

Demolition of the two no Dutch barns and erection of one dwelling and single storey garage with annexe accommodation (outline-access and layout included)
Manor Farm Main Street Breedon On The Hill Derby DE73 8AN

Report Item No
A6

Application Reference
19/00619/OUT

Grid Reference (E) 440856
Grid Reference (N) 323011

Date Registered:
9 April 2019

Consultation Expiry:
17 July 2019

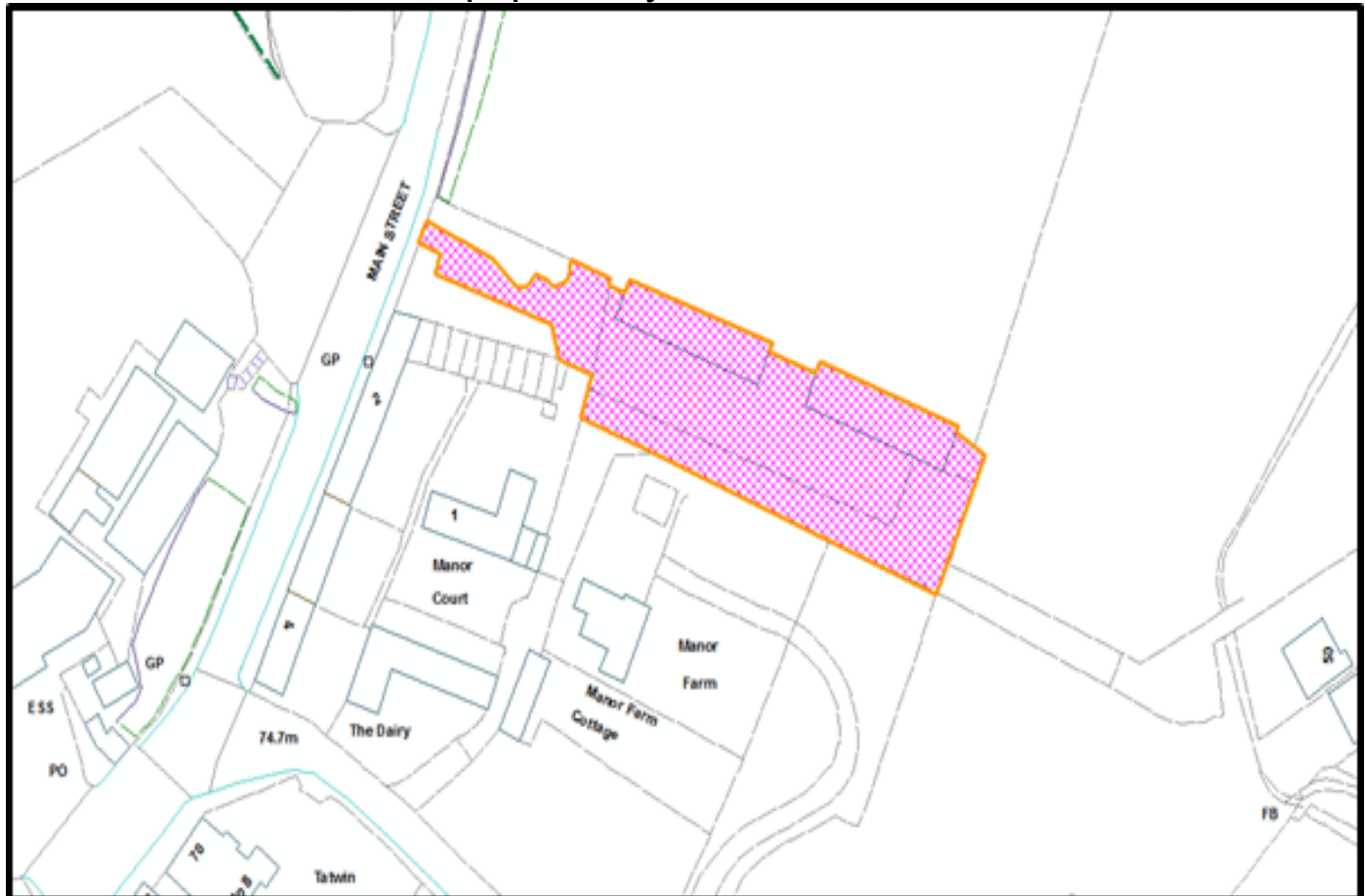
Applicant:
Caroline Executors of A Crowson Deceased

8 Week Date:
4 June 2019

Case Officer:
Hannah Exley

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
 ©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

Call In

The application is brought to the Planning Committee as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Outline approval is sought for the erection of a one detached dwelling and detached garage/annex building on 0.18 of a hectare of land at Manor Farm, Main Street, Breedon on the Hill which is currently in agricultural use. Details of means of access and layout are included for consideration at this stage. Access to the site would be via the existing vehicular access off Main Street which would be shared with 4 neighbouring residential properties.

Consultations

A total of 3 letters of representation have been received raising objection to the proposals. Breedon on the Hill Parish Council has no objections and all statutory consultees have raised no objections.

Planning Policy

The site is located within the Limits to Development on the Policy Map to 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 application site falls within the Limits to Development for Breedon on the Hill where limited growth is permitted and therefore, the proposal which is for limited residential development, would accord with Policy S2 of the adopted Local Plan. The layout and access arrangements are considered to be acceptable and a scheme could be designed at the reserved matters stage(s) so that its appearance, scale and landscaping would have an acceptable impact upon design and heritage assets, neighbouring residential amenities, ecology and trees. The proposed access is also considered acceptable from a highway safety perspective. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for outline planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:-

PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS

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

Outline approval is sought for the erection of a one detached dwelling and detached garage/annex building on 0.18 of a hectare of land at Manor Farm, Main Street, Breedon on the Hill which is currently in agricultural use. The main part of this linear site is set back 34m from the highway and is currently occupied by two large open sided agricultural buildings and these would be demolished as part of the proposals. The land between the site and the highway is occupied by converted dwellings/garages and car parking.

Details of means of access and layout are included for consideration at this stage. Access to the site would be via the existing vehicular access off Main Street used by 4 neighbouring residential properties. The proposed dwelling and garage/annex accommodation would be linear in form, each extending along the northern and southern boundaries of the site. The plans have been amended during the course of the application following concerns raised by the Council's Conservation Officer about the original proposals.

The application submission was accompanied by a Heritage Statement, Ecological Survey, Arboricultural Report and Design and Access Statement.

Relevant Planning History:

None relevant history found.

2. Publicity

4 Neighbours have been notified.

Site Notice displayed 2 May 2019.

Press Notice published Derby Evening Telegraph 8 May 2019.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Breedon on the Hill Parish Council has no objections.

Leicestershire County Council - Highways advises that the proposal would not result in an intensification of the use of the site given the existing use and recommends conditional matters.

Leicestershire County Council - Ecology has no objections subject to a condition controlling demolition and the removal of vegetation in the bird breeding season.

NWLDC Environmental Protection recommends contaminated land conditions.

NWLDC Conservation Officer is satisfied with the position and orientation of the proposed buildings but requests that the turning area be reduced.

No comments have been received from the Council's Tree Officer.

Third Party Representations

3 letters of neighbour representation have been received from two neighbouring properties, raising objection on the following grounds:

- the development would occupy easement land that has been set aside for drainage if required and therefore, the development of the site would be contrary to restrictive covenants;
- errors in the Design and Access Statement;
- concern about the use of the access during the construction period due to its steep gradient, restricted width, lack of on-site turning and its use by neighbouring properties and it being the only pedestrian access for residents including children to leave the site;
- concern about the access being blocked during the construction period;
- concern about the displacement of earth close to gas tanks near the access by construction lorries which raises safety concerns;
- any dwelling should be subject to restrictions on the premises being used as a business as this could have implications for traffic using the existing access;
- the dwelling and garage should not be separated or leased separately to ensure that an increase in traffic does not occur;
- the amended plans show the location and footprint of the buildings only and the streetscene drawing has not been updated to enable full consideration of the proposals;
- the design and access statement has not been updated to reflect neighbour concerns about inaccuracies contained within it.

The full contents of this letter is available for Members to view on the case file.

4. Relevant Planning Policy

National Planning Policy Framework (2019)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8, 9, 10, (Achieving sustainable development)
Paragraphs 11, 12 (The Presumption in Favour of Sustainable Development)
Paragraph 109 (Promoting sustainable transport)
Paragraphs 117, 118 (Making effective use of land)
Paragraphs 127, 130 (Achieving well-designed places)
Paragraph 175 (Conserving and enhancing the natural environment)
Paragraph 178 (Ground conditions and pollution)
Paragraph 189 (Conserving and enhancing the historic environment)
Paragraphs 192, 193 (Conserving and enhancing the historic environment)
Paragraph 196 (Conserving and enhancing the historic environment)
Paragraph 56 (Planning conditions and obligations)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

Adopted North West Leicestershire Local Plan (2017)

The following Local Plan policies are relevant to this application:

Policy S1 - Future Housing and Economic Development Needs
Policy S2 - Settlement Hierarchy
Policy D1 - Design of New Development
Policy D2 - Amenity
Policy En1 - Nature Conservation
Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment
Policy IF4 - Transport Infrastructure and New Development
Policy IF7 - Parking Provision and New Development
CC2 - Water - Flood Risk
CC3 - Water - Sustainable Drainage Systems

Other Guidance

- The Planning (Listed Buildings and Conservation Area) Act 1990
- National Planning Practice Guidance
- Leicestershire Highways Design Guide
- Good Design for North West Leicestershire SPD

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 site is located within Limits to Development as defined by the adopted Local Plan. Policy S2 categorises Breedon on the Hill as being a sustainable village where limited growth will take place within the Limits to Development.

As the application site is within the defined Limits to Development and this proposal is for limited residential development, it is considered that the proposal would accord with Policy S2 of the adopted Local Plan.

Design and Impact on Heritage Assets/ Character of the area

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 127 and 130 of the NPPF. The proposed development must be considered against section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess"

Paragraph 192 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 193) 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 site is not within the Breendon on the Hill conservation area and Manor Farm is not a heritage asset. However, the grade II listed 'Old School' is 50m to the north of the site and there is a degree of inter-visibility between the grade I listed parish church in the distance. Therefore, consideration of the impact on the setting of these assets must be considered.

Manor Farm has a strong linear character. Generally the farmstead comprises a series of long thin buildings with simple gabled roofs. All buildings have plain tiled roofs; buildings addressing Main Street are faced in stone while others are faced in red brick.

The application proposes to demolish two Dutch barns and erect a dwelling and garage/annex on the linear site. Amended plans have been secured during the course of the application following concerns raised by the Conservation Officer about the likely bulk and massing of the proposed development when having regard to the footprint proposed and the indicative streetscene drawing provided. Concern was also raised about the location of the originally proposed building to the rear of the site which would necessitate a large amount of hard landscaping on this edge of settlement site.

Amended plans have now been provided which show two linear buildings of shallow depth towards the front of the site, which reflect the linearity of the site and the form and character of historic development at Manor Farm. Whilst the Conservation Officer still has concerns about the amount of hard landscaping required to enable turning within the site, this has been significantly reduced, and there is scope to soften this with landscaping at the reserved matters stage.

Overall, it is considered that a development in the layout shown could be designed at the reserved matters stage that would be informed by existing development, respect the character and appearance of surrounding development and would not be harmful to the setting of the nearest listed buildings. Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF and Policies D1 and He1 of the adopted Local Plan, the provisions of the Good Design SPD and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential amenities

The properties that would be most immediately affected by the proposed development would be Manor Farm house and No's 1 and 2 Manor Court which are located to the south and west of the site. To the north and east of the site are fields.

Manor Farm lies immediately to the south west of the application site within a generous curtilage and has its vehicular access off Doctors Lane. This neighbouring dwelling is sited over 20m from the common boundary with the application site and there is a garage building in between. The proposed garage/annex accommodation would be sited adjacent to the common boundary but would be single storey and although the proposed dwelling would face this neighbouring property there would be a distance of at least 14m between the proposed dwelling and the common boundary. When having regard to the layout of the proposed development, it is not considered that there would be any significant overlooking, overbearing or overshadowing of this neighbouring property.

No.s 1 and 2 Manor Court are located to the west of the application site and the proposed development would be sited 14m from the western boundary of the application site at its closest. Land levels in the locality also drop in an easterly location such that the development at Manor Court is at a higher land level. When having regard to the distances involved, it is not considered that the proposal would give rise to any significant overbearing, overshadowing or

overlooking impacts on these neighbouring properties.

Whilst it is accepted that there would be some comings and goings associated with the use of the site for residential purposes, this would be consistent with that of neighbouring residential properties and would be likely to be less than could occur on the site in connection with the existing agricultural use of the site.

Overall, having regard to the above, it is considered that a development in the layout shown could be designed at the reserved matters stage that would have an acceptable impact on neighbouring residential properties and would comply with the provisions of Policy D2 of the adopted Local Plan.

Highway Safety

The application relates to a proposal for a single dwelling but as there are other properties which use the access, and therefore, the views of the County Highways Authority have been sought.

The site would be accessed via the existing access off Main Street. The County Highways Authority advises that the gradient of the access is steep and does not comply with the Leicestershire Highway Design Guide. Notwithstanding this, the access has been permitted for use by 4 existing dwellings. The proposal is detailed to remove the existing agricultural trips to the site, and therefore would not result in an intensification of use. Whilst neighbour comments have been received about the applicant's supporting statement exaggerating the existing comings and goings to the site, the District Council (and the County Highways Authority in providing advice) must consider the worst case scenario in terms of comings and goings that could occur on the site in connection with the agricultural use of the land. When having regard to this, the County Highways Authority advises that subject to conditions concerning gate set back distances, turning facilities and parking, they would not seek to resist the proposal on the grounds of highway safety.

Neighbouring residents have raised concern about the use of the access during the construction phase of the development due to the width and gradient of the access and close proximity to gas tanks. Whilst this has not been raised as a concern by the County Highways Authority, the applicant's agent has advised that the applicant would be agreeable to a construction management condition with a possibility for some access off Doctors Lane via Manor Farm Cottage for site workers and with just deliveries off the Main Street access.

Overall, when having regard to the above advice, it is considered that subject to conditions, the application is acceptable from a highway perspective and would comply with the provisions of Policies IF4 and IF7 of the adopted Local Plan and paragraph 109 of the NPPF.

Ecology

The application includes the demolition of rural buildings and therefore, the application submission was accompanied by an ecological survey. The County Ecologist has been consulted on the application and has raised no objections to the application. The County Ecologist advises that the Dutch barns are not suitable for bats but may (as well as vegetation on the site) provide habitat opportunities for breeding birds and, therefore, any permission would need to be subject to a condition preventing the demolition of the buildings or the removal of vegetation during the breeding season. Overall, therefore, the development would accord with the aims of Paragraph 175 of the NPPF and Circular 06/05 Biodiversity and Geological Conservation.

Trees

The site abuts an agricultural field and within that field are a row of Poplar trees which are protected by Tree Preservation Order (TPO) T138. A Tree Report accompanied the application submission and notes that one of the trees (T1) is sited immediately adjacent to one of the existing barns on the site. The report identifies that the row of Poplars are of advanced age and have a limited life expectancy, with the timber being very weak. Some are in worse condition than others and the report raises concerns about the protected trees being dangerous.

The trees lie outside the site and the amended siting of the proposed buildings would be outside the root protection area of the protected trees and therefore, would not be affected by the proposed development. The possible removal of the trees given their life expectancy and condition would need to be subject to a separate application for works to trees protected by a TPO.

Other

With regard to concerns about the proposal affecting the drainage easement through the site, this is a legal covenant that is covered by separate legislation and therefore, is not relevant to the determination of the application. However, it is noted that the amended plans allow for a linear strip to be maintained through the centre of the site in an east to west direction which is in approximately the location of the identified easement.

Concern has been raised about the proposed annex being separated off from the main dwelling. However, the separation of the annex into a separate dwellinghouse would require planning permission and therefore, would need to be considered on its own planning merits should such a proposal be pursued on the site.

Comments have been made about the need for the dwelling to be subject to restrictions for business use as per the other dwellings at Manor Court. Whilst the neighbouring dwellinghouses within Manor Court are not subject to such a restriction, the use of the garage accommodation associated with those dwellings for purposes other than parking is restricted by condition to prevent parking problems on the site. It is considered that there is sufficient space within the application without the identified garage accommodation to enable adequate parking to be provided on the site in accordance the Leicestershire Highways Design Guide and therefore, such a condition would not be justified for the current proposal.

As for concerns about the plans providing limited information and the Design and Access Statement not being updated following the submission of amended plans/neighbour comments, the detail on the plans is consistent with the outline nature of the permission sought and there is no requirement to update the Design and Access Statement following the submission of amended plans/neighbour comments. Officers consider that the plans are sufficient to determine the application and all neighbour comments have been addressed in this report.

Conclusion

The application site falls within the Limits to Development for Breedon on the Hill where limited growth is permitted and therefore, the proposal which is for limited residential development, would accord with Policy S2 of the adopted Local Plan. The layout and access arrangements are considered to be acceptable and a scheme could be designed at the reserved matters stage(s) so that its appearance, scale and landscaping would have an acceptable impact upon design and heritage assets, neighbouring residential amenities, ecology and trees. The proposed access is also considered acceptable from a highway safety perspective. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended

for outline planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following condition(s):

- 1 Time limit
- 2 Reserved matters items
- 3 Levels
- 4 Approved plans
- 5 Land contamination
- 6 Boundary treatments
- 7 Construction management plan
- 8 Car parking
- 9 Gates set back
- 10 Turning facilities
- 11 Remain ancillary
- 12 Removal of permitted development rights