

Alterations to existing access and erection of holiday lodge

Report Item No
A4

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

Application Reference
18/00257/FUL

Applicant:
Mr & Mrs Halliwell

Date Registered:
20 February 2018

Case Officer:
Sarah Booth

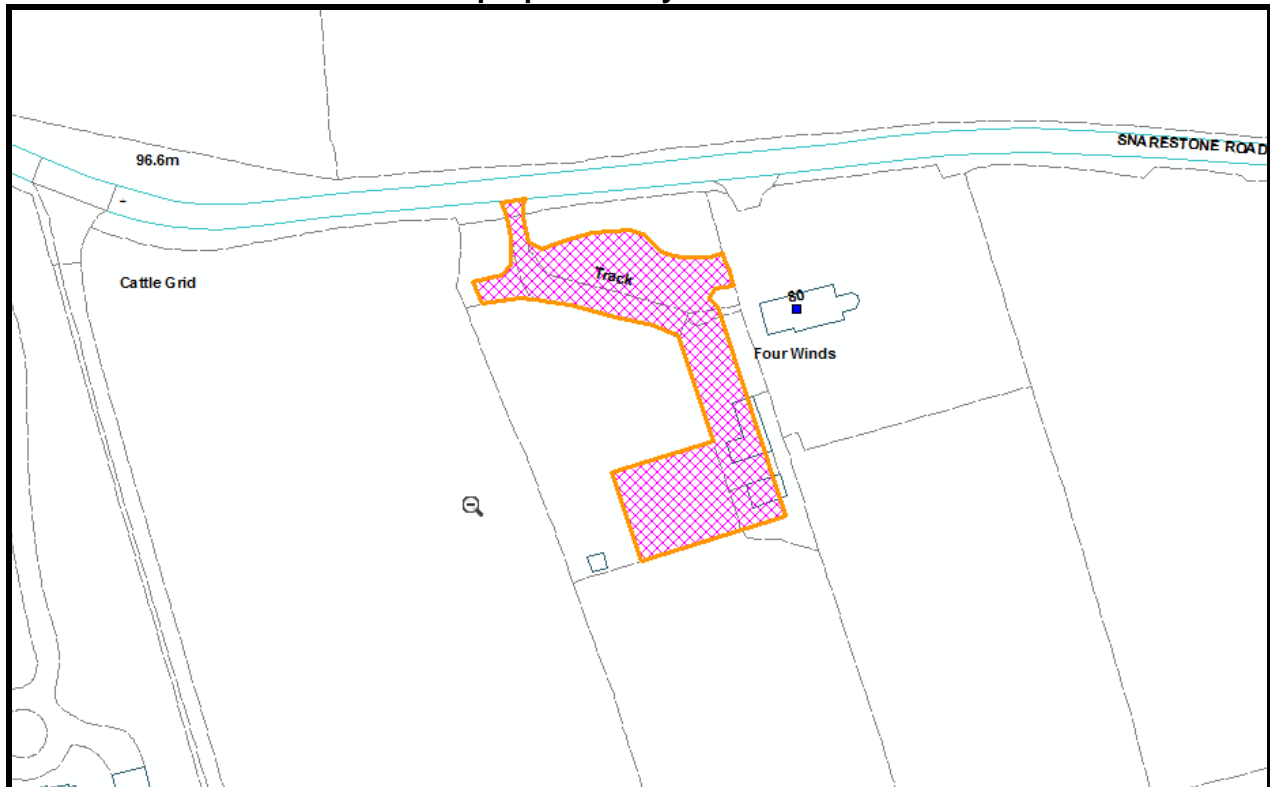
Consultation Expiry:
5 April 2018

Recommendation:
REFUSE

8 Week Date:
17 April 2018

Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Reason for Call In

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

Proposal

Permission is sought for the erection of a single storey holiday home on land adjacent to Lavender House, 80 Snarestone Road, Appleby Magna.

Consultations

Members will see from the main report below that letters of support have been received from local residents.

There are no objections raised from statutory consultees.

Planning Policy

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

Conclusion

The key issues arising from the application details are:

- The principle of the erection of a holiday home on the site
- Impact on the character and visual amenities of the area
- Impact on nearby residents
- Impact on ecology
- Impact on highway safety
- Impact on the River Mease SAC
- Impact on a Public Right of Way

The site is located within the countryside and whilst leisure and recreational uses can be acceptable in principle, this is subject to the development being sustainable and in accordance with Policy Ec13 of the adopted Local Plan 2017. The application proposes to construct a new building for use as a holiday home, which would be outside the Limits to Development in a location that is not in close proximity to any existing tourist destinations. This development would therefore be contrary to the aims of Policy Ec13 and the core principles of the NPPF.

Whilst the development would provide an economic gain through tourism, there is no justification for a holiday lodge in this location or material planning considerations that would outweigh the non-compliance with Policy Ec13. It is therefore recommended that the application be refused.

RECOMMENDATION - THAT PLANNING PERMISSION BE REFUSED

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

MAIN REPORT

1. Proposals and Background

Permission is sought for the erection of a holiday home on land at 80 Snarestone Road, Appleby Magna. In terms of vehicular access to the site this would be achieved through the existing access for the stables and would involve closure of the access directly serving No.80 Snarestone Road. The remaining access would then be shared by the existing dwelling, the stables and the proposed holiday home.

Amended plans have been received which have reduced the scale of the development from two storey to single storey and the development has been located approximately 20 metres further north to be nearer to the main road and parallel with the applicant's existing dwelling.

The site lies within the catchment area of the River Mease Special Area of Conservation and is outside of the Limits to Development as set out in the adopted North West Leicestershire Local Plan (2017).

2. Publicity

2 Neighbours have been notified.
Site Notice displayed 15 March 2018 and 8 March 2018.
Press Notice published Burton Mail 21 March 2018.

3. Summary of Consultations and Representations Received

Statutory Consultees

Appleby Magna Parish Council no comments received at the time of writing this report.

Leicestershire County Council - Highways advised that the visibility splays are not compliant with Highways guidance however they are considered to be acceptable in this instance due to the speed of the road reducing from 60mph to 30mph to the west of the site.

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

Leicestershire County Council - Ecology has no objections however recommends that native species should be used in the new landscaping.

The Council's Environmental Protection team has no environmental observations.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Footpaths has no objections but recommends conditions.

The Council's Footpaths Officer has no objections.

Third Party Representations

Two letters of representation have been received which support the application on the following grounds:

- Other holiday cottages in the village benefit the area.
- Development supports businesses in the area.

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

4. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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

Paragraph 10 (Achieving sustainable development)
Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 17 (Core planning principles)
Paragraphs 18 and 19 (Building a strong competitive economy)
Paragraph 28 (Supporting a prosperous rural economy)
Paragraphs 32 and 35 (Promoting sustainable transport)
Paragraphs 56, 57, 58, 60, 61 and 64 (Requiring good design)
Paragraph 69 (Promoting healthy communities)
Paragraphs 96, 99 and 100 (Meeting the challenge of climate change, flooding and coastal change)
Paragraphs 109, 112, 118, 119 and 123 (Conserving and enhancing the natural environment)
Paragraphs 203, 204 and 206 (Planning conditions and obligations)

Draft National Planning Policy Framework (2018)

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

Adopted North West Leicestershire Local Plan (2017):

The North West Leicestershire Local Plan forms the development plan and the following policies of the adopted Local Plan are relevant to this application:

Policy S1 - Future Housing and Economic Development Needs
Policy S2 - Settlement Hierarchy
Policy S3 - Countryside
Policy D1 - Design of New Development
Policy D2 - Amenity
Policy Ec13 - Tourism development
Policy IF4 - Transport Infrastructure and New Development
Policy IF7 - Parking Provision and New Development
Policy EN1 - Nature Conservation
Policy EN2 - River Mease Special Area of Conservation
Policy CC2 - Water - Flood Risk
Policy CC3 - Water - Sustainable Drainage Systems

Other Guidance

National Planning Practice Guidance 2014;
 The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017);
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System);
 River Mease Water Quality Management Plan - August 2011;
 The River Mease Developer Contributions Scheme (DCS);
 The Community Infrastructure Levy Regulations 2010.
 Leicestershire Highways Design Guide;
 Good Design for North West Leicestershire SPD - April 2017

5. Assessment

Principle of the Development

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 2017.

This application proposes to erect a new single storey timber clad building for use as holiday accommodation on land adjacent to 80 Snarestone Road, Appleby Magna. The application site lies outside the defined Limits to Development within the adopted Local Plan. Recreation and leisure uses are a form of development permitted in the countryside by Policy S3 of the adopted Local Plan subject to compliance with paragraphs (i) to (vi). 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.

Paragraph 28 of the NPPF seeks to support economic growth in rural areas through supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. The NPPF supports proposals which will help to diversify the rural economy and therefore, policy support exists for tourism accommodation within the countryside.

Policy Ec13 of the adopted Local Plan seeks to maximise the potential of tourism in the district and increase tourist opportunities for visitors by supporting the: *(c) development of new tourist attractions, including the provision of new accommodation to facilitate the opportunity for overnight stays and (2) seeks to encourage new tourist attractions and accommodation within the Limits to Development where it can make use of existing infrastructure.* However this application is located outside Limits to Development.

The proposal would have some impact on the open nature and rural character of the countryside and this will be considered in more detail in the following section on Visual impact. Amended plans have been received which reduce the height of the proposal and reposition the building further towards the highway. On this basis it is considered that there would be no significantly harmful impacts to visual amenities of the countryside, in accordance with Policy S3 of the adopted Local Plan and the NPPF.

Consideration must also be given to whether the proposals constitute sustainable development given the presumption in favour of such as set out in the NPPF.

In terms of social sustainability Appleby Magna provides a range of day to day facilities,

including a shop, church, a public house, play area/recreation ground, and there is a limited two hourly public transport service. These services/facilities are within 800-1000m (preferred maximum walking distance) of the site. To walk to these facilities from the site would involve a route along Snarestone Road which does not have a footway and the speed of the road ranges from 30mph to 60mph. An alternative route to the village is also available via a public footpath which runs through the application site, however this is less direct. As such there are some opportunities to walk to the village from the site along a route which is already in use by pedestrians and other non-car users.

The nearby larger settlements of Measham and Ashby de la Zouch are in excess of the 800 metre-1km distance and that is considered to deter trips by walking. Though within the average cycling trip distance, the routes include mostly 50-60mph roads with no streetlighting.

Whilst the site is not within the boundaries of the National Forest, it is approximately 2 miles away. Visitors are likely to need to drive to the nearest recreation and tourism facilities, including Twycross Zoo, the restored Minorca Colliery site, Donisthorpe Woodland Park, Moira Furnace, Conkers and the Hicks Lodge Cycle Centre and Ashby Castle. These tourist destinations are at least 3 miles away from the application site, which is therefore over the preferred maximum walking distance outlined above and the cycling distance of 4.5km (2.7 miles).

Policy Ec13 states that tourism accommodation should be well connected to other tourist destinations and amenities, in particular by public transport, and places emphasis on tourism accommodation being targeted in accessible locations served by a range of services and facilities. In rural areas, tourism related development will be allowed in a countryside location where necessary or where it may be directly related to a specific tourist destination and where possible, existing buildings should be re-used.

It is noted that the provision of holiday accommodation, provides opportunities for visitors to stay in the area, and such visitors would be likely to support the local economy to some extent by spending on goods and services. This is also reiterated in the letters of support received from member of the public. However, the proposal is not directly related to a specific tourist destination and is not well connected to other tourist destinations, in particular by public transport. Therefore it is considered that the development would be heavily reliant upon private vehicles to visit tourist destinations. Whilst a few services are available locally in Appleby Magna these are unlikely to meet the sole needs of occupiers of the holiday accommodation therefore regular vehicular journeys will be required. Any benefits which the development might bring to local communities, on balance, are likely to be limited.

The planning agent has advised that this proposed location is required only because of its outlook into the countryside, which in itself is not considered to be an overriding justification for the siting of this development outside Limits to Development. In this respect the proposal would not comply with Policy Ec13 of the adopted Local Plan.

Whilst there is support in principle in national and local policy for sustainable rural tourism, given the concerns regarding the location of the proposal in relation to tourist destinations and local services and facilities, on balance there is insufficient justification for approval of holiday accommodation in this location. Therefore on balance the development would be contrary to the overall aims of Policy Ec13 and the core principles of the NPPF. The application is therefore considered to be unacceptable in principle and would not be a sustainable form of development.

Design and Visual Impact

The site is outside the Limits to Development under the adopted Local Plan. On this basis the proposal would be assessed against the context of Policy S3 of the adopted Local Plan and paragraph 17 of the NPPF which requires the planning system to recognise the intrinsic character and beauty of the countryside.

The area is primarily characterised by open fields with trees and hedgerows forming the boundaries, as such the application site is very prominent in the street scene and forms part of the open nature of the countryside. Notwithstanding this, the land subject to this application is currently occupied by stable buildings and is used for the keeping of horses, as such there are already some elements of built development on site.

The application has been amended to reduce the height of the development from two storey to single storey and has been positioned further north to be more in keeping with the location of the existing dwelling. Additionally the new building would be constructed in timber cladding which would be sympathetic to the wider rural aesthetic and would not be dissimilar in appearance and scale to a log cabin or the nearby stable buildings.

Furthermore the submitted details propose landscaping with locally native species, which would to a certain extent screen the new development from the public highway. It is considered that this would significantly soften the overall visual impact of the new building on the countryside and rural landscape and therefore there would be no detrimental impacts on the open countryside.

In view of the above, it is considered that the proposal would not result in significant harm to the character and rural appearance of the locality. The development would therefore comply with Paragraph 17 of the NPPF, the Council's Good Design SPD and Policies S3 and D1 of the adopted Local Plan

Residential Amenities

The proposed development would result in some noise from comings and goings to and from the site from vehicular traffic and occupation of the holiday home. However this is not considered to be harmful to the residential amenity of the neighbouring property which is in the applicant's ownership.

The property that would be most immediately affected by the proposal would be the applicant's dwelling Lavender House, No.80 Snarestone Road, which is located to the east of the application site. Other dwellings are sited at sufficient distance away in order to prevent any loss of residential amenities. With regard to the impacts upon Lavender House, the proposal would be sited almost in line with the existing dwelling and would be single storey only. Furthermore the holiday home would be owned and controlled by the occupants on No.80. Therefore it is not considered that there would be any significant overbearing or overshadowing impacts upon or any direct overlooking of Lavender House. It is considered that the proposal would accord with the provisions of Policy D2 of the adopted Local Plan.

Ecology

Leicestershire County Council Ecology have no objections to the development however have advised that the landscaping scheme should be native species only, which would be more in keeping with the countryside location. Subject to a condition to secure appropriate landscaping, it is considered that the proposal would accord with the Habitats Regulations 2017 and Policy EN1 of the submitted Local Plan.

Highway Safety

The development proposes to close an existing access serving No.80 Snarestone Road. As a result the existing dwelling as well as the proposed holiday home and any traffic associated with the stables would all be accessed from the existing stables vehicular access from the 60mph section of Snarestone Road. It is also noted that the speed limit reduces to 30mph approximately 70 metres to the west of the application site.

The existing visibility splays from the stables access is approximately 125m in an eastern direction and approximately 120m to the west, which is lower than the required 215m as per the Leicestershire Highways Design Guidance.

The submitted supporting Transport Assessment states that there would be an improvement by closing off of the existing dwellings access because the stables access has better visibility looking to the east where vehicles are more likely be travelling faster.

The County Highways Authority have advised that whilst the development is not wholly compliant with the Leicestershire Highways Design Guide, given the rural nature of the location, the characteristics of the road and the proximity to the speed limit change the vehicle speeds are likely to be lower than the speed limit. Therefore shorter visibility splays would be acceptable in this instance.

With regard to other highway matters the application proposes two off street parking spaces to serve the two bedroom holiday home, which is compliant with the Leicestershire Highways Design Guide. The scheme also includes hard surfacing on the access to a setback distance of at least 11 metres and the access width would be at least 5.5 metres, which is acceptable for the proposed development.

The visibility proposed would therefore not be considered unacceptable by the County Highway Authority and are not to a level where it would be considered that the residual cumulative impact of development was demonstrably severe in accordance with paragraph 32 of the NPPF. Given the above, it is considered that a reason for refusal in respect of severe impact on highway safety and non-compliance with Policies IF4 and IF7 of the adopted Local Plan and paragraph 32 of the NPPF could not be justified in this case.

River Mease Special Area of Conservation

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore, an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 advise that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. Both DCS1 and DCS2 are considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations and paragraph 204 of the NPPF. There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

The application proposes a septic tank to deal with foul drainage discharge. None of the Severn Trent Water (STW) treatment works in the SAC catchment area accept foul waste from licensed waste collectors, which STW has confirmed, and advises that this arrangement will continue in

perpetuity. As the foul waste from the site would not be emptied within the SAC catchment area or discharge into the watercourse, there is not a requirement for a contribution under DCS2. A condition could be imposed requiring discharge of surface water to a sustainable drainage system. Therefore in this case, waste would not be disposed of in the SAC catchment. It is considered that use of a septic tank, along with a sustainable surface water drainage scheme could be controlled by condition to ensure they would not adversely impact on the SAC/SSSI.

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

Footpaths

Public Footpath Q7 runs through the application site and adjacent to the proposed development. It is not considered that this development would adversely impact on the public's enjoyment of the Right of Way. Furthermore no objections have been raised from either the Council's or County Council's Footpaths Officers. The County Footpaths officer has recommended some conditions should the application be approved, however these recommendations are controlled by separate legislation such as the Highways Act. Therefore it is advised that the County Footpath Officer's comments are attached as notes to applicant if permission is granted.

Conclusion

In conclusion, a reason for refusal on the basis of the proposal's impact on the countryside could not be justified following the receipt of amended plans, and the proposal would not result in any unacceptable impacts on residential amenity or the River Mease SAC. There would also be limited social and economic benefits. However as the site is outside the Limits to Development, would involve a new build development and would not be in close association with any existing tourist development it would conflict with the aims of Policy Ec13 of the adopted Local Plan. Furthermore it is considered that there is no overriding justification for the location of this development outside Limits to Development. Therefore it is considered, on balance, that the proposal does not constitute sustainable development. It is therefore recommended that planning permission be refused.

RECOMMENDATION, REFUSE for the following reason:

- 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 Local Plan sets out the types of development that will be supported outside the Limits to Development including recreation and leisure uses and also requires the appearance and the character of the landscape to be safeguarded and enhanced. Policy Ec13 supports new tourist accommodation where it is well connected to other tourist destinations and amenities and states that new tourist accommodation will be directed to Limits to Development and any development outside of Limits should give preference to the re-use of land or buildings. The application proposes to construct a new building for use as a holiday home, which would be outside the Limits to Development in a location that is not in close proximity to any existing tourist destinations. Furthermore insufficient information has been provided to justify this countryside location for the proposed development. Therefore, the development would be contrary to Policy Ec13 of the adopted Local Plan.