

Erection of three detached dwellings with garages

Report Item No
A2

Land At Loughborough Road Peggs Green Coleorton
Leicestershire. LE67 8HJ

Application Reference
20/00676/FUL

Grid Reference (E) 441632
Grid Reference (N) 317514

Date Registered:
7 April 2020

Consultation Expiry:
26 June 2020

Applicant:
Mr M Specht

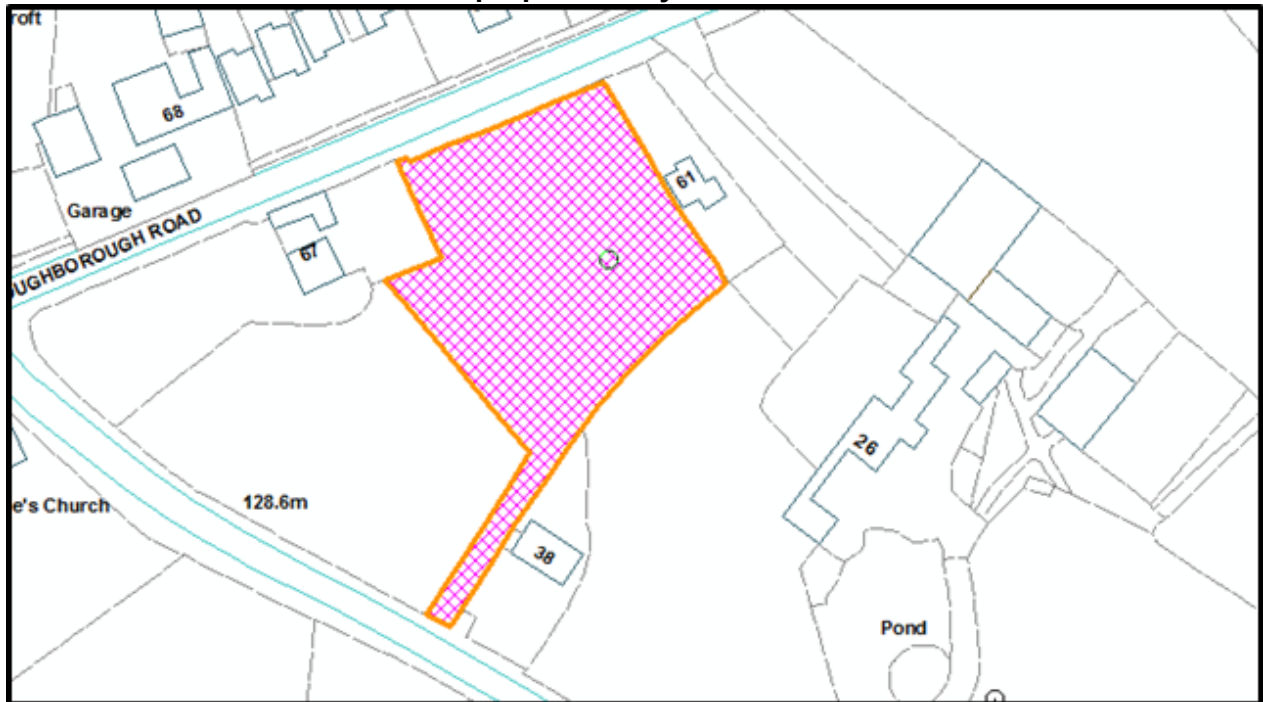
8 Week Date:
2 June 2020

Case Officer:
Hannah Exley

Extension of Time:
None Agreed

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee at the request of Councillor Boam on the ground that an application for the same development was determined by members of the Planning Committee previously.

Proposal

Full permission is sought for the erection of three detached dwellings on a piece of land on the south-eastern side of Loughborough Road between nos. 61 and 67 Loughborough Road. A single vehicular access would be provided off Loughborough Road with a shared private drive leading to the proposed dwellings. To the rear of the dwellings a wetland area is proposed along with reinforced planting to encourage biodiversity.

Consultations

A total of 7 letters of neighbour representation have been received raising concerns. Coleorton Parish Council and Swannington Parish Council have raised objection. All statutory consultees who have responded have raised no objections. Comments from the County Highways Authority are awaited.

Planning Policy

The site lies outside 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

In conclusion, former permissions granted for residential development on the site have lapsed and there has been a change in policy circumstances in the intervening period. The proposed residential development which would be located outside the Limits to Development would not be a form of development permitted by Policies S2 or S3 of the adopted Local Plan (2017). The application would result in the unwarranted development of a greenfield site located outside Limits to Development, not constituting sustainable development, contrary to the policies and intentions of Policies S2 and S3 of the adopted Local Plan (2017) and the advice in the NPPF. It is therefore recommended that the application be refused.

RECOMMENDATION:-

REFUSE,

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies 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 permission is sought for the erection of three detached dwellings on a piece of land on the south-eastern side of Loughborough Road between nos. 61 and 67 Loughborough Road. A single vehicular access would be provided off Loughborough Road with a shared private drive leading to the proposed dwellings. To the rear of the dwellings a wetland area is proposed along with reinforced planting to encourage biodiversity.

The site lies outside the Limits to Development on the Policy Maps to the adopted Local Plan. The site has two protected Ash trees along the site frontage protected by Tree Preservation Order T193 and the nearest heritage asset is the Church of St. George which is a grade II listed building located at the junction of Loughborough Road and Church Hill.

The following supporting documents accompanied the application submission:

- Badger Survey (Rothen Ecology; February 2016)
- Landscape and Ecological Management Plan (Brindle & Green, July 2019)
- Arboricultural Method Statement (Brindle and Green, July 2019)
- Design and Access Statement
- Facing Materials Statement
- Transport Assessment
- Water Efficiency Calculations
- SAP Building Energy Efficiency Assessment.

Relevant Planning History:

In March 2016, outline planning permission (with details of access only) was granted for the erection of three detached dwellings with garages under application reference 16/00198/OUT. A subsequent reserved matters application was permitted including approval of details of access, appearance, landscaping, layout and scale under application reference 17/00427/REM. This outline/reserved matters planning permission has lapsed and therefore, is no longer extant.

With the exception of a proposed dropped crossing with tactile paving, which has been introduced within the highway as part of the current application, the application is the same as that approved under the outline and reserved matters application detailed above. Additional details have also been provided in respect of matters that were the subject of conditions on the former planning permission.

2. Publicity

25 neighbours notified.

Site Notice displayed 17 April 2020.

Press Notice published Leicester Mercury 22 April 2020.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the Council's website.

Coleorton Parish Council raised objection on the following grounds:

- Greenfield site outside the Limits to Development;
- The site is in an unsustainable location at a distance from services/facilities which can't be accessed on foot and there is a limited bus service;
- The nearest convenience stores/shops are Premier and Spar both located in Whitwick 2km from the site and cannot be accessed safely on foot;
- The traffic report is out of date a new survey should be undertaken.
- It is contrary to the Local Plan's housing policy;
- The proposed properties are not in keeping with the local area;
- The purpose of self builds is that the designs have the opportunity to become bespoke, therefore designs may alter, and closer observation and monitoring would be required;
- Concern about the property to the south incurring rainwater/water drainage/flood issues if the development is permitted;
- An updated Great Crested Newts Habitat Suitability Survey is required;
- The proposed gated entrance to the development, raises concerns about vehicles accessing or leaving the site onto a fast and busy road during the day and night.

Swannington Parish Council raises objection on the following grounds:

- Outside the limits of development;
- There is no local store and no mini store at the local garage as indicated in the Design and Access Statement;
- No reference to Swannington is made within the Design and Access Statement despite the site being in the Parish of Swannington;
- The statement that 'the site is already well screened' is misleading;
- The development would be out of keeping with the neighbouring properties on the same side of Loughborough Road;
- Accessing local amenities on foot across a busy road is made difficult as the pavement is on the other side of the road.

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

Leicestershire County Council - Highways COMMENTS AWAITED and Members will be updated via the Update Sheet.

Leicestershire County Council - LLFA advise that the LPA should seek to utilise the advice given against the previous application.

NWLDC Environmental Protection has no environmental objections.

NWLDC Contaminated Land Officer has no objections subject to conditions.

NWLDC Tree Officer advises that the tree protection is acceptable and landscaping details require further work.

NWLDC Conservation Officer advises that the proposal would not harm the setting of the

Church of St. George.

No comments have been received from Severn Trent Water and the National Forest Company. It is noted that the National Forest Company was consulted in error.

Third Party Representations:

7 letters of neighbour representation have been received, raising objection on the following grounds:

- Greenfield site outside the Limits to Development;
- the site is in an unsustainable location at a distance from services/facilities which can't be accessed on foot and there is a limited bus service;
The nearest convenience stores/shops are Premier and Spar both located in Whitwick 2km from the site and cannot be accessed safely on foot;
- the proposed properties are not in keeping with the local area;
 - contrary to the Local Plan's housing policy;
- information contained in the Design and Access Statement is factually incorrect as there is no longer a garage mini-shop;
- highway safety - access is onto a busy road without pavements on both sides/safe passing places and where the speed limit is frequently not adhered to;
- the proposed gated entrance to the development, raises concerns about vehicles accessing or leaving the site onto a fast and busy road during the day and night.
- the traffic report is out of date a new survey should be undertaken;
- concern about a pedestrian refuge being introduced in front of the site as this would narrow the carriageway making it difficult for two vehicles to pass each other safely and causing difficulties for neighbouring residents exiting their driveways;
- restricted visibility out of the proposed access due to existing landscaping;
- concern about the property to the south incurring rainwater/water drainage/flood issues if the development is permitted;
- concern about parking of vehicles in the highway during the construction phase;
- notwithstanding the planning history, the decision should be made having regard to current circumstances;
- the application form lacks detail about how there is a connection between the application submission and an Authority employee/Member;
- concern about water drainage affecting Mount Pleasant Farm.

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 56 (Planning conditions and obligations);
- Paragraph 109 (Promoting sustainable transport);
- Paragraphs 127, 130 (Achieving well-designed places);
- Paragraph 163 (Meeting the challenge of climate change, flooding, and coastal change)
- Paragraph 175, 178 (Conserving and enhancing the natural environment);
- Paragraph 199 (Conserving and enhancing the natural environment)

Paragraph 190 (Conserving and enhancing the historic environment).

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
- IF4 - Transport Infrastructure and New Development
- IF7 - Parking Provision and New Development
- EN1 - Nature Conservation
- EN3 - National Forest
- HE1 - Historic Environment
- H5 - Affordable Housing
- H6 - Housing Types Mix
- CC2 - Water - Flood Risk
- CC3 - Water - Sustainable Drainage Systems

Other Policies/Guidance

- National Planning Practice Guidance
- Leicestershire Highways Design Guide
- Good Design for North West Leicestershire SPD - April 2017

5. Assessment

Principle of the Development

Local concern has been raised about the location of the site outside the limits to development in an unsustainable location where access to services and facilities is limited. It has also been highlighted that the nearest shop to the site is within Whitwick and that accessing local amenities is made difficult by the absence of pavements and the steepness of Church Hill.

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 greenfield land located outside the defined Limits to Development and is therefore located within land designated as Countryside. The properties neighbouring the site have a postal address of Coleorton but as with the site, are more closely related to the settlement of Peggs Green. On sites falling outside the defined Limits to Development, residential development is not a form of development that is permissible by Policy S3 of the adopted Local Plan (2017) save for limited exceptions as specified in the policy (i.e re-use or adaptation of an existing building 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 District Council has a 10.2 year housing land supply and therefore, is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the adopted Local Plan.

Policy S2 is also relevant to the determination of the application and contains a settlement hierarchy which guides the location of future development with settlements further up the hierarchy able to take more growth. This part of Coleorton (and Peggs Green to which it more closely relates) are specified as a Small Villages with very limited services and facilities and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land or affordable housing in accordance with Policy H5 of the adopted Local Plan. The concept of new development being directed to locations that minimise reliance on the private motorcar is also contained within the NPPF. Since the determination of the previous application, the shop that previously existed at the local garage has closed and the nearest convenience store would be the Coop in Whitwick which is not within a reasonable walking distance of the site and would be accessible via Church Hill/Talbot Street which have an undulating topography and do not have footways or street lighting for much of the route making it undesirable for use by pedestrians. Given the above, it is considered the future occupiers of the dwelling would be heavily reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially and environmentally sustainable.

As set out in the background section of this report, planning permission has previously been granted for the three dwellings on this site and therefore, the principle of development on this site has previously been accepted by the District Council. Whilst the previous permission has lapsed, it is still necessary to consider whether there has been any changes in circumstances since the previous application was approved. At the time of the granting of the outline planning permission (May 2016) which considered the principle and means of access to the site, a draft Local Plan was in place but in view of the very early stage to which the draft Local Plan has progressed, only very limited weight was attributed to its policies. At the time of the granted of the reserved matters (August 2017) which considered the layout, scale, appearance and landscaping a submitted Local Plan was at an advanced staged towards adoption and as a result due weight was given to the provisions of submitted Local Plan in considering the reserved matters.

In this respect, it should be noted that the current Local Plan was adopted in 2017 and the Limits to Development, have been updated to take into account the housing requirement up to the end of its plan period of 2031. In addition it defines Limits to Development for sustainable settlements only, as the Local Plan was prepared in accordance with the NPPF with the objective of contributing to the achievement of sustainable development. The Limits to Development will direct development to the most sustainable locations and those remaining settlements with no or very limited services, such as those in the Small Villages category like parts of Coleorton and Peggs Green, are part of the countryside policy. There is no longer a defined Limits to Development opposite the site as was the case when the previous application was determined.

It is noted that Policy H1 of the adopted Local Plan identifies sites with planning permissions but where development was yet to start at the time of the adoption of the Local Plan. It recognises that the principle of development on these sites has already been established and that the Council identifies that if these permission were to lapse, the renewals would be supported, unless there were robust reasons for not renewing permission. On the whole, these sites are within settlements identified as 'sustainable villages', or above in the settlement hierarchy, with a defined Limits to Development, or are larger sites contributing to the housing land supply in the district. The application site is not covered by this policy, and is of a small scale and not within the defined Limits to Development.

The supporting Design and Access statement makes reference to there being a significant demand for self-build within the district with high levels of interest shown on local sites recently

granted permission. It then goes on to indicate that the development is for three self-build dwellings, which are considered to be cheaper than the market equivalent and gives the home owner the opportunity to build a bespoke dwelling to their own personal requirements. Self and custom build is defined as the building or completion by individuals, an association of individuals or persons working with or for individuals, of houses to be occupied as homes by those individuals. It is difficult to see how this full application for the erection of 3 detached dwellings would meet this 'definition' in view of the fact that this is a detailed application which includes all design details, therefore, not allowing for an input from the prospective occupiers. As a result, it is considered that the proposal conflicts with the definition of self and custom build and it is not clear how the proposed dwellings would contribute towards the delivery of self-build and custom housebuilding in the district. Notwithstanding this, when taking into account the number of permissions for self and custom build plots within the district and the number of entrants on the Self-Build Register, the demand for self and custom build plots within the district has currently been met and the application proposal is not necessary to enable the District Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), given that there are an adequate number of permissions for self-build plots within the district.

It is recognised that self-build and custom housebuilding is a key element of the government's agenda to increase the supply of housing, both market and affordable. Its purpose is also to give more people the opportunity to build their own homes. However, it is important to note that there is nothing set out in legislation or guidance (or the Council's Local Plan) that advises that proposals for self and custom build applications should be treated any differently to applications for housing in general. It is therefore suggested that proposals for self and custom build properties will also be expected to comply with general housing policies in the Local Plan, for example, settlement hierarchy and the expectation that new housing development is to be located within the defined Limits to Development.

When having regard to the above, it is clear that there has been a change in policy circumstances since the granting of the previous planning permission. It is also noted that at the time of the determination of the previous outline application, the Authority was unable to demonstrate a 5 year supply of housing but this is no longer the case as the Authority can currently demonstrate a 10.2 year housing land supply. Site circumstances have also changed as the local shop at the nearby garage has closed and future residents of the proposed dwellings would be heavily reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially and environmentally sustainable. The proposal, whether self-build or not, would now conflict with the provisions of Policies S2 and S3 of the adopted Local Plan and the development can no longer be considered to represent a sustainable form of development. Therefore, the application is not considered to be acceptable in principle.

Condition 5 of the outline planning permission required the provision of a scheme of environmental improvements, microgeneration and sustainability methods. The application submission indicates that the dwellings will be carbon neutral, built to Passivhaus Standard and the airtightness of the building will exceed building regulations. The supporting documents indicate that sustainable technologies will be utilised including photovoltaic cells, ground source heat pumps and grey water/rainwater harvesting. 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). Whilst the environmental credentials of the proposed dwellings are noted, along with the measures to promote and encourage biodiversity on the site which could assist in the off-setting, the environmental harm caused by a heavy reliance on the private car to

access basic services, these are not considered to overcome the fundamental harm caused to the environment by the urbanisation of a rural greenfield site and in relation to Policy S2 and S3 of the Local Plan.

Layout, Scale and Appearance

Local concern has been raised about the suitability of the design of the proposed dwellings when having regard to the character of existing development in the locality.

With the exception of a dropped crossing within the public highway, the layout, scale and appearance of the development is the same as that approved under the earlier permission and which were found to be acceptable. Whilst the previous permission has lapsed, it is still necessary to consider whether there has been any changes in site or policy circumstances since the previous application was approved. Although not adopted at the time of the determination of the reserved matters application (August 2017), the submitted Local Plan was at an advanced stage towards adoption (November 2017) and as a result due weight was given to the provisions of Policies S3, D1 and H6 at that time.

In considering the earlier scheme, the following observations were made:

The properties have a distinct building line concordant with that of the houses flanking the site. The spatial pattern is also roughly maintained - detached dwellings in quite generous plots set back from the road. No. 67 Loughborough Road exhibits a plot with three buildings, one of which is forward of the main house close to the edge of the road and the houses on the other side of Loughborough Road have a staggered building line. The proposed layout of the building respects this mix by having a slightly staggered building line.

The scale of the properties is proportionate to many houses in the vicinity which have mixed footprint sizes and eaves and ridge heights. Any increase in scale over existing properties in the vicinity is marginal and will not be significantly noticeable particularly considering the houses will be set back approximately 26m from the edge of Loughborough Road and set low in the plot based on the sloping topography of the site.

With regard to the proposed garage to the front of plot 3 and the appearance of the dwellings, the following observations were made:

This location is considered to be acceptable based on the variety of buildings along Loughborough Road, in particular No. 67 which has buildings very close to the edge of the road, it is not considered that the inclusion of the garage would detract from the general character of the area. Furthermore, the garage will be set back from Loughborough Road by over 17m and screened by the proposed planting to the front of the site. The design of this garage has been amended following negotiations to hip the roof on all sides resulting in a pyramidal roof; minimising its massing and impacts.

Plot 2 has been handed with the garage position swapping sides; this followed a request from officers to break up the rather extensive ridge line running from Plot 1 and 2 which had a look more akin to a row of terraces than semi-detached dwellings. The handing of the plot has alleviated the issue and resulted in an improved form of development.

The design of the proposed houses is much more modern than can be seen in the vicinity along Loughborough Road ... It is considered that the proposed dwellings are not so modern as to contrast significantly. The design maintains the general shapes and proportions of the dwellings in the vicinity but imparts a more modern style to the exterior; this will add to the character of the area and the local distinctiveness as promoted by the NPPF. The final colour palette and materials will be conditioned but the submitted plans are coloured giving some indication of the

final finish expected. The inclusion of roof lights is not significant and will not affect the overall impact of the development. The inclusion of a flat roofed element to the rear of the houses is considered acceptable. Based on the above it is considered that the layout, scale and appearance of the proposed development would be acceptable and the proposal complies with [the then] submitted Local Plan Policies S3, D1 and H6 and the NPPF.

It is not considered that there have been any significant changes in policy or site circumstances that would justify an alternative view being taken now and the current proposal is considered to be acceptable for the purposes of Policies S3, D1 and H6 of the adopted Local Plan, relevant design provisions of the NPPF and the Good Design SPD.

Access, Parking and Highway Safety

Concern has been raised by local residents and local Parish Council's about the suitability of the traffic report accompanying the application, the suitability of the proposed gated access onto a busy road with restricted visibility (due to landscaping) where the speed limit is not adhered to and where pedestrian footways are lacking. Concern has also been raised about the suitability of the proposed pedestrian refuge in the highway which would have the effect of narrowing the carriageway. Those objecting to the scheme are also concerned about construction vehicles parking in the public highway should permission be granted.

Access, the internal access drive and parking would remain as per the previously approved scheme. From a policy perspective, details of access were previously included for consideration at the outline stage with the internal layout and parking being considered at the reserved matters stage. Since the outline permission, a new Local Plan has been adopted and highways guidance provided by the County Council has been updated with the adoption of the Leicestershire Highways Design Guide. The suitability of the access and highway safety implications will need to be assessed against the provisions of the adopted Local Plan and the Leicestershire Highways Design Guide.

As stated above, the application submission has been amended since the previous permission to include the provision of a dropped crossing within the public highway outside the site. During the course of the application, the applicant has also provided a Road Safety Audit following a request from the County Highways Authority.

The County Highways Authority has been consulted on the application and their comments are currently awaited. A response from the County Highways Authority is anticipated shortly and will be provided on the update sheet.

Impacts on Residential Amenities

The layout, scale and appearance of the development is the same as that approved under the earlier permission and which were found to be acceptable against the provision of the submitted version of the adopted Local Plan which was at an advanced stage towards adoption. As a result Policy D2 was given due weight in the determination of that application and the proposal was found to be acceptable with the following conclusions being reached:

It was determined under the outline permission that due to the positioning of the proposed development and its relationship with the surrounding properties, it was unlikely that the new dwellings would have a significant impact on the amenities of occupiers of nearby properties in terms of loss of light, privacy or overbearing impacts. Nevertheless, with the submission of greater details relating to the design and scale of the dwelling the impact of the development on the occupiers of neighbouring properties can be assessed in more detail.

The application site is situated between two-storey residential dwellings of No's. 67 and 61 Loughborough Road. No. 61 does have a window to the side gable facing the site but this does not serve a habitable room and any loss of light to this window and the plot as a whole has been mitigated by the inclusion of hipped roofs to the house and the garage as well as being sited in-line with the neighbouring property so as to minimise the presence of stark walls to the front or rear gardens. The shadow paths of the plots have been assessed and it is considered that whilst some overshadowing will occur it will be limited and not significant enough to warrant a refusal of the application. Any light lost will be mainly in the front garden of the neighbouring property on winter afternoons. The house at No. 61 itself will block most of its own light in the later afternoon and evenings. The garage to the front of Plot 3 will have the most impact on No. 61 although, as mentioned the roof has been designed so as to not result in significant overshadowing and overbearing effects. Furthermore the existing hedge between the properties is to be maintained which will provide some screening of the proposed development from the neighbouring site.

On the other side, at No. 67, the main impacts will be from Plot 1 although between the two is an existing detached garage which will aid in separating the two properties, provide some screening and obscure the views. Furthermore, there are no habitable room windows proposed to the front of Plot 1 and the closest window will be an obscure glazed en-suite window.

Having reviewed the impact of the proposal in detail, it is considered that the proposed dwellings would not significantly affect the amenities of occupiers of the neighbouring properties in terms of loss of light, privacy overbearing impact nor outlook. It is also deemed that there would be sufficient distance between the proposed dwellings and the existing properties so as not to result in any significant overbearing, overlooking or overshadowing impacts for the future occupiers of the proposed dwellings. It is therefore considered that the proposal would comply with the provisions of ... [the then] submitted Local Plan Policy D2.

It is not considered that there have been any significant changes in policy or site circumstances that would justify an alternative view being taken now and the current proposal is considered to be acceptable for the purposes of Policy D2 of the adopted Local Plan, relevant design provisions of the NPPF and the Good Design SPD.

Heritage Assets

The nearest corner of the application site would be located approximately 85m to the east of the Church of St George, which is a Grade II listed building. There is intervening land with buildings and vegetation between the site and this heritage asset such that the Conservation Officer has advised that the proposed development would not harm the setting of the church. As a result, no further consideration of the impact of the development on heritage impacts is required and the proposal would not conflict with Policy He1 of the adopted Local Plan or the relevant provisions of the NPPF.

The County Archaeologist has provided no comments. In respect of the earlier application, the County Archaeologist advised that no archaeological mitigation would be required in connection with the development and as with the earlier scheme, in the circumstances that archaeology would not act as a constraint on the development it would accord with the aims of Paragraph 190 of the NPPF.

Ecology and Landscaping

The former outline permission was subject to conditions at the request of the County Ecologist which required the submission of an updated Great Crested Newts Habitat Suitability Survey including mitigation measures should no start on the development have been made before

February 2018. The submission of a landscape/ecological management plan for the wetland areas to promote biodiversity and reinforced native planting to encourage biodiversity was also required to secure opportunities for the enhancement of nature conservation in the area and to ensure the protection of wildlife.

The current application submission was accompanied by a Badger Survey (dated February 2016) and a Landscape and Ecological Management Plan (dated July 2019). Given the time that has lapsed since the previous permission was granted and the submission of additional landscape and ecological information in response to the requirements of condition 14 of the former reserved matters permission, the advice of the County Ecologist has been sought. The County Ecologist advises that the badger survey found no evidence of badgers on site but concluded that the site had some suitability to support badgers. Due to the time that has lapsed since the survey was undertaken, the County Ecologist recommends that any permission granted should be subject to a condition requiring the provision of a badger survey of the site prior to the commencement of the development, including a mitigation plan if any badgers are recorded.

The County Ecologist also notes that the Landscape and Ecological Management Plan (Brindle & Green, July 2019) recommends a working methodology to minimise the impact of the development on nesting birds, reptiles and amphibians and bats, which should be followed. The County Ecologist also advised that the Landscape and Ecological Management Plan provides a description of the proposed wetland creation area which should be implemented prior to the occupation of the dwellings. Compliance with the 10 year management plan set out in the Landscape, Ecological Management Plan would need to be subject to a condition.

Overall, subject to the imposition of the conditions as requested by the County Council Ecologist, or relevant informative, the scheme would be compliant with the provisions of Policy En1 of the adopted Local Plan and Paragraph 175 of the NPPF.

In considering landscaping within the former reserved matters application, the following conclusions were reached with respect to landscaping of the site:

The proposed landscaping scheme involves the planting of trees, shrubs and hedges to bolster the development and to add to the trees retained on site and around its periphery as well as replacing the hedgerow fronting Loughborough Road. The trees detailed are of an acceptable mix and are to be substantial specimens which will add maturity upon planting rather than whips that will take many years to contribute to the site. Whilst several of the existing trees on the front and within the site are or have been removed, the proposed scheme will help to screen the development and complement its form.

The hard landscaping is proposed to be high quality with granite setts to the main access and paving across the internal access and drives. Slabs are proposed around the houses and patios all edged appropriately. Boundary treatments are to be dealt with by Condition 6 of the outline permission but they are outlined on the submitted plans as low brick wall with piers, and 1.8m high timber fencing.

To the rear of the site is a dedicated wetland area to help increase the biodiversity of the site. This is not a balancing pond. Details of the wetland area and how it will be drained will be conditioned as part of this application if approved. A method and maintenance schedule has been conditioned by Condition 14 of the outline permission. As wetland areas are a sensitive matter the precise details were not requested in this application directly; the use of a condition will allow for tighter control and a more successful wildlife area.

Based on the above it is considered that the landscaping part of this application is acceptable and accords with [the then] submitted Local Plan Policies En1 and En3, and the NPPF.

Notwithstanding comments from the tree officer that the landscape proposals require more work, it is not considered that there have been any significant changes in policy or site circumstances that would justify an alternative view being taken now and the current proposal is considered to be acceptable for the purposes of Policies En1 and En3 of the adopted Local Plan, relevant provisions of the NPPF.

Drainage and Floodrisk

Concern has been raised about the proposed development resulting in surface water drainage and flooding issues at a neighbouring property to the south which lies at a lower land level.

In considering drainage and floodrisk within the former reserved matters application, the following conclusions were reached:

The site lies within Flood Zone 1 and is not identified as a site with a critical drainage issue on the Environment Agency's Surface Water Flooding Map and details of drainage would be dealt with under separate legislation. As the amount of hard surfacing is to increase significantly, the risk of surface water run-off increases. Initially, the LLFA have objected to the proposals based on the lack of detail submitted but further details were submitted during the course of the application. These additional details were further assessed by the LLFA who have removed their objection subject to the imposition of two conditions and informative notes to ensure that site drainage and the maintenance of that system is acceptable and will not lead to any undue flooding or drainage issues.

Insofar as foul drainage is concerned, it is indicated on the application forms that this would be discharged to the main sewer with such discharge being agreed with Severn Trent Water under separate legislation. Severn Trent Water have not raised an objection to the application and therefore this means of foul drainage is considered appropriate and would ensure compliance with [then] Paragraph 120 of the NPPF.

Concern has been raised by the landowner to the rear of the site who has chronic problems with drainage from the site and surrounding area, with the inclusion of the wetland area a cause of concern. The full details of this wetland area including its management, maintenance and drainage flows will be conditioned to ensure that there are no adverse impacts resulting from this area.

Based on the above it is considered that the proposal is acceptable and accords with submitted Local Plan Policies Cc2 and Cc3.

The reserved matters permission was subject to two drainage conditions covering surface water drainage details and drainage maintenance. The site still lies within Flood Zone 1 and is not identified as a site with a critical drainage issue on the Environment Agency's Surface Water Flooding Map. The Local Lead Flood Authority has advised that the LPA should seek to utilise the advice given against the previous reserved matters application. It is not considered that there have been any significant changes in policy or site circumstances that would justify an alternative view being taken now and subject to conditions, the current proposal is considered to be acceptable for the purposes of Policies Cc2 and Cc3 of the adopted Local Plan and relevant provisions of the NPPF.

Other

With regard to information being missing from the application forms, this information was redacted through the Planning Portal submission process and the information is available for officer viewing.

Conclusion

In conclusion, former permissions granted for residential development on the site have lapsed and there has been a change in policy circumstances in the intervening period. The proposed residential development which would be located outside the Limits to Development would not be a form of development permitted by Policies S2 or S3 of the adopted Local Plan (2017). The application would result in the unwarranted development of a greenfield site located outside Limits to Development, not constituting sustainable development, contrary to the policies and intentions of Policies S2 and S3 of the adopted Local Plan (2017) and the advice in the NPPF. It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reason:

- 1 Policy S2 of the adopted Local Plan (2017) contains a settlement hierarchy and this part of Coloerton (along with Peggs Green to which this site more closely relates) are specified as a Small Village with very limited services and facilities and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land. The proposed new dwelling on a greenfield site would not meet the requirements for an exceptions site for affordable housing under Policy H5 of the adopted Local Plan and therefore, consideration of the applications falls under Policy S3 of the adopted Local Plan (2017) which does not support residential development on greenfield sites outside Limits to Development. The proposal 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.