

Proposed erection of a detached dwelling

Report Item No
A7

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

Application Reference
16/01247/FUL

Applicant:
Mr Alan Webster

Date Registered:
27 October 2016

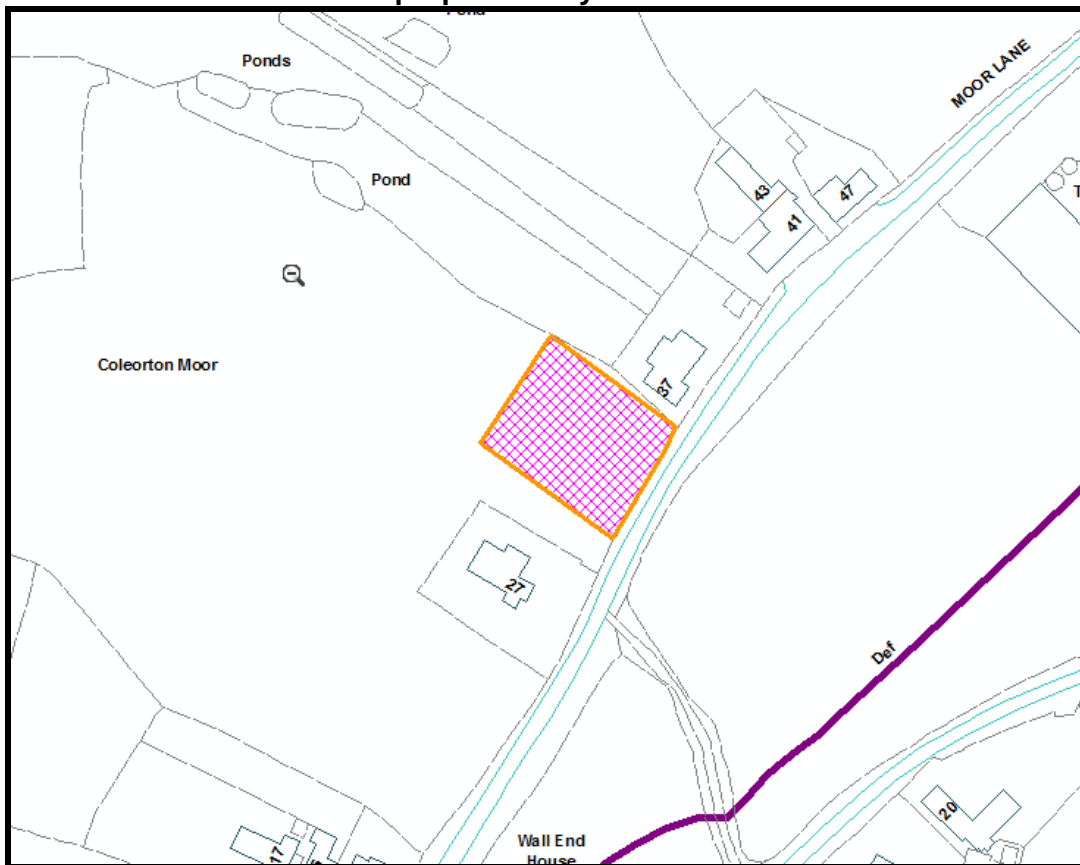
Case Officer:
Adam Mellor

Consultation Expiry:
15 December 2016

Recommendation:
REFUSE

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

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

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

Proposal

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

Consultations

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

Planning Policy

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

Conclusion

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

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE.

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

MAIN REPORT

1. Proposals and Background

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

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

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

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

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

No recent or relevant planning history was found.

2. Publicity

11 Neighbours have been notified.

Site Notice displayed 24 November 2016.

Press Notice published Leicester Mercury 23 November 2016.

3. Summary of Consultations and Representations Received

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

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

Leicestershire County Council - Archaeology has no objections.

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

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

NWLDC - Environmental Protection has no objections.

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

Third Party Representations

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Core planning principles);
Paragraph 28 (Supporting a prosperous rural economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 34 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 64 (Requiring good design);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 112 (Conserving and enhancing the natural environment);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 121 (Conserving and enhancing the natural environment);
Paragraph 203 (Planning conditions and obligations); and
Paragraph 206 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2002)

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

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

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

Submitted North West Leicestershire Local Plan

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

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

Other Policies

National Planning Practice Guidance

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

6Cs Design Guide (Leicestershire County Council)

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

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

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

5. Assessment

Principle of Development and Sustainability

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

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

the submitted Local Plan.

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

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

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

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

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

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

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

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

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

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

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

To conclude, any support warranted to the economic benefits of the scheme, which would be simply associated with the construction of the dwelling, would be significantly and demonstrably outweighed by the negative social and environmental impacts of the proposal. Accordingly the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable in relation to the NPPF as well as relevant policies of the adopted and submitted Local Plans.

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

Residential Amenity

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

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

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

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

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

Impact on the Character and Appearance of the Streetscape

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

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

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

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

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

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

Highway Safety

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

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

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

Ecology

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

Landscaping

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

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

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

Given that mature landscaping on the site would not be significantly impacted on by the development, with a landscaping condition mitigating against the 'gap' created in the roadside hedge, it is considered that the proposal would accord with Policies E7, F1, F2 or F3 of the adopted Local Plan and Policy En3 of the submitted Local Plan.

Archaeology

The County Council Archaeologist has specified that they have no objections and that archaeology would not act as a constraint on the development. In these circumstances the proposed development would accord with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

Conclusion

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

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan provide a presumption against non-essential residential development outside the Limits to Development with Paragraph 17 of the NPPF indicating that planning should recognise the intrinsic character and beauty of the countryside. The proposed development being on a greenfield site would adversely affect and diminish the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a consequence of this the development would fail to protect or enhance the natural environment and would represent inappropriate ribbon development. On this basis to permit the development would be contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.
- 2 The NPPF outlines that socially development should provide a supply of housing required to meet the needs of present and future generations with accessible local services and the support of their health, social and cultural wellbeing. It is considered that the application site is remote from basic services with Moor Lane not benefitting from a raised footway or adequate street lighting, therefore the future occupants of the

dwelling would be socially isolated and heavily reliant on the private car to access basic services. As a result of this to permit the development would be contrary to the environmental strand of sustainability enshrined within the NPPF as well as Policy S2 of the adopted Local Plan.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. It is considered that the application is not acceptable in principle and as such the Local Authority has not entered into dialogue to seek any amendments. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.