

Erection of a detached dwelling (Amended Scheme)

Report Item No
A4

Land To The Rear 31 The Green Thringstone Coalville
Leicestershire

Application Reference
14/00320/FUL

Applicant:
Mr Colin Draycott

Date Registered
28 April 2014

Case Officer:
James Mattley

Target Decision Date
23 June 2014

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application falls to be determined by the Planning Committee as the application has been called in by Councillor Spence as part of the DEL1 process.

Proposal

Planning permission is sought for the erection of a detached dwelling on land to the rear of 31 The Green, Thringstone. The application site is located to the west of The Green behind the existing line of dwellings which front onto the road. The site is located outside of the limits to development as defined by the Local Plan.

Consultations

A total of 4 letters of representation have been received; 2 in support of the application and 2 against the application. No other objections have been received from any other statutory consultees.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application and the weight that can be attached to these policies is the supply of housing in the context of the National Planning Policy Framework (NPPF).

Conclusion

The proposal is no longer considered to adversely affect and diminish the present open and undeveloped character of this part of the Green Wedge and, therefore, the scheme would be acceptable in relation to Policy E20 of the Local Plan. Previous concerns relating to the access have been satisfactorily addressed such that the County Highway Authority no longer object to the application and the scheme is considered acceptable with regard to Policy T3 and T8. However, the proposed dwelling would not be in keeping with the character and appearance of the surrounding area and is considered to be contrary to the aims of Policy E4 and H7 and the advice in the NPPF. It is, therefore, recommended that planning permission be refused.

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of a detached dwelling on land to the rear of 31 The Green, Thringstone. The application site is located to the west of The Green behind the existing line of dwellings which front onto the road. Residential properties front onto The Green but the majority of the application site and the land further to the west is located within the countryside and some of the adjacent land is defined as Green Wedge in the North West Leicestershire Local Plan. Part of the application site is also located within a site of county or district ecological or geological interest.

In January 2014 planning permission was refused for a similar development although it was located in an amended location. The reasons for refusal stated:

1 The application site is situated within the Coalville-Whitwick-Swannington Green Wedge, as defined on the North West Leicestershire Proposals Map, 2002. The Green Wedge is provided to protect the structurally important areas of open land which influence the form and direction of urban development, prevent coalescence, maintain the physical identity of adjacent settlements and preserve links between the urban centres and the open countryside. Policy E20 (Green Wedge) of the Local Plan guards against development that would adversely affect or diminish the present open and undeveloped character of the Green Wedge, with any built development permitted being limited to minor structures and facilities that are ancillary to agriculture, forestry, minerals extraction and outdoor sports and recreation uses. The proposal would adversely affect and diminish the present open and undeveloped character of this part of the Green Wedge and the proposed built development would not be limited to minor structures and facilities that are ancillary to agriculture, forestry, minerals extraction and outdoor sports and recreation uses. The proposal is therefore contrary to Policy E20 (Green Wedge) of the Local Plan, 2002.

2 Policy E4 of the North West Leicestershire Local Plan states that in determining planning applications, regard has to be had to the wider setting of new buildings. New development should respect the character of its surroundings in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the street scene generally. Policy H7 seeks good quality design in all new housing development. The proposed dwelling would not be in keeping with the street scene in the surrounding area and approval of such an application could also set a precedent for similar unacceptable and undesirable development in the surrounding area. On this basis, the proposal would be contrary to Policy E4 and H7 of the North West Leicestershire Local Plan and the advice in the NPPF.

3 Policy T3 of the North West Leicestershire Local Plan requires development to make adequate provision for vehicular access, circulation and servicing arrangements. The proposal, if permitted, would lead to an intensification in use of an access that is substandard in width and would be likely to lead to vehicles waiting within the highway in order to enter the site, which would be an additional source of danger for road users and would be detrimental to the free flow of traffic and not in the interests of highway safety. The Applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and the proposal, if permitted, would consequently result in an unacceptable form of development and could lead to dangers for road users. On this basis the proposal would not be in accordance with Policy T3 of the Local Plan.

The proposed dwelling would be accessed between No.31 The Green and No.7 Main Street,

Thringstone. The plans indicate that the dwelling would be two storeys in height with the second floor accommodation provided within the roof. It would measure a maximum width of 17.75 metres, a maximum length of 10.7 metres and would have an eaves height of 2.9 metres in height to the eaves and a ridge height of 7.2 metres. There are significant land level differences across the site.

The application is accompanied by an ecological appraisal and a design and access statement.

Relevant Planning History:

13/00582/FUL - Erection of a detached dwelling - refused.

2. Publicity

8 no neighbours have been notified (Date of last notification 29 April 2014)

Site Notice displayed 2 May 2014

Press Notice published 7 May 2014

3. Consultations

County Highway Authority
Severn Trent Water Limited
Natural England
LCC ecology

4. Summary of Representations Received

Natural England has no objection in relation to statutory nature conservation sites and has left standing advice in relation to other ecological matters

County Highway Authority has left standing advice comments for a range of highway matters to be considered.

County Ecologist considers that the ecology report is satisfactory and raises no objection subject to the imposition of relevant conditions.

Severn Trent Water has no objection subject to the inclusion of relevant notes to the applicant.

Two letters of representation has been received in support of the application as it would improve the outlook of The Green.

Two letters of representation has been received objecting to the application on the following grounds:

- _ Field is protected by Policy E26;
- _ The proposal does not accord with the development plan in the area;
- _ The proposal does not comply with the Highways and Fire Requirements;
- _ The application contains incorrect information;
- _ There have never been dwellings located on the site;
- _ Land has been used for grazing and is not disused scrubland;
- _ Would set an undesirable precedent;
- _ Access is narrow and would add to the congestion in the surrounding area;

_ Flooding and drainage issues.

5. Relevant Planning Policy

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 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 Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

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

Adopted North West Leicestershire Local Plan (2002)

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing developments.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 requires new development to respect the character of its surroundings.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

Policy E20 seeks to prevent development that would adversely affect or diminish the present open and undeveloped character of the Green Wedge.

Policy E26 states that development will not be permitted which could adversely affect sites of County and District ecological or geological interest, or Local Nature Reserves.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

Submission Core Strategy (April 2012)

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Policies

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters.

6. Assessment

Principle of Development

In relation to the previous application on the site the 'Principle of Development' section of the report indicated the following:

The access drive and a small section of the dwelling are located within the limits to development. However, the majority of the application site is greenfield land located outside of limits to development and situated within the designated Coalville-Whitwick-Swannington Green Wedge, as defined on the North West Leicestershire Proposals Map, 2002.

Policy E20 (Green Wedge) of the Local Plan states that development will not be permitted which would adversely affect or diminish the present open and undeveloped character of the Green

Wedge, with any built development permitted being limited to minor structures and facilities that are ancillary to agriculture, forestry, minerals extraction and outdoor sports and recreation uses. Whilst it is acknowledged that the NPPF does not refer specifically to strategic land designations such as Green Wedge, there are a number of references within the NPPF that support the relevance of Policy E20 (Green Wedge). Paragraph 17 of the NPPF sets out the core planning principles of the Framework, which include that planning should take account of the different roles and character of different areas and should contribute to conserving and enhancing the natural environment. In addition, paragraph 109 of the NPPF states "the planning system should contribute to and enhance the natural environment by: protecting and enhancing valued landscapes". The locally designated Green Wedge is provided to protect the structurally important areas of open land which influence the form and direction of urban development, prevent coalescence, maintain the physical identity of adjacent settlements, preserve links between the urban centres and the open countryside, provide recreational facilities and promote positive management to ensure that they remain and are enhanced as attractive environmental features. The open land between Coalville, Whitwick and Swannington is a long established feature, designated as Green Wedge (albeit through previous policy processes) due to it having a particular landscape value worthy of protection. It is especially valued by the local communities and continues to receive public support for its retention. Paragraph 114 of the NPPF also states that "Local planning authorities should...plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure". The NPPF glossary defines Green Infrastructure as a network of multi-functional green space. The Green Wedge is a multi-functional Green Space as it provides opportunities for agricultural uses, prevents the merging of settlements and provides recreational benefits.

The proposal for one dwelling on the site would clearly not be in accordance with Policy E20 as it would adversely affect or diminish the present open and undeveloped character of this part of the Green Wedge and the proposed built development would not be limited to minor structures and facilities that are ancillary to agriculture, forestry, minerals extraction and outdoor sports and recreation uses. The proposed development is not therefore deemed to be appropriate in principle. Approval of such an application could also result in similar unacceptable developments within the Green Wedge area.

However, the current application on the site proposes a new location that would result in the rear elevation of the proposed dwelling falling in close proximity to the edge of the Green Wedge designation. Although an extremely small part of the dwelling may encroach into this designated area and the amenity space of the dwelling would also likely be located within it, it is not considered that this would have a severe impact upon the Green Wedge in order to justify refusal of the application on this matter alone.

It is therefore necessary to consider impacts upon design, amenity, highway safety and any other material considerations.

Design

The need for good design in new residential development is outlined not only in Local Plan Policy H7, but also paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in

terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

The character of the application site is an undeveloped and open field with mature trees and hedges bordering it. Similar undeveloped land is located to the north, south and west of the application site. To the east are residential properties which are characterised predominantly by two storey dwellings which either front the road or are set back slightly from the road. This particular area is not characterised by back-land development and, therefore, the proposal would not be well related to the street scene in the surrounding area. Approval of such an application could also result in similar unacceptable developments in this area.

Overall, the design, appearance and scale of this proposal is not considered to be acceptable and would not be in accordance with the character and appearance of the surrounding area and is considered to conflict with Policy E4 and H7 of the Local Plan and advice in the NPPF.

Highway Safety

The access to the dwelling would be positioned between No.31 The Green and No.7 Main Street, Thringstone. The site visit revealed that part of the access drive, located immediately off The Green, is used as off-street car parking in association with No.31 The Green. The County Highway Authority (CHA) has been consulted and does not raise any objections to the proposal under the standing advice procedure subject to the inclusion of relevant conditions and notes to applicant. These include matters relating to the access, car parking for existing and proposed dwellings, turning facilities, access surfacing, access drainage and ownership issues.

On this basis it is considered that the scheme is acceptable in relation to Policy T3 and T8 of the Local Plan.

Other

Given the distances to surrounding residential properties and the 1.5 storey nature of the proposal, it is not considered that the scheme would result in any significant overbearing, overshadowing or overlooking impacts. On this basis the scheme is considered to be acceptable in relation to Policy E3 of the Local Plan.

The site is located in close proximity to an area designated as a site of County and District ecological or geological interest and is protected by Policy E26 of the Local Plan. This Policy states that where development is permitted on such sites, the developer will be required to minimise damage to and disturbance of the site, or, where material damage or disturbance is unavoidable, to provide suitable new habitats. The County Ecologist has been consulted on the proposed scheme and considers that the site had ecological value in the past as species-rich grassland, but it is clear from the ecology survey that much of this value has been lost, through lack of management of the grassland. The ecologist also notes that the application is on part of the grassland only, and the least important part. Therefore, it is not considered that there is any conflict with Policy E26 of the Local Plan. It is also noted that Natural England raise no objections to the proposed scheme subject to the imposition of relevant conditions and notes to applicant.

The Design and Access Statement indicates that the application site previously contained two dwellings until these were demolished in or after 1991. However, letters of representation from a surrounding neighbour indicates that dwellings have never been positioned on the land and that the buildings shown on old maps were used for agriculture. Whilst the history of the site is

not clear, any buildings have now been demolished and the application site has blended back into the landscape in the process of time. Therefore, the former presence of buildings on the site would not be sufficient reason to grant planning permission for an unacceptable development.

Conclusion

The proposal is no longer considered to adversely affect and diminish the present open and undeveloped character of this part of the Green Wedge and, therefore, the scheme would be acceptable in relation to Policy E20 of the Local Plan. Previous concerns relating to the access have been satisfactorily addressed such that the County Highway Authority no longer object to the application and the scheme is considered acceptable with regard to Policy T3 and T8. However, the proposed dwelling would not be in keeping with the character and appearance of the surrounding area and is considered to be contrary to the aims of Policy E4 and H7 and the advice in the NPPF.

RECOMMENDATION - REFUSE, for the following reason(s):

- 1 Policy E4 of the North West Leicestershire Local Plan states that in determining planning applications, regard has to be had to the wider setting of new buildings. New development should respect the character of its surroundings in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the street scene generally. Policy H7 seeks good quality design in all new housing development. The proposed dwelling would not be in keeping with the street scene in the surrounding area and approval of such an application could also set a precedent for similar unacceptable and undesirable development in the surrounding area. On this basis, the proposal would be contrary to Policy E4 and H7 of the North West Leicestershire Local Plan and the advice in the NPPF.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. In the Local Planning Authority's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.