required in either direction. Details of visibility have not been provided by the applicant. However, after observations the CHA are not satisfied that the required visibility splay can be achieved left of the proposed access due to the wall immediately next to the property that forms part of a bridge over a public footway. Without modification of this wall, the visibility splay deficit is substantial and not considered to be in the interests of highway safety."

The applicant originally indicated that the access will be constructed as hard standing, finished with Breendon Quarry gravel, local to the area. During the course of the application, the applicant has submitted additional information in respect of the surfacing and has suggested gravel runners, as one possible solution. Concerns have been expressed by residents, the owner of the access drive and the Council's Conservation Officer in respect of this matter. With regards to the surfacing of the access drive, the CHA have stated that the access roads must be of bound and engineered materials, for example, bituminous or concrete, or block paving for at least 5 metres back from the edge of the highway. Whilst this matter could be conditioned within any approval, it would be at odds with the advice from the Council's Conservation Officer who has stated that the surfacing of the access would lead to less than substantial harm to the Conservation Area.

For the avoidance of doubt, the CHA have raised no objection in respect of the proposed car parking provision.

During the course of the application, the applicant has provided additional images of the visibility and re-consultation has been undertaken with the CHA. The CHA have confirmed that the substantial deficient in the required visibility splay at the site access is not in the interest of highway safety and is considered severe.

Further, the applicant has also submitted a Visibility Splay plan and re-consultation has been undertaken with the CHA. The CHA have re-confirmed that the visibility splay is illustrated incorrectly and therefore the drawing does not alter the response, that there is a substantial

deficiency in the required visibility splay at the site access.

Accordingly approval of the proposal would be contrary to the provisions of Policy IF4 of the adopted Local Plan and advice contained within the Leicestershire Highways Design Guide and Paragraph 32 of the NPPF.

Ecology

The County Council's Ecologist has states that the construction of the access drive could potentially impact on badgers and placed a holding objection on the application, pending submission of the surveys.

During the course of the application, a survey has been undertaken and re-consultation undertaken with the County Ecologist.

The County Ecologist has confirmed that there is no evidence of badgers, or other protected species and no need for further surveys.

Drainage and Flood Risk

The eastern edge of the site falls within Flood Zones 2 and 3. As no built development is proposed in this location, the dwellings could be accommodated on the site, without being located within either Zone.

Letters of Representation

In response to comments from neighbours, not already addressed within the report above.

The ownership of the access is not a material planning consideration. The right of access over the entrance, is a private, civil matter.

A right to a view is not material planning consideration.

Foul drainage is proposed to be disposed of by a septic tank.

It is not considered that there would be any trees impacted upon, as a result of the proposal.

Conclusion

In conclusion, the Local Authority can demonstrate a five year housing land supply, and the scheme, as it is outside Limits to Development would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 in the adopted Local Plan (2017) and future occupiers of the dwelling would be heavily reliant upon the private motorcar to access basic day to day needs. Approval of the application would result in the unnecessary development of land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of Policies S2 and S3 of the adopted Local Plan (2017) and the advice in the NPPF.

The submission is not in accordance with nor could it be supported by Policy H5 of the adopted Local Plan and provision of self-build, bungalows, constructed to high environmental standards are not sufficient to outweigh the conflict with the development plan and the Framework.

The introduction of backland development would be at odds with the character of the area, and by virtue of the proposed layout, not reflecting local character and the formalisation of the access track would harm the significance and setting of the Tonge Conservation Area.

The scheme does not provide the required visibility splays, to the detriment of highway safety and is therefore contrary to Policy IF4 of the adopted Local Plan (2017) and the provisions of Paragraph 32 of the NPPF.

The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, ecology or drainage and flood risk.

It is considered, on balance, that any potential benefits of the scheme as proposed would be insufficient to outweigh the conflict with the development plan and the Framework resulting from the harm as identified in the report, above.

It is therefore recommended that planning permission be refused.

RECOMMENDATION- REFUSE, for the following reasons:-

- 1 Policy S3 of the adopted Local Plan (2017) does not support residential development on greenfield sites outside Limits to Development. The scheme is considered to result in un-necessary development of greenfield land and encroachment into the countryside, resulting in significant harm to the character and rural appearance of Tonge. As a consequence the development would fail to protect or enhance the natural environment and would therefore not constitute sustainable development, contrary to the environmental strand of sustainability enshrined within the NPPF. In addition, the development would also be contrary to Policy S3 of the adopted Local Plan and Paragraph 17 of the NPPF.
- 2 Policy S2 of the adopted Local Plan (2017) contains a settlement hierarchy and Tonge is specified as a Small Village with very limited services and facilities. Paragraph 7 of the NPPF defines sustainable development which includes that the planning system needs to perform a social role by providing a supply of housing required to meet the needs of present and future generations with accessible local services and the support of their health, social and cultural wellbeing. It also provides that the planning system needs to perform an environmental role, including in respect of protecting and enhancing our natural environment and using natural resources prudently. It is considered that the application site is remote from basic services and therefore the future occupants of the dwellings would be socially isolated and heavily reliant on the private car to access such services. The heavy reliance on the private car would result in greater vehicular emissions which would not support the approach to a low carbon economy. As a result of this to permit the development would be contrary to the environmental and social strands of sustainability enshrined within the NPPF as well as Policy S2 of the adopted Local Plan.
- 3 Policy D1 of the adopted Local Plan (2017) states that the Council will support proposed developments that are well designed and as a minimum offer a good standard of design. Paragraph 64 of the NPPF states that permission should be refused for development of

poor design that fails to take the opportunities for improving the character of an area. In the opinion of the Local Planning Authority the introduction of backland development would be seriously at odds with the character of the area, contrary to Policy D1 of the adopted Local Plan and Paragraph 64 of the NPPF.

- 4 Policy He1 of the adopted Local Plan (2017) states that proposal should retain settlement patterns, features and spaces which form part of the significant of the heritage asset. Paragraph 134 of the NPPF and Policy He1 of the adopted Local Plan (2017) state that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In the opinion of the Local Planning Authority, by virtue of the proposed layout, not reflecting local character and the formalisation of the access track, the development would harm the significance and setting of the Tonge Conservation Area, to a less than substantial degree and the harm would not be outweighed by public benefits, contrary to Policy He1 of the adopted Local Plan, advice contained within the Tonge Conservation Area Appraisal and Study 2002, Paragraph 134 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5 Paragraph 32 of the NPPF states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In the opinion of the Local Planning Authority the visibility splay deficit is substantial and would result in severe harm to highway safety contrary to Policy IF4 of the adopted Local Plan (2017) and advice contained within the Leicestershire Highways Design Guide and Paragraph 32 of the NPPF.

Change of use of two garages within the block of three garages to create an administrative office in support of the occupancy of Nos. 7-11 Private Road (odd numbers inclusive) along with external alterations

Report Item No
A3

Private Road Standard Hill Coalville Leicestershire

Application Reference
18/00627/FUL

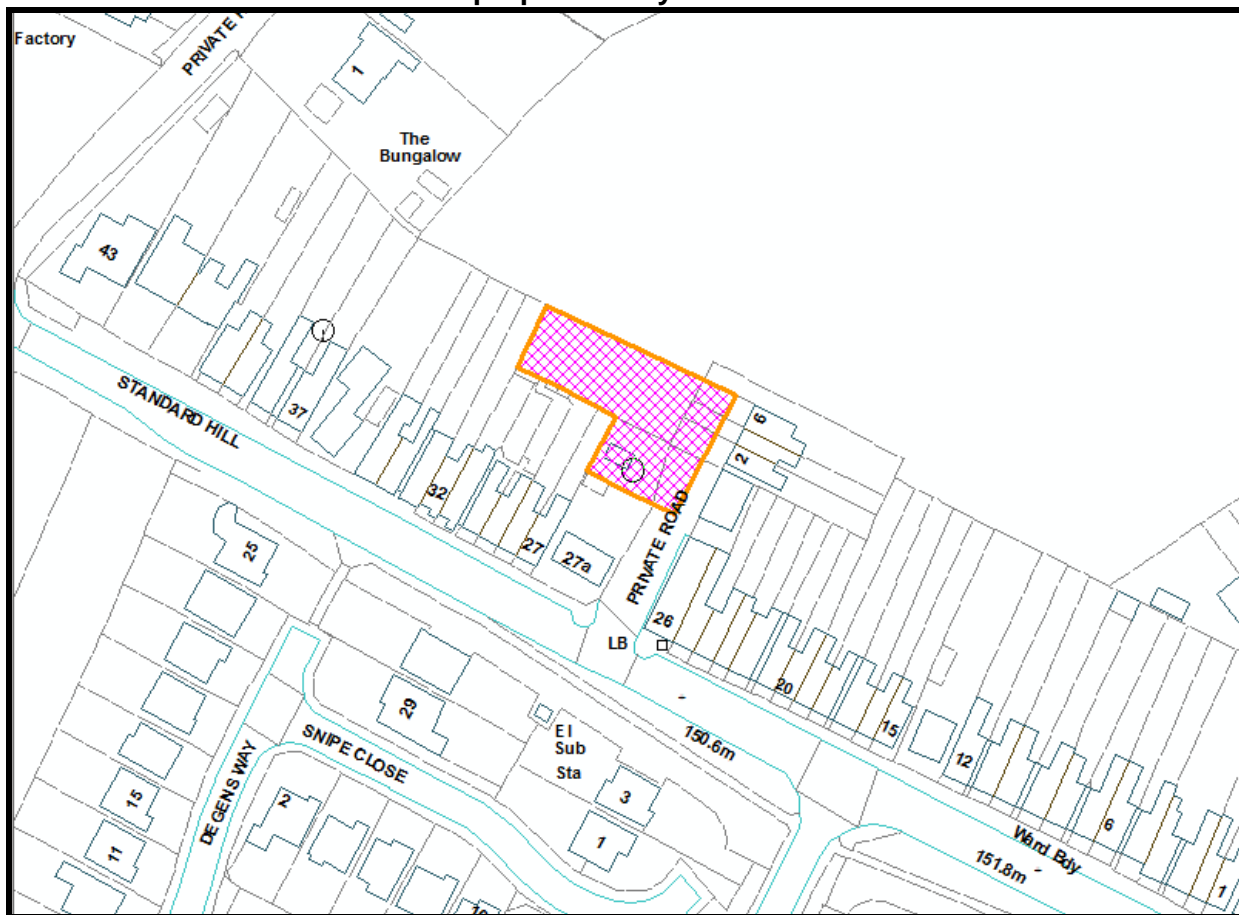
Applicant:
Mr J Kinch

Date Registered:
13 April 2018
Consultation Expiry:
23 May 2018
8 Week Date:
8 June 2018
Extension of Time:
None Agreed

Case Officer:
Adam Mellor

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is called in to Planning Committee by Councillor Geary on the basis of concerns about the loss of the off-street parking spaces and the implications to highway safety.

Proposal

This is an application to change the use of two garages within a block of three garages to create an administrative office in support of the occupancy of nos. 7 - 11 Private Road (odd numbers inclusive) along with external alterations at Private Road off Standard Hill, Coalville.

Consultations

Objections have been received from third parties but no objections have been received from other statutory consultees.

Planning Policy

The application site is within the Limits to Development in the adopted North West Leicestershire Local Plan.

Conclusion

As the site is within the Limits to Development the principle of the development is acceptable. The key issues are:

- Residential amenity;
- The impact on the character and appearance of the property and streetscape;
- Highway safety;

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD, and the NPPF.

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 change of use of two garages within a block of three garages to create an administrative office in support of the occupancy of nos. 7 - 11 Private Road (odd numbers inclusive) along with external alterations at Private Road, Standard Hill, Coalville. The existing detached garage block is set to the south-west of nos. 7 - 11 Private Road and is within the Limits to Development.

On the 7th December 2016 planning permission was granted under application reference 16/01043/FUL for the erection of three terraced dwellings, a triple garage block and highway improvements to existing access from Private Road onto Standard Hill. This permission was implemented and the dwellings were constructed.

Subsequently, however, it has come to light via enforcement investigation E/18/00045/COU that the dwellings are being utilised within Use Class C3(b) (up to six people living together as a single household and receiving care) rather than within Use Class C3(a) (use by a single person or family) by Freedom Care Ltd. Whilst the use of the properties within use class C3(b) from C3(a) does not require planning permission for a change of use it is proposed that the detached triple garage block would be adapted so as to be used as an administrative office by the carers who attend the properties. This adaptation would result in the provision of an office, store and water closet in two of the garage bays and the provision of glazing in two openings where a garage door would have been provided (it was noted during the site visit that a garage door has only been provided to one of these bays).

A total of four off-street parking spaces would be retained in connection with the use of the dwellings and the administrative office.

Planning permission was refused under application reference 16/00372/FUL on the 13th June 2016 for the erection of three terraced dwellings and a triple garage block.

2. Publicity

16 Neighbours have been notified.
Site Notice displayed 2 May 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Leicestershire County Council - Highways Authority have no objections.

NWLDC - Environmental Protection has no objections.

Third Party Representations

A total of seven representations have been received from third parties which object to the application with the comments raised summarised as follows:

- The off-street parking required in connection with application reference 16/01043/FUL has never been provided and therefore there is a breach of the condition.
- The loss of the off-street parking provision will result in detriment to highway safety as insufficient off-street parking will be available to residents, users of the shop and users of

- the proposed administrative office.
- Off-street parking should be available for the staff which visit the properties, this is around 15 people on the basis of the supporting information, as well as visitors of the residents who reside in the dwellings.
- On-street parking on Private Road will restrict access for emergency vehicles.
- The development has impacted on the off-street parking provision for the shop at 26 Standard Hill and the viability of this business is now being compromised.
- Level of noise generated from the use of the administrative office would result in detriment to residential amenities.
- Parking of vehicles is being undertaken on private land.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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 39 (Promoting sustainable transport);
 Paragraphs 57, 60, 61 and 64 (Requiring good design);
 Paragraph 123 (Conserving and enhancing the natural environment); and
 Paragraphs 203 and 206 (Planning conditions and obligations).

Draft National Planning Policy Framework (2018)

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised NPPF. In view of the early stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this time, and greater weight should be attached to the 2012 version. However, there is nothing in the draft NPPF that would materially change any of the recommendations made on this application.

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
 Policy S2 - Settlement Hierarchy;
 Policy D1 - Design of New Development;
 Policy D2 - Amenity;
 Policy IF4 - Transport Infrastructure and New Development;
 Policy IF7 - Parking Provision and New Development;

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document - April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

5. Assessment

Principle and Sustainability

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

It has previously been established in the grant of planning permission under application reference 16/01043/FUL that the application site is within a sustainable location with Policy S2 of the adopted Local Plan supporting this position (Hugglescote being part of the Coalville Urban Area which is the primary settlement in the District). On this basis the proposed development would be acceptable in principle with the main matters for consideration relating to the impacts on residential amenity and highway safety as well as the design of the proposals.

Residential Amenities

The proposal relates to the change of use of an existing building to an administrative office and consequently the alterations to the external appearance of the building, resulting in the insertion of glazing into two openings, would not result in any adverse overbearing or overshadowing impacts to the nearest residential receptors being nos. 2, 4 and 6 Private Road, set to the north-east, nos. 27 and 27A Standard Hill, set to the south-west, and no. 26 Standard Hill, set to the south-east. As the glazed openings would be at ground floor level there would also be no adverse overlooking implications particularly given that the detached garage block does not sit directly opposite any residential receptor.

The Council's Environmental Protection Team have been consulted on the application and have raised no objections and therefore it is determined that the change of use would not result in any adverse noise implications to the amenities of neighbouring properties which would justify a refusal of the application.

Overall the proposal would accord with Policy D2 of the adopted Local Plan and Paragraph 123 of the NPPF.

Impact on the Character and Appearance of the Building and Streetscape

The need for good design in new development is outlined not only in adopted Local Plan Policy D1, as well as the Council's adopted Good Design for NWLDC SPD, but also Paragraphs 57, 60 and 61 of the NPPF.

It is considered that the elevation of the detached garage block where the alterations would be undertaken is not readily visible from Standard Hill due to the presence of vegetation to the boundary of no. 27A Standard Hill. In any event the provision of glazing in two openings where garage doors would have been provided is not considered to have any significant implications to the character and appearance of the building or the overall appearance of the streetscape.

On this basis the design and appearance of the alterations to the existing building would be acceptable and would ensure compliance with Policy D1 of the adopted Local Plan as well as Paragraphs 57, 60 and 61 of the NPPF and the Council's adopted Good Design SPD.

Highway Safety

The County Highways Authority have been consulted on the application and has raised no objections.

In the consideration of application reference 16/01043/FUL it was determined that the provision of build-outs either side of the vehicular access in order to improve the level of visibility achieved in both directions was sufficient in addressing highway safety concerns associated with the movement of vehicles out of Private Road onto Standard Hill. These build-outs have been provided and consequently it is considered that the movement of vehicles out of the site in connection with the administrative office would not result in severe detriment to pedestrian or highway safety. On this basis the proposal would accord with Policy IF4 of the adopted Local Plan and Paragraph 32 of the NPPF.

The dwellings approved as part of application reference 16/01043/FUL had two bedrooms each and as part of the permission granted a total of six off-street parking spaces were provided, three of which were in the detached garage block. For the avoidance of doubt it is not the responsibility of this development to address the short comings in off-street parking provision for neighbouring dwellings or the shop, particularly given that it is not evidently clear whether they have a 'right' to park on Private Road, and matters associated with the obstruction of parking spaces or vehicular accesses would be a police matter.

A supporting statement supplied by the agent has outlined that 15 members of staff are employed in connection with the C3(b) use and these employees operate on a shift basis with there being 3 shifts in a day. It is not however made clear how many staff would be present on the site at any one time. The supporting statement also outlines that the occupants of the properties "are highly unlikely, by reason of their background, to require a motor car as a means of personal transport." Further information supplied by the applicant has also outlined that the office will not be "manned by any additional staff members and it will be used primarily by the local manager who is present on the site during weekdays only."

As outlined in the 'Proposals and Background' section of this report the use of the properties within use class C3(b) does not require planning permission and at present this use operates without requiring parking within two of the bays of the tripe garage and this would continue to be the case with or without the development. It is also the case that whilst garage spaces are available there is no requirement to insist that such spaces are utilised and therefore vehicles connected with the use are entitled to park anywhere within the confines of the site.

Although the County Highways Authority consider that the loss of two parking spaces at the site is not ideal, particularly in light of the existing demand for on-street parking facilities on Standard Hill, it is accepted that the proposal is ancillary to the use undertaken from the site and the risk of displaced parking in connection with the use is reduced as it is situated on a private drive. Paragraph 32 of the NPPF outlines that development should only be refused on highway safety grounds where the cumulative impacts of the development are severe and the loss of two off-street parking spaces as a result of the proposed development would not be considered severe in this instance. On this basis a reason to refuse the application as being contrary to Policy IF7 of the adopted Local Plan and Paragraph 39 of the NPPF could not be substantiated in this instance.

Conditions would be imposed on any permission granted to ensure that the administrative office remains ancillary to the use of the site as well as the fact that should the C3(b) use cease the

two garage spaces shall be re-introduced.

Other Matters

In terms of the matters raised by third parties which have not been addressed above it is considered that in the conclusion of application reference 16/01043/FUL it was determined that given that the site would be located less than 45 metres from the highway emergency vehicles would be able to access the site with the representations received specifying that emergency vehicles have parked on Private Road so as to visit the properties. This therefore suggests that there is no issue with regards to the movement of emergency vehicles within the site.

No financial information has been provided to substantiate the claim that the development has led to a loss of trade for the retail premises at 26a Standard Hill, as a result of the loss of off-street parking for customers on Private Road. Nor has it been demonstrated that customers of the premises had a right to park on Private Road or that the development in question has taken such parking spaces away.

Summary Reasons for Granting Planning Permission

The site is situated within the Limits to Development where the principle of this form of development would be acceptable. In addition the proposal would not impact adversely on the appearance of the streetscape, residential amenity or highway safety. There are no other material planning considerations which indicate that 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 conditions;

1. Time limit.
2. Approved plans.
3. External materials.
4. Administrative office ancillary to C3(b) use.
5. Off-street parking provision.
6. Re-introduction of garage spaces if C3(b) use ceases.

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New agricultural access

Report Item No
A4

Land At Worthington Lane Breedon On The Hill

Application Reference
17/01342/FUL

Applicant:
Staunton Harold Farms

Date Registered:
11 September 2017

Case Officer:
Anna Edwards

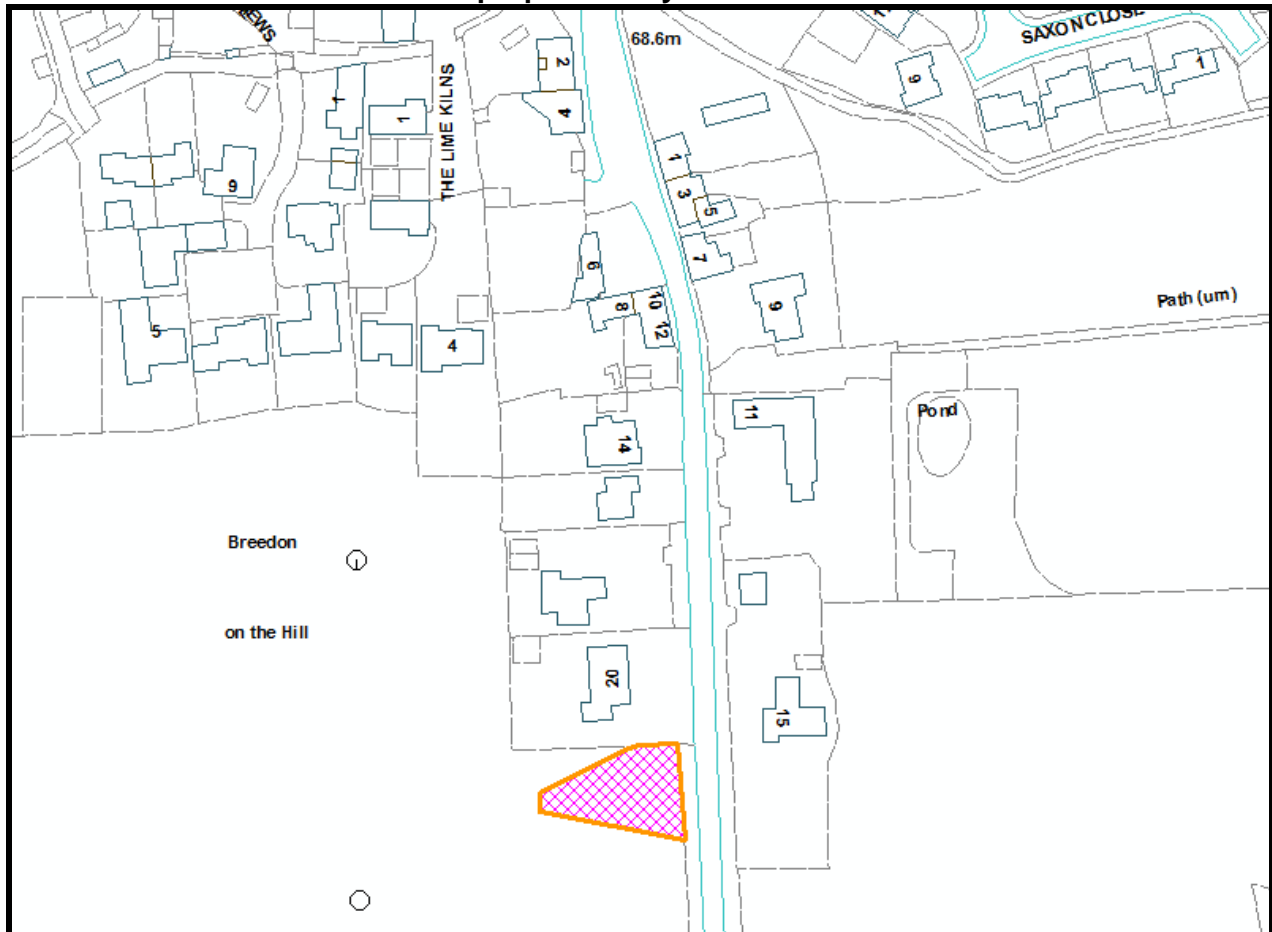
Consultation Expiry:
10 November 2017

Recommendation:
PERMIT

8 Week Date:
6 November 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 to the Planning Committee as the planning agent is related to a councillor and contrary representations to the recommendation to permit the application have been received.

Proposal

Planning permission is sought for a new agricultural access at Land at Worthington Lane, Breedon on the Hill. The site is located to the south of No. 20 Worthington Lane, Breedon on the Hill, situated outside the defined Limits to Development and is currently utilised for agriculture.

Amended plans were sought and received during the course of the application to overcome highway concerns.

Consultations

5 representations have been received objecting to the application and 2 representations have been received in support of the development. Breedon on the Hill Parish Council also object to the development. Leicestershire County Highways Authority have raised no objection to the proposal subject to conditions.

Planning Policy

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

Conclusion

The principle of the development is deemed to be acceptable given that the proposal is for an agricultural use within the countryside and it would not be significantly harmful to character and appearance of the countryside or surrounding area. The proposal is not considered to significantly affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, in this case S3, D1, D2, IF4 and IF7 and the NPPF.

RECOMMENDATION:-

PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

Approval is sought for a new agricultural access at Land at Worthington Lane, Breedon on the Hill. The proposed new access would be formed to the south of No.20 Worthington Lane. The proposed access would be located just within the 30 mph speed limit zone into Breedon. The proposal comprises a vehicular access to agricultural land through an existing gap in the hedgerow. The access will be secured by a gate (set back from the highway by 11.0 metres) and post and rail fencing. A turning head would also be provided. Visibility splays of 65 x 2.4 metres would be provided in both directions. Visibility would be provided by a small amount of trimming back of the hedgerow. The proposal includes no additional hedgerow removal.

The application has been amended a number of times since the original submission following advise from the Local Highway Authority in order to overcome highway safety concerns.

The application was accompanied by the following supporting information:- a Agricultural Statement and a Design and Access Statement.

Recent relevant planning history found at the site:

16/00360/OUTM - Erection of 27 dwellings (Outline application - all matters reserved except for part access) Refused (Dismissed at appeal).

2. Publicity

3 neighbours notified.

Site Notice displayed 22 September 2017.

3. Summary of Consultations and Representations Received

Statutory Consultees

Breedon on the Hill Parish Council object to the application on the following grounds:

- Residential development on the site has previously been rejected on access grounds;
- There has never been a pedestrian access in this location (contrary to the annotation on the plans);
- The access is not within a 30mph zone (contrary to the application submission);
- Use of the access for agricultural purposes would not be acceptable on highway safety grounds (including appropriate visibility);
- The proposal could result in fly tipping, anti-social behaviour and security issues;
- A number of neighbours have objected to the scheme.

Leicestershire County Council - Highway Authority has no objection, subject to conditions.

Third Party Representations

5 letters of objection have been received. The issues raised within the letters are included below;

- Illegal removal of the hedge
- Dangerous, awkward Location for access
- Unsuitable access being adjacent to domestic dwellings
- New access would cause danger to traffic and pedestrians from mud and rain pouring down into the highway

- Existing access is safer with greater visibility
- Planning inspectorate pointed out that an access would be detrimental to Worthington Lane
- Field could be used for fly tipping

2 Letters of support have been received. The key points raised in the letters are included below;

- Existing access is not safe
- New access will enable vehicles to enter the site without the need to wait on the roadside
- New access will mean no damage to the ground (as caused by existing access).

The full contents of the consultation responses and the neighbour objections are available to view on the public file.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2012)

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraph 7, 17 (Achieving sustainable development)
Paragraph 28 (Supporting a prosperous rural economy)
Paragraph 57 (Requiring good design).

Draft National Planning Policy Framework (2018)

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised NPPF. In view of the early stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this time, and greater weight should be attached to the 2012 version.

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S3 - Countryside
Policy D1 - Design of New Development
Policy D2 - Amenity
Policy IF4 - Transport Infrastructure and New Development
Policy IF7 - Parking Provision and New Development

5. Assessment

The application site is located outside the Limits to Development as defined in the Local Plan. The application site is therefore within the countryside. Policy S3 of the Local Plan stipulates that only certain types of development are permitted within the countryside. The proposal is deemed to comply with criteria (a) of Policy S3 falling under 'Agriculture'. Development deemed acceptable under Policy S3 are only supported where specific criteria are also met under points i to vi of Policy S3, which are considered below in the 'Design and impact upon the countryside' section. Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside and does not specifically preclude development within the

countryside.

Paragraph 28 of the NPPF confirms the need to support economic growth in rural areas. It was highlighted in the supporting 'Agricultural Statement' that an independent access to the subject field would allow the farming business greater flexibility in its farming operations, for example without separate access it wouldn't be possible to graze the subject field and grow a crop in the adjacent field without obtaining damage to the crop whilst obtaining access. A separate access to each field would allow for a different use in each field.

The proposal is deemed to be acceptable in principle meeting criteria set out in Policy S3 the adopted Local Plan and the relevant paragraphs of the NPPF. It is now necessary to assess the proposal against the remaining planning considerations.

Design, Impact on the Countryside

Consideration has been given to the design of the proposed agricultural access and whether it would have an acceptable impact upon the character and appearance of the surrounding area and countryside.

The proposed access would allow for direct access to the field which does not currently benefit from direct vehicular access. Traditionally access was gained via the Church View development (to the north west of the field) however this access is to be closed. There is an existing access via an opening in the hedgerow to the south of the subject field. However, the supporting 'Agricultural Statement' considers that the existing access does not meet highway safety standards and highlights that damage is being caused to the field by crossing it.

The proposed agricultural access has been positioned in the north eastern corner of the subject field. The 'Design and Access Statement' states that this point of access was chosen due to its location within a 30 mph zone, good visibility in both directions, existing opening in the hedgerow and because it is a natural collection point for animals.

A point raised by objectors was that the hedgerow had already been removed without consent. However the removal of the hedgerow for pedestrian access is deemed to be 'Permitted Development' under the Hedgerow Regulations 1997. In order to comply with the regulations an existing opening must be planted with replacement hedge within 8 months of making the new opening. It has been confirmed by the planning agent that there will be planting up of a 5 metre section to the northern boundary of the subject field in the spring.

It was raised within a letter of objection that the Planning Inspectorate pointed out that an access would be detrimental to Worthington Lane (this reference is being made to the appeal decision relating to previously refused outline planning permission at the site for residential development ref: 16/00360/OUTM and appeal ref APP/G2435/W/17/3167167). In relation to the previous application the inspectors report refers to the extensive loss and removal of roadside vegetation required which would result in significant harm to this section of Worthington Lane. The proposed Agricultural Access plan Rev E received on the 25th April 2018 shows no additional removal of hedgerow in addition to that already removed under permitted development. In order to provide the required visibility splays which is covered in the highway safety section below the hedge may require trimming back which is not considered to have a significant impact upon the rural character or setting of Worthington Lane.

It is considered that the proposal would comply with the six criterion set out under the second part of Policy S3 of the Local Plan, with reference to the hedgerow removal in the paragraphs

above it is considered that the proposed agricultural access would not be significantly harmful to the appearance or character of the landscape. The size and scale of proposed access is deemed to be appropriate and acceptable for such use as an agricultural access. The proposal would also not undermine separation between settlements, would not create ribbon development and would be well integrated with existing development and buildings.

Overall, the proposal is considered to be acceptable and would not look out of keeping with the character and appearance of the surrounding area or countryside and is considered to be compliant with Policy S3 and D1 of the Local Plan and the Good Design for North West Leicestershire SPD.

Residential Amenity

Consideration has been given to the impact of the development on surrounding residential properties. The subject field is already utilised for agricultural purposes and the access proposed is required in association with that use. It is noted that there would be heavy agricultural vehicles using the access as well as access for daily checking of livestock. It is, however considered that the proposed agricultural access would not give rise to a significant number of vehicular movements and would therefore be acceptable in relation to nearby residential amenity. Overall the proposals would comply with Policy D2 of the Local Plan.

Highway Safety

The letters of objection received have raised concern that the proposed agricultural access would be dangerous and unsuitable. The Parish Council also raised objections raising highway safety as an issue. Amended plans were sought and received during the course of the application following advice from the County Highway Authority. The County Highway Authority, in its response to amended plan 'Rev E' received on the 25th April 2018 stated that *in its view, the residual cumulative impacts of the development can be mitigated and are not considered to be severe in accordance with Paragraph 32 of the NPPF, subject to conditions as outlined in this report.* Therefore, subject to relevant conditions, it is considered that the proposed site drainage is deemed to be acceptable; the visibility splays are adequate; the gates are set back the required distance and an acceptable turning space would be provided.

Given that there has been no objection from the County Highway Authority subject to conditions, it is considered that the proposal is acceptable in relation to highway safety. It is therefore considered that the proposal would not conflict with highway safety policies IF4 and IF7 of the adopted Local Plan or the advice contained in the County Council's Highways Guidance.

Other Matters

The Parish Council and neighbour objections raised an objection on the grounds that the access would provide convenient parking for fly tipping and would be a security issue for access to rear gardens along Worthington Lane and Pear Tree Close. Should these issues arise at the site then this would be dealt with under separate legislation.

Conclusion

The principle of this development is considered to be acceptable. The proposal is not considered to affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is

deemed to comply with the relevant policies in the Local Plan and the advice contained in the NPPF. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

1. Time limit.
2. Approved plans.
3. Highway safety - access width, turning, drainage, surface.
4. Highway safety - minimum distance for gates or obstructions.
5. Provision of visibility splays.
6. Access gradient.

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Conversion of block of garages to form one two bedroom dwelling.

Report Item No
A5

7 Elder Lane Griffydham Coalville Leicestershire LE67 8HD

Application Reference
18/00054/FUL

Applicant:
Mrs Diane Brooks

Date Registered:
26 January 2018

Case Officer:
Hannah Exley

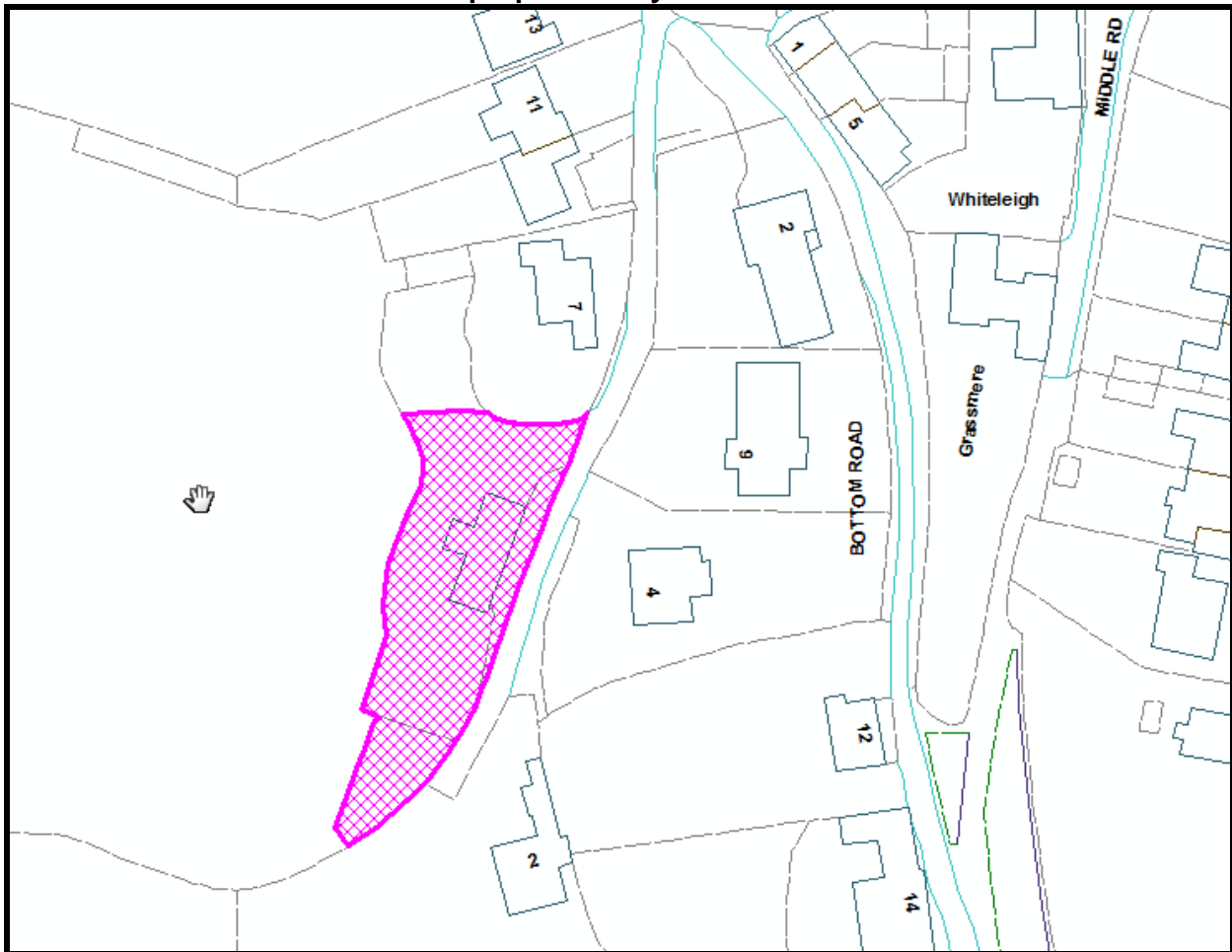
Consultation Expiry:
17 April 2018

Recommendation:
PERMIT

8 Week Date:
23 March 2018

Extension of Time:
6 July 2018

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee due to neighbour objections being raised.

Proposal

Planning permission is sought for the conversion of a single storey garage building currently used in connection with No.7 Elder Lane to form one two-bedroomed residential dwelling. The curtilage to the proposed converted dwelling also includes an existing garage building and vehicular access to the dwelling would be via an existing vehicular access off Elder Lane that would be shared by the occupiers of the existing dwelling at No.7 Elder Lane.

Consultations

A total of 7 letters of representation have been received 6 stating support for/ and 1 raising objection to the proposals. No response had been received from Worthington Parish Council at the time of writing this report and objections have not been raised by other all statutory consultees.

Planning Policy

The site is located outside the Limits to Development on the Policy Map to the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The proposal is acceptable in principle, and would not have an adverse impact in terms of design, the character and visual amenities of the area, residential amenities, highway safety and protected species. As such the proposal is considered to constitute a sustainable form of development. 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 IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the conversion of a single storey garage building currently used in connection with No.7 Elder Lane to form one two-bedroomed residential dwelling. The curtilage to the proposed converted dwelling also includes an existing garage building and vehicular access to the dwelling would be via an existing vehicular access off Elder Lane that would be shared by the occupiers of the existing dwelling at No.7 Elder Lane.

Amended plans have been secured during the course of the application following officer concerns about the design of the proposed dormer windows and the design and positioning of ground floor windows/glazing.

The site is located outside the Limits to Development as defined by the adopted Local Plan (2017).

The application submission was accompanied by a Design and Access Statement and a Bat Survey was provided during the course of the application.

Relevant planning history:

93/1121 - Extensions to dwelling, garage and stable block (Permitted).

2. Publicity

4 neighbours notified.

Site Notice displayed 8 February 2018.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Worthington Parish Council - no response received.

Leicestershire County Council - Highways refer the Authority to Highways Standing Advice.

Leicestershire County Council - Ecology advises that following the submission of a Bat Survey no further surveys or mitigation is required.

NWLDC - Environmental Protection has no environmental observations subject to contaminated land conditions.

Severn Trent Water - no response received.

Coal Authority - no response received.

Third Party Representations:

A total of 7 letters of neighbour representation have been received.

6 letters of have be received stating support for the following reasons:

- re-use of an existing building to provide much needed accommodation in the village;
- it would allow existing residents to downsize and remain in the village and for a large family home to become available;

- another dwelling would help contribute to the retention of services in the village, particularly the school as it would free up a family home;
- the building is suitable for conversion and the proposals are sympathetic to the village;
- previous developments undertaken by the applicant have been carried out to a high standard;
- the proposal accords with national and local policies;
- the size of the building would remain as existing and therefore would have no impact on the streetscene or the outlook of neighbouring residents;
- the lane is lightly trafficked and there is ample off-street parking and so the proposal would cause little issue;
- there would be no disruption to neighbours as there is adequate space within the site for delivery vehicles to turn without affecting the Lane;
- other conversion schemes have been granted in the village.

1 letter has been received raising the following concerns:

- additional traffic using the Lane which is only single lane width;
- if permission is granted, restrictions should be placed on the hours for building work.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

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

Paragraph 17 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraphs 32 (Promoting sustainable transport);
Paragraph 57, 60, 61 (Requiring good design);
Paragraph 109 and 118 (Conserving and enhancing the natural environment); and
Paragraph 203 and 206 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2017)

The following Local Plan policies are relevant to this application:

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 IF4 - Transport Infrastructure and New Development
Policy IF7 - Parking Provision and New Development
Policy En1 - Nature Conservation

Other Guidance

National Planning Practice Guidance - March 2014.

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

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

Good Design for North West Leicestershire SPD.

5. Assessment

Principle of 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 (2017).

The application site lies outside the defined Limits to Development and Policy S3 of the adopted Local Plan permits the re-use and adaptation of rural buildings for appropriate purposes including housing, in accordance with the settlement hierarchy set out in Policy S2. Policy S2 of the adopted Plan identifies Griffydam as a small village with very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land. Therefore, it is considered that the re-use of an existing rural buildings for residential purposes would be acceptable in principle, for the purposes of Policies S2 and S3 of the adopted Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must 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, whilst the proposal would not result in an 'isolated' dwelling in the countryside given the proximity of other dwellings, Griffydam does not benefit from many services and as such any future resident would be isolated from key services that meet day to day needs. The limitations of the public transport available would also restrict the opportunity to access services other than via the private car. The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. However, in this case, on balance the use of an existing rural building, which is encouraged within the NPPF, is considered to outweigh the conflict with the social strand of sustainable development.

In terms of environmental sustainability as set out in more detail below, the proposal would not result in any unacceptable impacts on the natural or built environment. There would also be very limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

In conclusion, the proposal would not have unacceptable impacts on the natural or built environment and would have very limited economic benefits. Whilst future occupiers of the dwellings would be reliant upon the private motorcar to access basic day to day needs, which

weighs against the site being socially sustainable, the use of an existing building is considered to outweigh the conflict with the social strand of sustainable development.

Therefore, in the overall balance it is considered that whilst the proposal would represent a sustainable form of development as it would not significantly conflict with paragraphs 14 and 17 of the NPPF and would comply with both Policies S2 and S3 of the adopted Local Plan.

Design and Visual Impact

The need for good design in new residential development is outlined in adopted Local Plan Policy D1 of the adopted Local Plan and Paragraphs 57, 60 and 61 of the NPPF.

The existing building is a symmetrical structure and the proposed amended plans would enable this strong symmetry to be retained. Two dormer windows would be added at first floor level and the roof pitch of these has been amended to reflect that of the existing building. The dormer windows are modest in size and do not appear out of scale or character with the existing building. At ground floor level, the amended plans show the existing large garage doors to be fully glazed and a single door opening enlarged to provide to large glazed openings either side of the entrance door, which has been inserted into a former larger opening beneath an existing canopy. To the rear elevation a large opening filled with metal railings is to be infilled, and two existing openings are to be utilised, albeit one window light being removed. To the side elevations, one would remain blank and a single light window is to be added to the other side elevation at ground floor level.

The site could accommodate all of the necessary requirements (private garden, parking/turning space, bin collection area) and would not be cramped or overdeveloped. As such it is considered that the proposal would not be significantly harmful to the character and visual amenities of the streetscene and countryside and would comply with the provisions of Policy D1 of the adopted Local Plan and Paragraphs 57, 60 and 61 of the NPPF.

Residential Amenities

The properties that would be most immediately affected by the proposed dwellings would be Nos. 2, 7 and 9 Elder Lane.

No. 2 and 9 Elder Lane are located to the east of the application site on the opposite side of Elder Lane on higher land levels and set back from the highway. The application building would present its rear elevation to the highway and the only changes to this elevation relate to windows at ground floor level and no windows are proposed at first floor level in this elevation. The size of the building would remain unchanged from the east and therefore, there would be no additional overbearing or overshadowing impacts arising as a result of the development. The ground floor windows would serve an open plan living area, utility and en-suite bathroom and due to the distance available between these windows and the neighbouring properties, along with rising land levels to the east, it is not considered that there would be any significant overlooking of these neighbouring properties.

The dwelling at No.7 Elder Lane is located approximately 21m to the north of the application building and the side/rear garden to this dwelling would be located 9.5-10.5m from the side elevation of the application building. There are no windows at first floor level in the side elevation of the proposed dwelling which faces No.7 that would allow any overlooking of this neighbouring property or its garden area. Furthermore, it is not considered that the additional dormer windows would significantly affect the size of the building as viewed from the north and

therefore, there would be no significantly greater overbearing or overshadowing impacts from the development on this neighbouring property.

The proposal would result in additional comings and goings out of the access drive, which would be shared by No.7 Elder Lane but when having regard to the fact that the proposal is for one dwelling only, it is not considered that any noise and disturbance associated with these vehicular movements would result in any significant adverse impact on the amenities of the neighbouring occupiers at Nos. 2, 7 and 9 Elder Lane.

Overall, it is considered that the development would not have any significant detrimental impact upon neighbouring residential amenities and the proposal is considered to be acceptable in relation to Policy D2 of the adopted Local Plan.

Access and Highway Safety

The County Highways Authority advise that the application falls to be considered under highways Standing Advice.

The proposed development would utilise an existing access which currently serves the existing dwelling at No.7 Elder Lane. This is one of two accesses serving the existing dwelling with the other providing access to parking at the front of the existing dwelling. The access for the proposed dwelling would also continue to serve No.7 Elder Lane which also has a parking area and stables to the rear of the existing dwelling.

The existing access which would serve the proposed dwelling is off a road of narrow width which is considered to be unsuitable for additional traffic. In addition, the visibility splays available at the proposed access are restricted and the required standards cannot be achieved. The public highway outside the site forms the route of a public footpath and therefore, there would also be concerns about additional conflicts between vehicles and pedestrians.

Having sought additional advice from the County Highways Authority, the County Officer has advised that when having regard to the land within the control of the applicant, there is an opportunity to improve the existing visibility splays at the access in both directions by reducing the height of shrubs and walls within the splay to 0.6m or below, which would represent a highway gain. It is considered that the likely speed on this stretch of highway would be 15mph, resulting in a visibility splay requirement of 2.4m x 17m in both directions. The applicant has provided an amended plan showing the above-mentioned visibility splays, and it is considered that such improvements to the access represent a highway gain that could overcome the highway concerns about additional traffic on a narrow unsuitable road.

In summary, subject to conditions, it is considered that the highway impacts of the development are not severe and the scheme is acceptable in relation to Policies IF4 and IF7 of adopted Local Plan and the Leicestershire Highways Design Guide and Paragraph 32 of the NPPF.

Ecology

The proposals include the conversion of a rural building and during the course of the application, a Bat Survey was provided at the request of the County Ecologist. The County Ecologist has been re-consulted following the submission of the Bat Survey and advises that the ecology information provided is acceptable. No bats or evidence of bats were found and the County Ecologist advises that the building is of low risk for bat roosts, and that no further surveys or mitigation is required.

Therefore, it is considered that protected species would not be adversely affected the proposal meets the requirements of the Habitats Regulations 2010 in respect of protected species, and would also comply with Policy EN1 of the adopted Local Plan and paragraphs 109 and 118 of the NPPF.

Other

The site lies close to an area designated as a Coal Mining Referral Area but the designation only affects the vehicular access to the site and does not cover the building for which approval is sought to convert. The Coal Authority has been consulted on the application proposal but no response has been received. Whilst no response has been received, the proposal relates to the conversion of an existing rural building and referral designation only covers a small part of the site where no ground works are proposed.

Conclusion

The proposal is acceptable in principle, and would not have an adverse impact in terms of design, the character and visual amenities of the area, residential amenities, highway safety and protected species. As such the proposal is considered to constitute a sustainable form of development. 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. Materials to Match
4. Curtilage Plan
5. Contaminated Land
6. Contaminated Land
7. Visibility Splays
8. Parking