

Erection of detached two storey dwelling with adjacent garage
and new vehicular access

Report Item No
A6

The Manor Overton Road Ibstock Coalville Leicestershire
LE67 6PD

Application Reference
16/01056/FUL

Applicant:
Mr E Jones

Date Registered:
15 September 2016

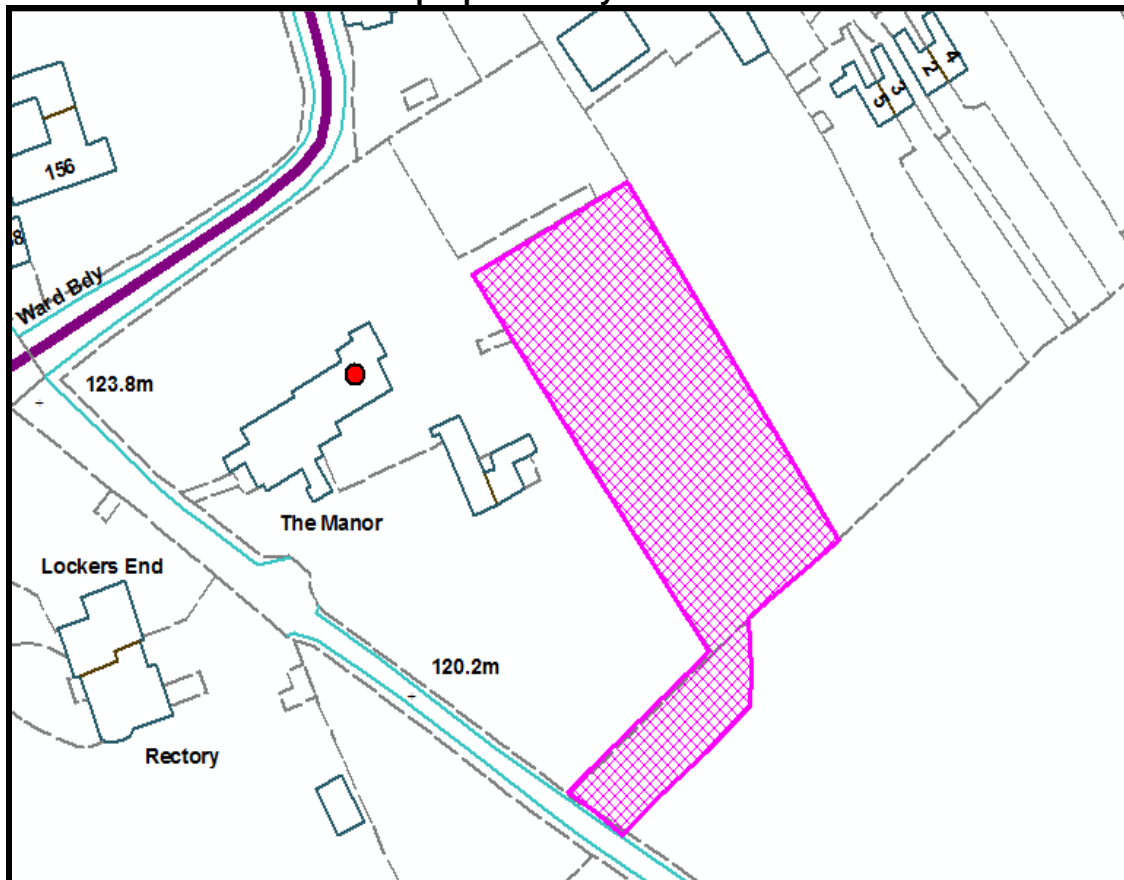
Case Officer:
Robert McKillop

Consultation Expiry:
26 October 2016

Recommendation:
REFUSE

8 Week Date:
10 November 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought before Planning Committee as the planning agent is related to a former councillor who has served within the last five years.

Proposal

Planning permission is sought for the erection of detached two storey dwelling with adjacent garage and new vehicular access at The Manor, Overton Road, Ibstock. The site is on the eastern side of Overton Road on land currently forming part of the residential curtilage of The Manor, which is a Grade II Listed Building. It is outside the defined Limits to Development and situated within the Ibstock Conservation Area. A new access would be created from Overton Road with a driveway running across agricultural land to the south of The Manor.

Consultations

Three letters of support have been received from local residents. The Council's Conservation Officer has raised some concerns in relation to the appearance of the proposed development and impact on the character of the Ibstock Conservation Area and setting of the Listed Building. No objections have been raised by other statutory consultees, subject to the imposition of conditions.

Planning Policy

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

Conclusion

The application site is located outside the Limits to Development where the principle of residential development is not supported under Policies S3 as defined in the adopted North West Leicestershire Local Plan and the submitted Local Plan. The proposed development by way of its design and layout, is considered to have a harmful impact on the setting of the listed building and some detrimental impact on the character of the Ibstock Conservation Area. The application is considered contrary to Paragraphs 61, 64, 131, 132 and 134 of the National Planning Policy Framework (NPPF), Policies E4, H6 and H7 of the adopted North West Leicestershire Local Plan, Policies D1 and He1 of the submitted Local Plan and Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

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 detached two storey dwelling with adjacent garage and new vehicular access at The Manor, Overton Road, Ibstock. The site is on the eastern side of Overton Road on land currently forming part of the residential curtilage of The Manor, which is a Grade II Listed Building. The site is outside the defined Limits to Development and within the Ibstock Conservation Area.

The Grade II listed Manor, which is mainly of a mid-eighteenth century date, is of brick with a roughcast finish and has Welsh and Swithland slate roofs. The house comprises of two principal elements; an eastern two storey wing with 16 light sash-windows and a western two and half storey block with segmental arched heads to casement windows. To the rear elevation are various nineteenth century gables and wings.

The proposed two storey dwelling would be to the west of the main dwelling. It would have a dual pitched roof with side facing gable ends with a large detached garage set to the north. A new access is proposed from the east side of Overton Road across part of an agricultural field to the south of the application site.

The application is accompanied by a Design and Access Statement and Heritage Statement. Amendments have been received during the application.

Relevant Planning History:

13/00922/FUL - Erection of a two storey detached dwelling. Refused.

2. Publicity

9 neighbours have been notified.

Press Notice published Leicester Mercury 12 October 2016. Press Notice published Leicester Mercury 12 October 2016.

3. Summary of Consultations and Representations Received

Three letters have been received stating support as follows:

- The development would complement the surrounding area and would not detract from the historic setting;
- The access would not cause disruption as it is an existing access.

Ibstock Parish Council has not responded during the application process.

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

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

Leicestershire County Council - Highways has no objections.

NWLDC Environmental Protection has no objections.

NWLDC Street Management has no objections.

Severn Trent Water has not responded during the course of this application.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 32 (Promoting sustainable transport)
Paragraph 34 (Promoting sustainable transport)
Paragraph 47 (Delivering a wide choice of high quality homes)
Paragraph 49 (Delivering a wide choice of high quality homes)
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 131 (Conserving and enhancing the historic environment);
Paragraph 132 (Conserving and enhancing the historic environment);
Paragraph 133 (Conserving and enhancing the historic environment);
Paragraph 134 (Conserving and enhancing the historic environment);
Paragraph 137 (Conserving and enhancing the historic environment);
Paragraph 141 (Conserving and enhancing the historic environment);

Adopted North West Leicestershire Local Plan (2002)

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

Policy S3 - Countryside
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Design
Policy H7 - Housing Design

Submitted North West Leicestershire Local Plan

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

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H6 - House Types and Mix;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;

Other Policies

6Cs Design Guide (Leicestershire County Council)

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

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

Local planning authorities should follow the procedures in Circular 06/2005 when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system.

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.

Policy S2 of the submitted Local Plan specifies that Ibstock is a 'Local Service Centre' where a "reasonable amount" of new residential development will be permitted. Ibstock benefits from a range of local services and although there is no footway adjacent to the proposed access on Overton Road, the site is readily accessible via walking, cycling and public transport and would have good accessibility. A new residential development is considered to be socially sustainable.

From an environmental sustainability perspective it is noted that the application site is currently residential garden associated with The Manor and as such is classed as greenfield land. The site is also outside the defined Limits to Development on both the Proposals Map to the adopted and submitted Local Plans and would therefore 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.

Whilst the application site comprises garden associated with The Manor, it is relatively open and only separated from the wider open countryside to the south and east by mature shrubs and hedgerows. The application site also lies outside what appears to be the main extent of residential curtilage associated with The Manor as defined by an existing hedgerow across part of the site. Although the northern part of the application site is used for growing vegetables, the rest of the application site is more detached from the main residential curtilage and constitutes a large grassed area without any built development

The proposed dwelling would not be isolated given the relative proximity of other residential dwellings. However, given its context, it is considered that the application site makes a positive contribution to the character and appearance of the rural environment and wider landscape. A residential development on the site, as well as its associated infrastructure, would diminish this 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. On this basis the proposal 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.

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

Residential Amenity

Given the semi-rural nature of the site and distance from other neighbours, the only likely affected dwelling would be the host property, The Manor. Although the proposed dwelling would be set within the residential curtilage of The Manor, a distance of approximately 35

metres would remain between these dwellings and no significant overshadowing or overbearing impacts would arise. Furthermore, given the orientation of windows, no significant overlooking opportunities would be created. Although the plans show that a large garage would be positioned adjacent to the shared boundary, the low height and dual pitched roof would not lead to any significant impacts.

Overall, the position of the two storey dwelling would have an acceptable impact on residential amenity and the application would accord with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Design and Impact on Heritage Assets

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) states that when considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Paragraph 131 of the NPPF requires amongst other things new development to make a positive contribution to local character and distinctiveness. Paragraph 132 stipulates that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 requires harm to be weighed against the public benefits of the proposal.

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that "although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

The application site is set within the curtilage of the host property which is a Grade II Listed Building within the Ibstock Conservation Area. The local planning authority has previously advised that a new vehicular access through the boundary walls on to High Street or Overton Road is not likely to be supported and consideration should be given to a shared access with The Manor. Despite this advice, the current application proposes a new access on to Overton Road through the existing wall and the driveway would run through part of the agricultural field to the south of the application site.

Despite amended plans being submitted to show a straighter southern boundary, the Council's Conservation Officer has raised the following concerns:

"The existing site has a straight field boundary along the south-eastern boundary of the site; this would be amended to facilitate the proposed access which would result in a more convoluted boundary which would not respect the rectilinear pattern of the surrounding field boundaries. This boundary is adjacent to the Conservation Area and would therefore have a detrimental impact on the character and appearance of the designation. In support of this Historic England advise that field patterns make an important contribution to the landscape character and any subdivision should respect the local characteristics and field sizes and shapes.

This access would result in a new opening through the existing wall which is a strong feature within the Conservation Area. This provides a strong sense of enclosure and conservation

comments have been consistent in seeking the proposed dwelling to be served using the existing access rather than through the creation of a new access through the boundary wall. The access is shown with splays and piers which would result in a somewhat cluttered and engineered access, at odds with the simple existing boundary wall. This site is characterised by the strong boundary treatment that runs along the front and side boundaries and the creation of a new opening would erode this characteristic. No convincing justification has been provided to explain why the harm caused by this opening would be outweighed by any public benefit."

In respect of the design and appearance of the proposed dwelling it is noted that the scheme has been improved by the removal of the horizontal timber cladding although other concerns have not been sufficiently addressed. The Conservation Officer has advised that:

"The proposed dwelling is not considered to respect the local characteristics. The wide gables to each side elevation and the substantial roof planes to the front and rear do not respond to traditional dimensions where a gable would usually not be more than 6 metres in width. It is therefore considered the dwelling would not preserve the appearance of the Conservation Area. As the proposal does not respond to the local characteristics a case could be made that the setting of the adjacent listed buildings would also be adversely affected by the proposal through the introduction of a dwelling that incorporates a number of elements that are not traditional such as the wide gables and dominant roof form. The design, scale and massing of the proposed dwelling would not be sympathetic to the prevailing architectural elements of the adjacent buildings."

Given the above consideration, the proposal is deemed to be harmful to the heritage assets, namely The Manor which is a Grade II Listed Building and the Ibstock Conservation Area. It is considered that the degree of 'harm' caused to the significance of the heritage assets is less than substantial and as such Paragraph 134 of the NPPF would be of relevance. This particular Paragraph highlights 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 re-use." In this case, although the degree of harm would be less than substantial, there is no public benefit associated with the development to outweigh the harm and as a consequence the development would be contrary to Sections 66 and 72 of the 1990 Act as well as the above Paragraphs of the NPPF.

Given the particular requirements of this Paragraph 134 of the NPPF, as well as those of Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the development would have a harmful impact on the character and appearance of the surrounding Conservation Area and would neither sustain nor enhance the significance of the setting of the listed building. As there are no public benefits associated with the development which would outweigh the harm caused it is considered that to permit the development would be contrary to the core aims of the NPPF and in particular Paragraphs 61, 131, 132, 133, 134 and 137 as well as Policies E4 and H7 of the adopted Local Plan, Policy D1 and He1 of the submitted Local Plan and Sections 66 and 72 of the 1990 Act.

Highway Safety

The County Highway Authority (CHA) has no objections to the development although advised that the scheme should be assessed against current standing advice. A new access would be formed on to Overton Road although it is noted that this is in a similar position to an existing gated field access. There is no footway along this part of Overton Road although it is noted that pedestrian visibility splays would be provided. Given this part of Overton Road is a narrow country lane with vehicles likely to be doing low speeds, it is considered the visibility splays

provided would be sufficient and would not lead to any significant detrimental impact on highway safety. There would be adequate parking and turning within the site and given no objections have been raised by the CHA, it is considered that the scheme would be acceptable in relation to highway safety and, therefore, would comply with Policies T3 and T8 of the adopted Local Plan, Policies IF4 and IF7 of the submitted Local Plan and the advice in the 6Cs Design Guide.

Ecology

The County Council Ecologist has been consulted and has identified that there is no requirement for ecological surveys to be carried out given that the development site is within an existing garden. Although the application would result in some loss of species rich grassland, the County Council Ecologist has no objections subject to conditions. In the circumstances that no objection has been raised, and subject to suitably worded conditions, it is considered that the development would have an acceptable impact on protected species and would accord with Paragraph 118 of the NPPF and Circular 06/05.

Archaeology

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environment Record (HER) notes that the site of the proposed dwelling is within the medieval and post-medieval historic settlement core of Ibstock and immediately adjacent to the Grade II Listed Building, The Manor. Given the opportunities which exist for archaeological remains to be present on the site the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a programme of archaeological work, including trial trenching, written scheme of investigation and programme of archaeological mitigation to be provided, in advance of the development commencing, in order to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the possibility of archaeological remains being present on the site and their inclusion therefore ensures the development complies with Paragraph 141 of the NPPF.

Landscaping

The development would result in some loss of existing shrubs and hedgerows although this is considered to represent a minor overall impact. In any case, conditions would be imposed on any consent granted for appropriate landscaping to be supplied to mitigate against the partial loss of the boundary hedgerow and on this basis the development would be compliant with Policy E7 of the adopted Local Plan.

Conclusion

As set out in the main report above, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans. Furthermore, the proposed development would have a harmful impact upon the character and appearance of the rural landscape. The resulting environmental harm would significantly outweigh the social and economic benefits. Accordingly the development cannot be considered to represent sustainable development and, therefore, the application would not be acceptable in relation to the NPPF as well as relevant policies of the adopted and submitted Local Plans.

Furthermore, the proposed dwelling, by virtue of its design, scale and layout, would have a harmful impact on the character and appearance of the surrounding Conservation Area and the setting of the listed building. It is considered that the degree of 'harm' caused to the heritage assets is less than substantial and as such Paragraph 134 of the NPPF would be of relevance. As there are no public benefits associated with the development which would outweigh the harm caused, the development would be contrary to the core aims of the NPPF and in particular Paragraphs 61, 131, 132, 134 and 137 as well as Policies E4 and H7 of the adopted Local Plan,

Policies D1 and He1 of the submitted Local Plan and Section 72 of the Planning (Conservation Areas and Listed Buildings) Act 1990. It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform an environmental role, including protecting and enhancing our natural environment and using natural resources prudently. Paragraph 17 of the NPPF states that planning decisions should recognise the intrinsic value of the countryside. Policy S3 of the adopted North West Leicestershire Local Plan and Policy S3 of the submitted North West Leicestershire Local Plan provide a presumption against non-essential residential development outside the Limits to Development. Policy S3 of the submitted Local Plan states that land identified as countryside will be protected for the sake of its intrinsic character and beauty. Policy S2 of the submitted Local Plan advises that Ibstock is a Local Service Centre where a reasonable amount of new development will take place within the Limits to Development. The proposed development would adversely affect and diminish the present open character of the environment resulting in significant harm to the character and rural appearance in which it would be set and would represent an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would not therefore constitute sustainable development, contrary to the environmental strand of sustainability enshrined within the NPPF. In addition, the development would be contrary to Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.
- 2 The development would result in a convoluted southern boundary that does not respect the local characteristics and field patterns which contribute to the landscape character and would have a detrimental impact on the character and appearance of the Ibstock Conservation Area. Furthermore, the design of the proposed dwelling does not respond to the local characteristics through the introduction of non-traditional elements that are unsympathetic to the architectural elements of adjacent buildings and, therefore, would have a detrimental impact on the setting of the Grade II Listed Building, The Manor House. It is considered that the degree of 'harm' caused to the significance of the heritage asset is less than substantial and as such Paragraph 134 of the NPPF would be of relevance. It is considered that the development would have a detrimental impact on the character and appearance of the surrounding Conservation Area and the setting of the listed building. As there are no public benefits associated with the development which would outweigh the harm caused it is considered that to permit the development would be contrary to the core aims of the NPPF and in particular Paragraphs 61, 131, 132, 133, 134 and 137 as well as Policies E4 and H7 of the adopted Local Plan, Policy D1 and He1 of the submitted Local Plan and Sections 66 and 72 of the 1990 Act.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Local Planning Authority has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.