

Erection of a detached dwelling with associated access
(Outline - means of access and layout for approval)

Report Item No
A7

1 Zion Hill Peggs Green Coleorton Coalville Leicestershire
LE67 8JP

Application Reference
17/00024/OUT

Applicant:
Mrs M Barham

Date Registered:
13 January 2017

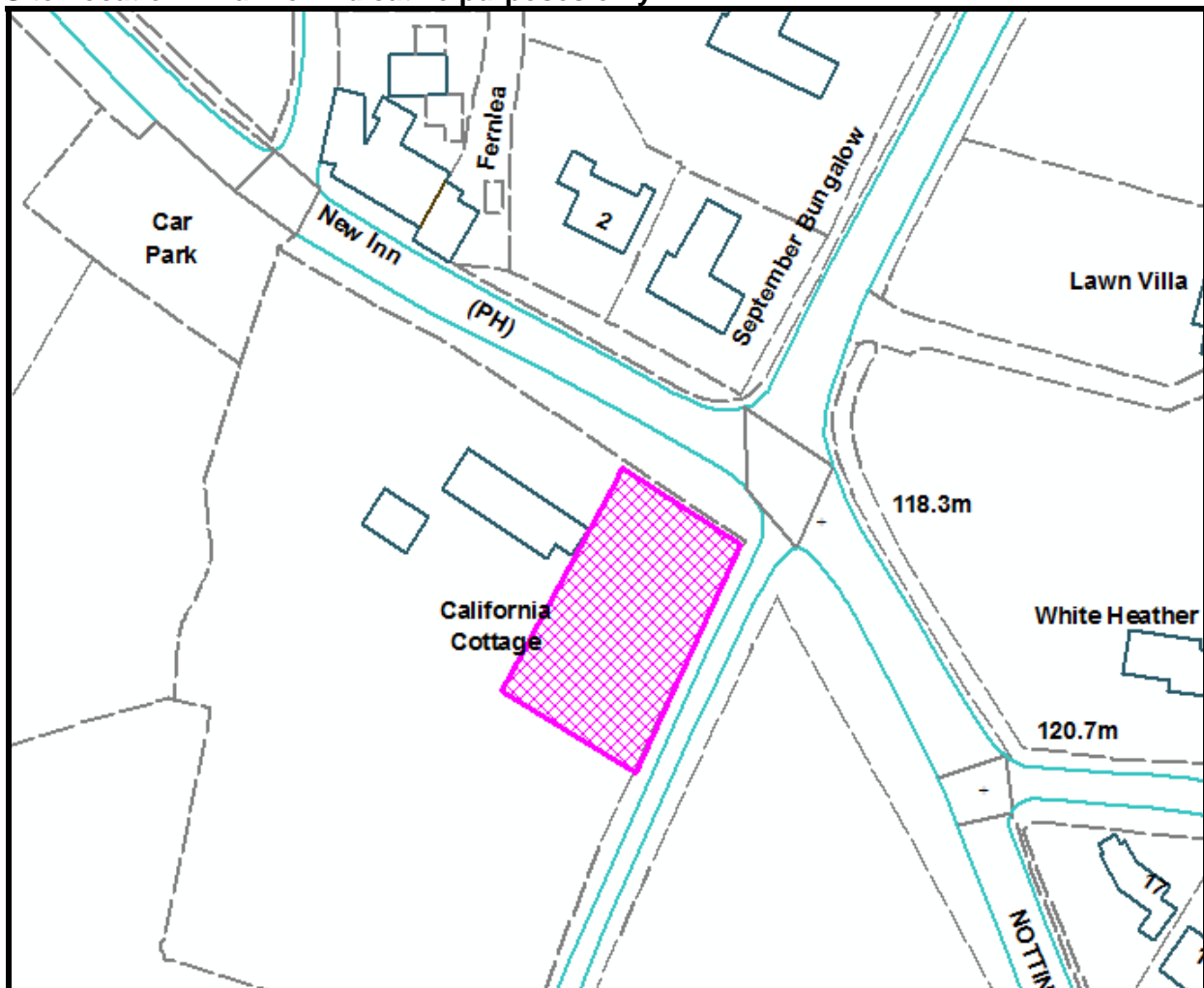
Case Officer:
Adam Mellor

Consultation Expiry:
14 February 2017

Recommendation:
REFUSE

8 Week Date:
10 March 2017
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

Outline planning permission is sought for the erection of a detached dwelling at land adjacent to no. 1 Zion Hill, Peggs Green, Coleorton. The 0.1 hectare site is situated on the south-western side of Zion Hill and is outside the defined Limits to Development.

Consultations

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

Planning Policy

The application site is outside the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF, 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. As a result of this the development would fail to protect or enhance the natural environment contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan. As the development would be on residential garden and would result in harm to the visual amenities of the rural environment it is also considered that the development would conflict with Paragraph 53 of the NPPF. Policy S2 of the submitted Local Plan also identifies that in Peggs Green developments will be restricted to conversions of existing buildings and the redevelopment of previously developed land, criteria which is not met by this proposal.

The layout of the proposal as submitted would result in the provision of a dwelling with a projecting front gable and contracted principal elevation facing the highway which would be discordant and incongruous with the pattern of development in the area particularly given that no. 1 Zion Hill, and the dwelling permitted under application reference 16/00706/FUL, have wide frontages and dwellings in the immediate area have relatively flat frontages. As a result of this there would be significant harm to the character and appearance of the streetscape with the development also being on residential garden land. On this basis the development would fail to

integrate into the environment in which it is set contrary to the environmental strand of sustainability, as well as the particular aims of Paragraphs 57, 61 and 64 of the NPPF, Policies E4 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

RECOMMENDATION - REFUSE.

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

MAIN REPORT

1. Proposals and Background

Outline planning permission, with means of access and layout for approval, is sought for the erection of a detached dwelling at land adjacent to 1 Zion Hill, Peggs Green, Coleorton. The 0.1 hectare site is situated on the south-western side of Zion Hill and is currently residential garden associated with no. 1 Zion Hill, it is situated outside the defined Limits to Development. Residential dwellings of varying designs and scales exist in the immediate area along with open agricultural fields.

It is proposed that the dwelling would be provided to the immediate south-east of no. 1 Zion Hill and cover a ground area of 108.75 square metres. Whilst the scale is not for approval at this stage it is anticipated that the dwelling would be two-storey (with habitable accommodation in the roof space).

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

A design and access statement, protected species survey and arboricultural survey have been submitted in support of the application.

The recent and relevant planning history of the site is as follows: -

- 14/00703/FUL - Erection of two-storey (with habitable accommodation in the roof space) detached dwelling and associated garage - Refused 8th September 2014; Dismissed at Appeal 10th February 2015.
- 16/00706/FUL - Erection of a detached dwelling and garage - Approved 15th August 2016.

2. Publicity

5 neighbours notified.

Press Notice published Leicester Mercury 1 February 2017.

Site notice posted 24 January 2017

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 no representation received.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Ecology has no objections subject to the imposition of notes to the applicant on any consent granted.

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

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

NWLDC - Environmental Protection has no objections.

NWLDC - Environmental Protection (Contaminated Land) has no objections subject to conditions.

NWLDC - Tree Officer has no objections.

Severn Trent Water no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Third Party Representations

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

- The house is attractive and within a nice plot.
- It has good links to neighbouring facilities.
- The pub is under threat of closure and therefore additional residents could support this.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Core planning principles);
Paragraph 28 (Supporting a prosperous rural economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural environment);
Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
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 - National Forest: General Policy;
Policy F2 - Tree Planting;
Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H4/1 - Housing Land Release; and
Policy H7 - Housing Design.

Submitted North West Leicestershire Local Plan

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

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy 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;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The 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 the 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. Policy S2 of the submitted Local Plan also advises that development in Peggs Green will be restricted to conversions of existing buildings or the redevelopment of previously developed land.

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

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

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

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

- Shop (Redhall Garage, Loughborough Road) - 377 metres;
- Church (St Georges Church, Church Hill) - 346 metres;
- Public House (New Inn, Zion Hill) - 116 metres;
- Recreation Ground (Zion Hill) - 170 metres; and
- Social Centre (Beaumont Centre, Nottingham Road) - 362 metres.

A bus stop served by the service referred to in the appeal decision at 85 Loughborough Road would also be 253 metres from the site. In terms of the closest school this would be Griffydam County Primary School, Top Road) which would be 1078 metres from the site. It is considered that the distance to the school is only just in excess of the threshold deemed to be an acceptable walking distance to a school in a rural environment (1000 metres) and therefore there is a reasonable likelihood that future occupants would walk to utilise this service. Access to the above services could also be undertaken on raised footways which are well lit.

In conclusion on the social sustainability credentials of the development it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a convenience store) with other facilities and employment opportunities being

accessible by utilising the public transport options. In this circumstance it is considered that a scheme for one dwelling would score well against the social sustainability advice contained within the NPPF with occupants of the property also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

From an environmental sustainability perspective it is noted that the application site is currently residential garden associated with no. 1 Zion Hill and as such is classed as greenfield land. The site is also outside the defined Limits to Development on the 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.

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 dwelling would be 'isolated' in the context of Paragraph 55, or impact adversely on the rural environment as specified at Paragraph 17 of the NPPF.

Whilst the application site comprises garden associated with no. 1 Zion Hill it is considered that the dwelling permitted under application reference 16/00706/FUL was positioned so as not to be prominent in the streetscape, due to it being screened by mature vegetation present to the boundaries of the site, and had a building line and scale consistent with no. 1 so as to allow the existing dwelling to act as a visual screen. On this basis its implications to the wider landscape were relatively limited. By contrast the position of the dwelling proposed under this application would lead to it being a prominent form of development, particularly when viewed from the south-east, and detached from the established building line of no.1 and the dwelling permitted by application reference 16/00706/FUL. It is also considered that the openness of the garden to the south-east of no. 1 and presence of soft landscaping to this boundary makes a positive contribution to the character and appearance of the semi-rural environment and immediate landscape. On this basis the provision of the residential dwelling, as well as its associated infrastructure, would diminish this present open character of the garden 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. As a result of this 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 also 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, it would be difficult to determine that the dwelling would be isolated given that its detachment from existing built forms would not be significant.

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.

The site is currently used as garden land, which is excluded from the definition of previously developed land set out in the NPPF, and therefore effectively constitutes a greenfield site. It is

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

Accessibility

The County Highways Authority have raised no objections subject to their standing advice being considered in respect of the access width, visibility splays, surfacing and off-street parking.

A new vehicular access would be formed onto Tugbys Lane in order to serve the dwelling which would have a width of 3 metres and be provided with visibility splays of 2.4 metres by 54 metres in a southern direction and 2.4 metres by 24 metres in a northern direction. The proposed visibility splays and access width would be considered acceptable from a highway safety perspective and would be in accordance with the 6Cs Design Guide.

It is acknowledged that the relative width and geometry of Tugbys Lane is not adequate to cater for additional vehicular movements but in order to address this matter the applicant is prepared to cover the highway costs involved in widening the highway in order to provide a passing bay at the site frontage, so as to accommodate the additional vehicular movements on the carriageway. The design and provision of this passing bay would be agreed with the County Highways Authority under a separate application process and they have raised no objections to such works being undertaken.

Within the site itself a suitable sized area would be provided for vehicles to manoeuvre and exit the site in a forward direction.

On the basis of the above the proposal would be considered compliant with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

In respect of off-street parking requirements the new dwelling, indicated to have a minimum of four bedrooms, would be provided with around three spaces with there being sufficient space to accommodate further spaces if necessary. On the basis of the guidance in the 6Cs Design Guide such a level of off-street parking would be sufficient and would assist in preventing on-street parking problems in the area. As a result of this the proposal would accord with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Neighbours and Future Occupants' Amenities

The nearest residential property which would be impacted on by the dwelling would be no. 1 Zion Hill (California Cottage) set to the north-west which is within the ownership of the applicant.

At this stage the proposed layout is for approval and it is intended that the north-eastern (front) elevation of the dwelling would be set 5 metres from the south-eastern corner of no. 1 Zion Hill and 1 metre from what would become a shared boundary. The area of the site on which the proposed dwelling is situated is raised above that associated with no. 1 Zion Hill and therefore careful consideration would need to be given to the scale and finished floor level of the proposed dwelling at the reserved matters stage. In the circumstances that the height of the proposed dwelling, as well as its finished floor level, is made consistent with no. 1 it is considered that no adverse overbearing or overshadowing impacts would arise particularly as

no. 1 is orientated away from the site, the proposed dwelling would not dominate the shared boundary and no. 1 benefits from a substantially sized garden.

The proposed dwelling would be set 33.5 metres from the boundary of the dwelling permitted under application reference 16/00706/FUL and as a consequence would not impact adversely on the future amenities of the occupants of this particular dwelling.

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

In terms of future amenities it is considered that the orientation of no. 1 Zion Hill to the application site as well as the position of the proposed dwelling would ensure that no substantially adverse overbearing or overshadowing impacts would arise. The position of no. 1 in relation to the private amenity area associated with the proposal would also ensure that no adverse overlooking impact would arise. It is noted that trees of a mature stature exist to the south-eastern boundary of the site which will create an inevitable overshadowing impact in the early parts of the day. On the basis that the extent of this shadowing is limited to the early parts of the day, due to the orientation, it is considered that the impact would not be sufficiently detrimental as to warrant a refusal of the application. In any case any future occupants would be aware of this relationship prior to their purchase.

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

Impact on the Character and Appearance of the Streetscape

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

In terms of topography the application site is currently higher than the majority of land associated with no. 1 Zion Hill due to the presence of mounds with mature trees and a hedgerow defining the south-eastern boundary, a tree screen being present to the south-western boundary a stone wall and trees being present to the north-eastern boundary and no. 1 being set to the north-west. Properties on Zion Hill are generally orientated to address the highway with their separation distances from this carriageway not being significant.

Scale, appearance and landscaping are all included as matters to be considered at a later stage although the layout is for approval under this application. It is proposed that the dwelling would be orientated to address Zion Hill but its detachment from this highway would be greater than that of no. 1 Zion Hill as well as the dwelling permitted under application reference 16/00706/FUL. Whilst this is the case the proximity of dwellings to the carriageway in the immediate area varies and as a consequence this detachment would not be significantly adverse to the character of the streetscape.

Although the position of the dwelling in relation to the highway would not be significantly adverse it is considered that both no. 1, and the dwelling approved under application reference 16/00706/FUL, have wide frontages and have principal elevations which are relatively flat, a characteristic which is common on this part of Zion Hill. By contrast the proposed dwelling would have a projecting front gable and contracted principal elevation facing the highway, due to the width of the application site, and as such would result in a form of development which would be

discordant and incongruous with the pattern of development in the area. As a result of this there would be significant harm to the character and appearance of the streetscape with this harm being further compounded by the position of the application site which would be prominent when travelling southwards on Nottingham Road.

As the land is residential garden it is also considered that a development of this nature would conflict with Paragraph 53 of the NPPF given the harm which would be caused to the visual amenities of the streetscape.

With regards to the detached garage it is considered that this would be of a scale that would be subservient to the property and would be positioned in close proximity to the proposed dwelling so as to reduce its visual implications to the streetscape.

The appearance of the dwelling would be agreed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with the Council's current design agenda. This is by responding to the positive characteristics of the dwellings within the immediate area as well as having a National Forest identity.

Overall, the residential development proposed on the site would fail to integrate into the environment in which it would be set and as a consequence would be contrary to the environmental strand of sustainability as well as Paragraphs 53, 57, 61 and 64 of the NPPF, Policies E4, H6 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Ecology

The County Council Ecologist has raised no objections to the application subject to the recommendations outlined in the submitted ecological report being provided as notes to the applicant on any permission granted. On this basis it is considered that ecological species would not act as a constraint on the proposal and therefore it accords with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

Existing trees of a mature stature exist to the south-eastern boundary of the site with the development also proposing the formation of an ecological/tree buffer screen to the south-west of the site. An arboricultural assessment submitted in support of the application indicates that the majority of the trees on the site could be retained as part of the development proposals it is, however, proposed that two Silver Birch trees be removed (located to the north-east of the proposal) due to their health being in decline.

The layout, as proposed, results in the dwelling being outside the root protection area (RPA) and canopy spread of the trees to the south-eastern boundary and as such they can be retained as part of the development proposals. Whilst it is considered that the Silver Birch trees currently contribute to the visual amenity of the area the conclusions made on their health lead to them likely failing in the imminent future and as such they could be a risk to any future occupants. On this basis their loss would be accepted in the circumstances that the majority of the trees to the south-eastern boundary would be retained and replacement planting could be sought as part of a landscaping scheme submitted under any subsequent reserved matters application.

In order to form the vehicular access to serve the dwelling a new gap would be formed in the hedgerow to the south-eastern boundary along with the provision of relevant visibility splays. Given that the access gap has been kept to the minimum necessary to serve one dwelling the implications to the hedgerow would not be significant and as such these works would be considered acceptable.

As identified in the Neighbours and Future Occupants' Amenities section of this report it is inevitable that private amenity area associated with the dwelling would be in shade when the sun is positioned to the east and south-east due to its relationship with the trees to the south-eastern boundary. Whilst this is the case BS5837 (2012) outlines that *"NOTE The presence of large specimen trees is increasingly being seen as advantageous since it contributes to climate change resilience, amongst other benefits;"* and *"NOTE 1 Shading can be desirable to reduce glare or excessive solar heating, or to provide for comfort during hot weather. The combination of shading, wind speed/turbulence reduction and evapo-transpiration effects of trees can be utilised in conjunction with the design of buildings and spaces to provide local microclimate benefits."* Whilst such a shading impact would occur it is considered that this would only be apparent in the early part of the day and as such this relationship would be acceptable and would protect the trees from any unnecessary pressure for removal.

Overall the proposed development would be considered compliant with the principles of Policies E7, F1, F2 and F3 of the adopted Local Plan and Policy En3 of the submitted Local Plan.

Archaeology

The County Council Archaeologist has raised no objections to the application and considers that the site does not have any archaeological potential. On this basis the proposed development would accord with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

Drainage and Flood Risk

Whilst the site lies within Flood Zone 1, and therefore in an area at the lowest risk of flooding, the Environment Agency's Surface Water Flood Maps identify that parts of the site, namely an area of land to the immediate south-east of no. 1 Zion Hill, are at a high risk of being flooded by surface water. As a result of this the Lead Local Flood Authority (LLFA) have been consulted on the application and following an assessment of the information submitted they have specified that consideration should be given to the finished floor level of the dwelling so as to ensure that it is not put at risk from surface water flooding. It is considered that this could be addressed by the imposition of a condition on any consent granted for the finished floor level of the dwelling to be agreed. Consideration would also be given to the provision of permeable surfacing to any hard standing areas as part of any submitted landscaping scheme under a subsequent reserved matters submission. In the circumstances that no adverse comments have been received from the LLFA it is considered that the development would be compliant with Paragraph 103 of the NPPF as well as Policies Cc2 and Cc3 of the submitted Local Plan.

Insofar as foul drainage is concerned, it is indicated on the application forms that this would be discharged to the mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. No representation has been received from Severn Trent Water raising an objection to this approach and as such the additional demands for foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 120 of the NPPF.

Other Matters

The Council's Environmental Protection Officer (Contaminated Land) has raised no objections to the application subject to the imposition of conditions on any consent granted associated with the previous use of adjacent land as a landfill site. It is considered that such conditions are reasonable in order to protect the amenities of any future occupants and ensure the land is acceptable for the proposed development and their inclusion would ensure compliance with Paragraphs 120 and 121 of the NPPF as well as Policy En6 of the submitted Local Plan.

Conclusion

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment. As a result of this the development would fail to protect or enhance the natural environment contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan. As the development would be on residential garden and would result in harm to the visual amenities of the rural environment it is also considered that the development would conflict with Paragraph 53 of the NPPF. Policy S2 of the submitted Local Plan also identifies that in Peggs Green developments will be restricted to conversions of existing buildings and the redevelopment of previously developed land, criteria which is not met by this proposal.

The layout of the proposal as submitted would result in the provision of a dwelling with a projecting front gable and contracted principal elevation facing the highway which would be discordant and incongruous with the pattern of development in the area particularly given that no. 1 Zion Hill, and the dwelling permitted under application reference 16/00706/FUL, have wide frontages and dwellings in the immediate area have relatively flat frontages. As a result of this there would be significant harm to the character and appearance of the streetscape with the development also being on residential garden land. On this basis the development would fail to integrate into the environment in which it is set contrary to the environmental strand of sustainability, as well as the particular aims of Paragraphs 57, 61 and 64 of the NPPF, Policies E4 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

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 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 in villages such as Peggs Green development will be restricted to the conversions of existing buildings or the redevelopment of previously developed land. Paragraph 53 advises that inappropriate development on residential gardens should be resisted. The proposed development being on a greenfield site 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 Paragraphs 17 and 53 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

- 2 Paragraph 7 of the NPPF defines sustainable development and provides that the planning system needs to perform an environmental role, including contributing to protecting and enhancing our built environment. Policy H7 of the adopted Local Plan seeks good design in all new housing developments with Policy E4 of the adopted Local Plan, and Policy D1 of the submitted Local Plan, requiring new developments to respect the character of its surroundings. The layout of the proposal as submitted would result in the provision of a dwelling with a projecting front gable and contracted principal elevation facing the highway which would be discordant and incongruous with the pattern of development in the area particularly given that no. 1 Zion Hill, and the dwelling permitted under application reference 16/00706/FUL, have wide frontages and dwellings in the immediate area have relatively flat frontages. As a result of this there would be significant harm to the character and appearance of the streetscape with the development also being on residential garden land. On this basis the development would fail to integrate into the environment in which it is set contrary to the above core Paragraph of the NPPF, as well as more specifically Paragraphs 53, 57, 61 and 64 of the NPPF, Policies E4 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Notes to applicant

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