

Erection of two single storey dwellings

Report Item No
A2

Land To The South Of Peters Close Tonge Derby

Application Reference
18/00567/FUL

Applicant:
Ms Ruth Mulvany

Date Registered:
9 April 2018
Consultation Expiry:

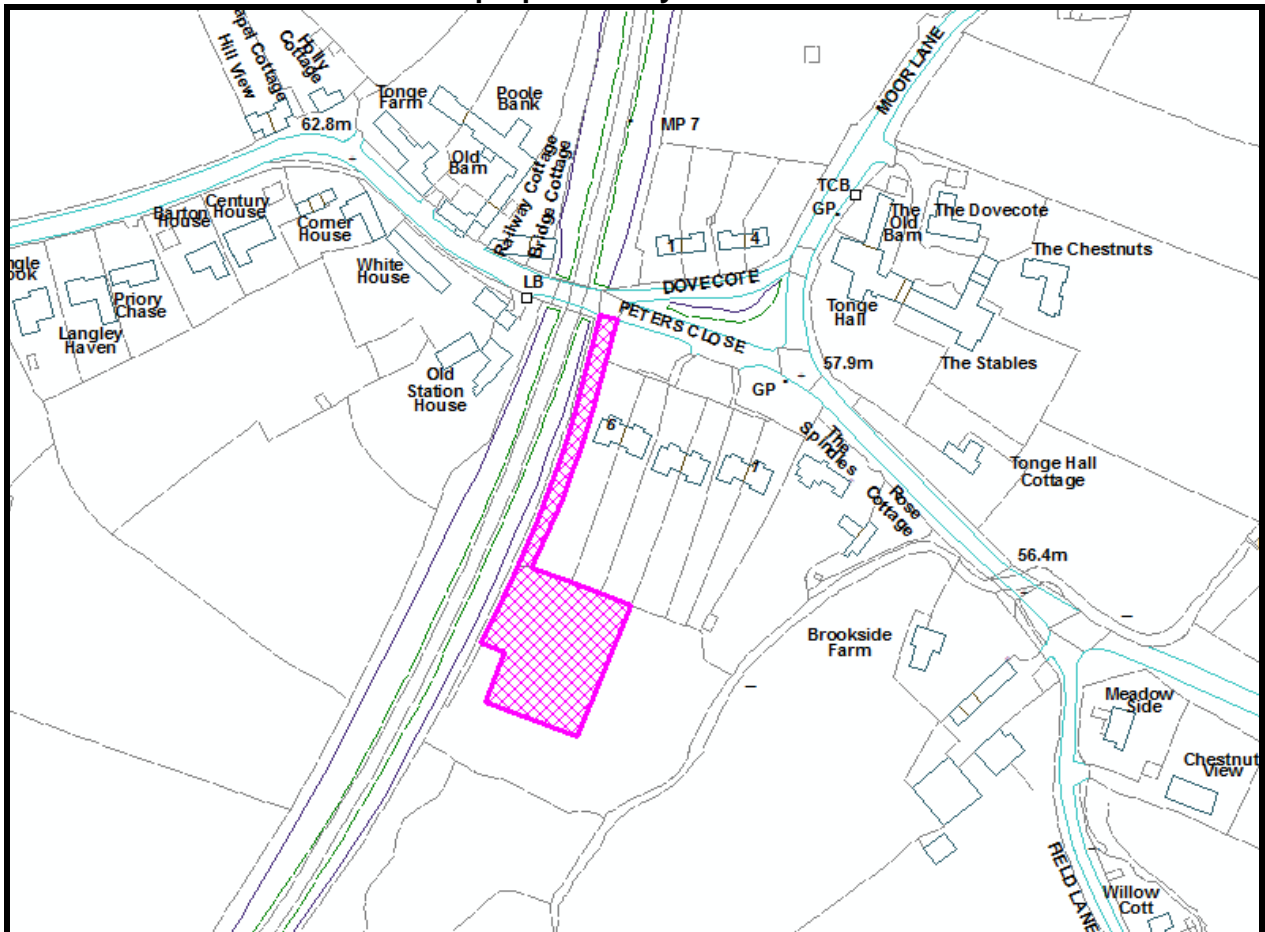
Case Officer:
Ebony Mattley

10 May 2018
8 Week Date:
4 June 2018

Recommendation:
REFUSE

Extension of Time:
7 June 2018

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

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

Proposal

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

Consultations

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

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

Planning Policy

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

Conclusion

The key issues arising from the application details are:

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

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

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

Paragraph 32 of the NPPF.

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

RECOMMENDATION - REFUSE

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

MAIN REPORT

1. Proposals and Background

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

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

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

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

Planning History:-

None

2. Publicity

8 neighbours notified.

Site Notice displayed 19 April 2018.

Press Notice published Derby Evening Telegraph 2 May 2018.

3. Summary of Consultations and Representations Received

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

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

Objection from:-

NWLDC Conservation Officer
Leicestershire County Council - Highways

No objection from:-

Environment Agency

Leicestershire County Council - Ecology
NWLDC Environmental Protection
NWLDC Footpaths

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

NWLDC Environmental Protection - Land Contamination
Leicestershire County Council - Footpaths

No response received from:-

Lead Local Flood Authority - Standing Advice

Third Party Representations

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

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

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

- Self-building in rural areas is very important;

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

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

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

Draft National Planning Policy Framework (2018)

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

Adopted North West Leicestershire Local Plan (2017)

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

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

Other Policies/Guidance

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

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2017).

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

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

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

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

and encroachment into the countryside.

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

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

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

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

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

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

Self Build

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

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

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

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

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

Build for Life Solar

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

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

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

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

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

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

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

Bungalows

The scheme proposes two single storey dwellings.

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

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

Affordable Housing

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

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

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

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

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

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

Principle of Development Summary

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

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

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

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

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

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

Impact upon Character and Heritage Assets

Impact upon Character

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

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

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

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

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

Impact upon the character and appearance of the Conservation Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Impact upon Residential Amenity

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

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

significant loss of light, overshadowing or overbearing impacts.

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

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

Highway Considerations

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

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

The CHA state that:-

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

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

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

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

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

deficiency in the required visibility splay at the site access.

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

Ecology

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

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

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

Drainage and Flood Risk

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

Letters of Representation

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

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

A right to a view is not material planning consideration.

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

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

Conclusion

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

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

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

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

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

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

It is therefore recommended that planning permission be refused.

RECOMMENDATION- REFUSE, for the following reasons:-

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

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

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