

Erection of one dwelling and creation of a new vehicular access

Report Item No  
A1

Land Adjacent To 2 Station Terrace Heather Coalville  
Leicestershire LE67 2QN

Application Reference  
22/00267/FUL

Grid Reference (E) 439500  
Grid Reference (N) 310576

Date Registered:  
31 January 2022  
Consultation Expiry:  
16 April 2022  
8 Week Date:  
28 March 2022

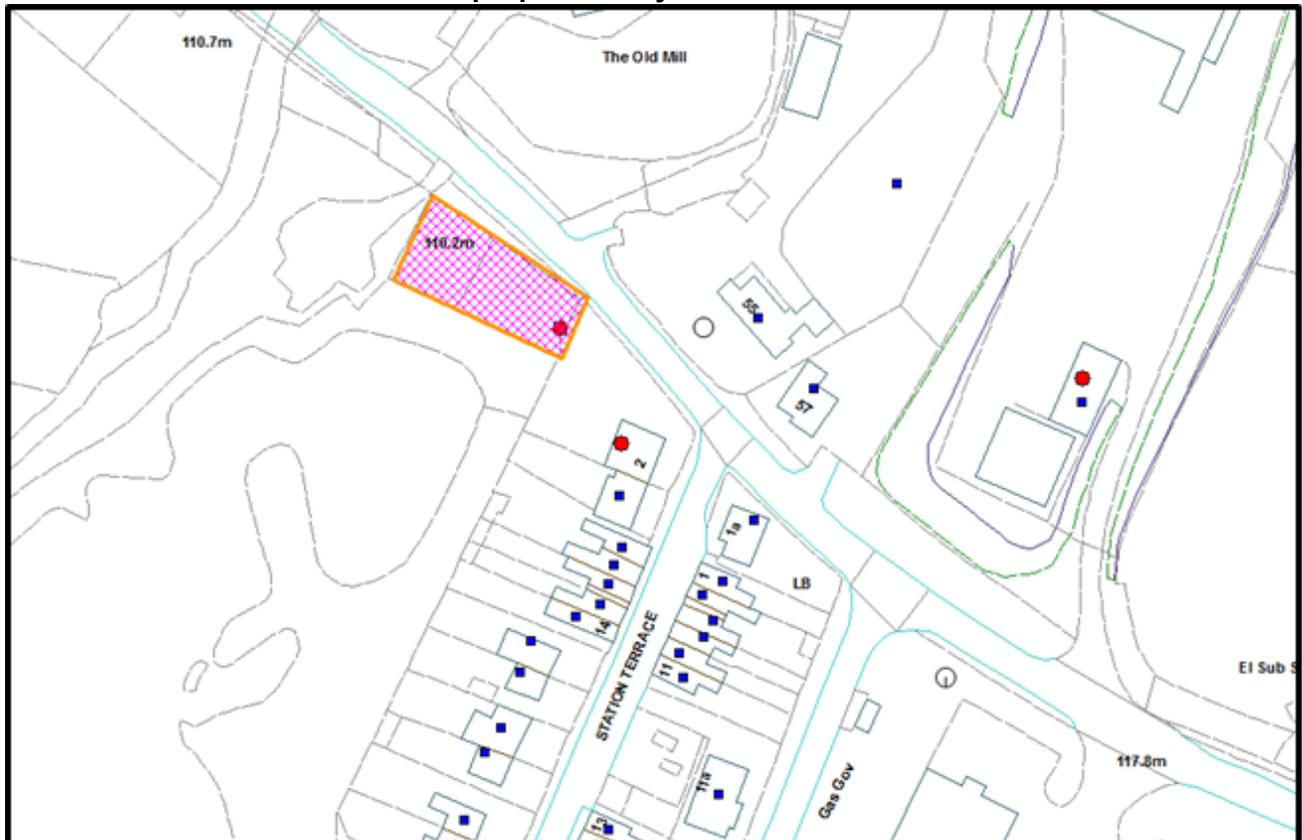
Applicant:  
Mrs Alison Wright

Extension of Time:  
6 May 2022

Case Officer:  
Sarah Booth

Recommendation:  
REFUSE

Site Location - Plan for indicative purposes only



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### **Call In**

This application has been brought to the Planning Committee at the request of Councillor Richichi and Councillor Clarke due to public interest.

### **Proposal**

Planning permission is sought for the erection of one detached dwelling on land adjacent to 2 Station Terrace and the creation of a new vehicular access on to Mill Lane.

### **Consultations**

A total of 9 letters of neighbour representation objecting to the development have been received. 15 letters of support have also been received. Concerns have also been raised by the County Highway Authority. No further objections have been received from other statutory consultees who have responded during the consultation process.

### **Planning Policy**

The site is located outside the Limits to Development as per the Policy Map of the adopted Local Plan. The application has also been assessed against the relevant policies within the NPPF (2021), the adopted Local Plan, the Council's Good Design Supplementary Planning Document (SPD) and other relevant guidance.

### **Conclusion**

The proposal would be outside the Limits to Development and would conflict with the settlement hierarchy and strategic housing aims of Policy S2. This application would also be contrary to Policy S3, as it is not a form of development supported in the countryside under Policy S3. This would be fundamentally at odds to the primary sustainability aims of the NPPF and would result in unwarranted development in the countryside. Furthermore, the proposal would create and exacerbate ribbon development contrary to the aims of Policy S3 (iii).

The application has also failed to demonstrate that the proposed new vehicular access on to Mill Lane would be acceptable and without the relevant information to make an informed decision it cannot be substantiated that the proposal would not cause an unacceptable impact upon highway safety. It also cannot be ascertained whether the development would impact on users of Bridleway Q67 which is located directly opposite to the application site. In these circumstances the proposal would be contrary to highway safety policy IF4 of the adopted Local Plan, Paragraphs 110 and 111 of the NPPF and the Leicestershire Highways Design Guide.

It is therefore recommended that the application should be refused on the above grounds.

### **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

Planning permission is sought for the erection of one dwelling and a new vehicular access on land adjacent to 2 Station Terrace, Heather. The application proposes a two storey dwelling with the first floor accommodation located within the roof space which includes dormer windows. The existing dwelling fronts onto Station Terrace, however the new dwelling would front and be served by a new vehicular access on to Mill Lane.

The site lies outside of the Limits to Development as defined by the Policies Map to the adopted Local Plan. The site is therefore within the countryside as per Policy S3 of the adopted Local Plan.

Amended plans have been received during the course of the application to amend materials and include an additional dormer window as per advice received from the Conservation Officer. Additional highways information has also been provided by the planning agent.

Precise details of the proposal can be viewed on the submitted plans.

### Relevant Planning History

02/00547/FUL - Erection of single storey side/rear extension Approved 15.05.2002.

01/00785/OUT - Erection of dwelling (outline) Refused 09.11.2001.

79/0445/P - Erection of a bungalow (Outline) Refused 25.07.1979.

### 2. Publicity

7 neighbours notified.

Site Notice displayed 4 March 2022.

Press Notice published Leicester Mercury 9 March 2022.

### 3. Summary of Consultations and Representations Received

**Heather Parish Council** - have commented as follows:

*Please be aware that this application has been seen by our Parish Council. However the Chair of our council is the applicant and declared an interest at the beginning of the meeting and left the meeting when this application was discussed. Another of our councillors declared an interest in that he indicated that it adversely affected his property and he was going to respond as a neighbour consultee. Therefore, only four of our councillors' views are included in this statement. None of those councillors have any objection to this application.*

**County Highway Authority** - Have advised that insufficient information has been provided for the CHA to assess highway safety.

**NWLDC Conservation Officer** - Originally raised concerns that the proposed development would result in less than substantial harm however amended plans have been received to address the concerns raised.

**No objections from:**

County Archaeologist  
LCC Minerals And Waste Planning

**No objections subject to conditions / Notes to applicant:**

Environmental Protection  
Tree Officer NWLDC  
LCC Ecology  
NWLDC Waste Service

**No response received from:**

Severn Trent Water

**Third Party Representations**

15 letters of neighbour support have been received, these are summarised as follows:

- The design would be in keeping.
- Most of the trees and hedges will be maintained.
- The applicant is a nice person and a pillar of the community.
- The development won't impact on neighbour's views.
- A Positive change to housing trends.
- The retirement bungalow will allow the applicant to remain living in Heather.
- The development would not impact on neighbours.
- There was a thatched cottage on this land historically.
- The dwelling will enhance the landscape.
- Minimal impact on the environment.
- It's difficult to maintain the existing garden.
- There haven't been any recent accidents on this stretch of Mill Lane.
- The applicant keeps the existing property well maintained.
- The applicant has struggled to find an alternative bungalow in Heather.
- The applicant wants to continue to participate in village life.
- The applicant is involved in lots of community groups and is a Parish Councillor.
- 

9 letters objecting to the application have been received, these are summarised as follows:

- Highway safety / traffic / busy road / speeding
- The gated access will result in delivery vehicles reversing into Mill Lane which is busy.
- The road is used by lots of commercial vehicles and tractors.
- When the adjacent recreational fishing area is in use people often park on the road.
- The bridge and bend in the road impacts on visibility.
- Dwellings have been approved on the old brick yard site up the road which will further increase traffic.
- Impact on bridleway users including horse riders.
- The bridleway is used regularly by school children and the new development would affect their safety when crossing Mill Lane.
- Poor visibility when people leave the bridleway and try to cross Mill Lane.

- There is no bus service between Heather and Ibstock and as such more people walk in the area, especially school children.
- Impact on the environment.
- Loss of green belt land.
- Impact on wildlife.
- Impacts on River Sence and flooding.
- Inadequate existing sewer systems.
- The property is too large to be a retirement home.
- Permission was refused 20 years ago for a dwelling on this site.
- Impacts on the historic area of Heather.
- Loss of privacy to dwelling opposite the site.

**A letter of objection** has also been received from the President and Networks Officer for the Leicestershire and Rutland Bridleways Association. This is summarised as follows:

- The proposed entrance would be opposite to Bridleway Q67 which runs from Mill Lane to Pisca Lane.
- The bridleway is well used.
- Concerns that people and children waiting to cross the road will not have adequate waiting space without being in the way of vehicles accessing the application site.
- Concur with the County Highways Authority concerns about sightlines / visibility splays and traffic.
- Poor pedestrian visibility due to high hedge.
- Concerns over more dwelling being applied for on the application site in the future and implications from intensifying the access.

#### **4. Relevant Planning Policy**

##### **National Planning Policy Framework (2021)**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8 and 10 (Achieving sustainable development);  
Paragraph 11 (Presumption in favour of sustainable development);  
Paragraphs 55, 56 and 57 (Decision-making);  
Paragraphs 60, 69, 74, 75, 79 and 80 (Delivering a sufficient supply of homes);  
Paragraph 92 (Promoting healthy communities);  
Paragraphs 104, 105, 110, 11 and 112 (Promoting sustainable transport);  
Paragraphs 119, 120 and 124 (Making effective use of land);  
Paragraphs 126, 130, 132 and 134 (Achieving well-designed places);  
Paragraphs 152, 154, 157 (Meeting the challenge of climate change, flooding and coastal change);  
Paragraphs 174, 180 and 182-185 (Conserving and enhancing the natural environment);  
Paragraphs 194, 195, 197, 199-203 and 205-207 (Conserving and enhancing the historic environment); and  
Paragraphs 209 and 212 (Facilitating the sustainable use of minerals).

### **Adopted North West Leicestershire Local Plan (2021)**

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

S1 - Future Housing and Economic Development Needs;  
S2 - Settlement Hierarchy;  
S3 - Countryside;  
D1 - Design of new development;  
D2 - Amenity;  
H5 - Rural exception sites for affordable housing;  
IF4 - Transport Infrastructure and new development;  
IF7 - Parking provision and new development;  
En1 - Nature Conservation;  
En3 - The National Forest;  
En6 - Land and Air Quality;  
He1 - Conservation and enhancement of North West Leicestershire's historic environment; and  
Cc3 - Water - Sustainable Drainage Systems.

### **Adopted Leicestershire Minerals and Waste Local Plan (September 2019)**

The Leicestershire Minerals and Waste Local Plan forms part of the development plan and the following policies are relevant to the determination of the application:

Policy M11 - Safeguarding of Mineral Resources; and  
Policy M12 - Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure.

### **Other Policies and Guidance**

National Planning Practice Guidance.  
Good Design for North West Leicestershire SPD - April 2017.  
National Design Guide - October 2019.  
Leicestershire Highways Design Guide (Leicestershire County Council).  
National Forest Strategy 2014-2024.  
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

## **5. Assessment**

### **Principle and Sustainability**

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 current application is the Development Plan which, in this instance, comprises the adopted North West Leicestershire Local Plan (2021) and the Leicestershire Minerals and Waste Local Plan (2019).

Neighbour concerns have been raised regarding the impact of the development on the environment. Residents have also mentioned concerns regarding impacts on green belt land. For the avoidance of doubt, it is highlighted that there is no green belt land within the district however the site is on land identified as Countryside as per Policy S3 of the adopted Local Plan. The principle of the proposal will be considered below.

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

The application site lies outside the defined Limits to Development within the adopted Local Plans, with new dwellings not being a form of development permitted in the countryside by Policy S3. Policy S2 of the adopted Local Plan also advises that in villages such as Heather a limited amount of growth will only take place within the Limits to Development.

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 requirement contained in the submitted Local Plan.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within paragraphs 7 and 8 of 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.

Paragraph 8 of the NPPF state that achieving sustainable development means that the planning system has three overarching objectives that should be adhered to. These objectives for achieving sustainability are social, economic and environmental.

In respect of social sustainability, the District Council considers Heather to be a sustainable settlement for new residential development given the range of services available, including a shop, primary school and nursery, public houses, church and recreation ground as well as some limited employment uses including those along Mill Lane. These services would be within the 800-1000m recommended walking distances from the application site. The site is also located on the edge of Ibstock, which is further away from the site however benefits from a more extensive range of services and facilities.

It is accepted that the development has some potential to make a contribution to the economic sustainability aspect by virtue of the growth associated with the proposed development and via it's construction. However, this would be very limited given the minor scale of the proposal.

In terms of environmental sustainability, the site is outside the defined Limits to Development on land identified as countryside. Therefore the 'principle' of the proposal would be in direct conflict with Policy S3 of the adopted Local Plan. It is also noted that whilst Policy S2 of the submitted Local Plan identifies Heather as a sustainable village, it does specify that any 'growth' should be proposed on land within the Limits to Development. As such this proposal would not accord with the details listed in the hierarchy of settlements as per Policy S2 of the adopted Local Plan.

It is therefore considered that the application would fail to accord with the provisions required by the NPPF in relation to sustainable development as the scheme is considered to result in the unwarranted creation of dwellings within the Countryside.

**Policy S3 (i) - (vi)**

Development on land within the countryside is also required to be assessed against subparagraphs (i) - (vi) of Policy S3. An assessment of these subparagraphs is listed below:

*(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern...*

Taking into account that the development would be sited within an existing garden, in close proximity to other dwellings, it is not considered that the proposal would result in any detrimental visual impacts to the wider open landscape. The site is well screened by existing hedgerows, most of which would be retained by this proposal, other than the section removed to create a new vehicular access. The land to the south of the site has the most open views into the countryside however this area is well landscaped by trees and it is considered the proposed development would not be especially prominent from land to the south owing to existing boundary landscaping.

It is also noted that the building has been designed to have its first floor accommodation in the roof to reduce the overall maximum height of the building.

In consideration of the above, it would be unreasonable to argue that the proposed development would be harmful to the existing character and landscape of the countryside.

*(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements...*

Due to the minor scale of the development proposed this application would not undermine the physical or perceived separation between nearby settlements.

*(iii) it does not create or exacerbate ribbon development*

It is noted that the Planning Portal defines 'ribbon development' as "*development, usually residential, extending along one or both sides of a road but not extended in depth*" with the dictionary definition being the "*the building of houses along a main road, especially one leading from a town or village.*"

This development would add a new dwelling and a new vehicular access along Mill Lane, which is a main road between Heather and Ibstock, and would therefore result in the creation of ribbon development.

Whilst there are some other dwellings located on the South side of Mill Lane these would be between 200 - 330 metres from the application site and would not be read in the same context as the application site due to this separation distance, bends in the road and intervening recreation and industrial developments. It is also noted that there are a couple of dwellings on land opposite the application site however one is well screened by existing vegetation and the other is a historic listed building that has been on site for a considerable time.

It is considered that there are not any existing dwellings on this particular stretch of the south side of Mill Lane. Therefore the creation of this new dwelling would turn the corner from the existing dwelling on Station Terrace and establish a new building line on Mill Lane. As such it is considered that this development would detrimentally exacerbate ribbon development that

would allow an unnecessary and harmful sprawl of development on land in the Countryside contrary to the aims of Policy S3 (iii)

*(iv) built development is well integrated with existing development and existing buildings*

Given that the new development would be in close proximity to existing dwellings it is considered that the built development would be well integrated with existing development.

*(v) the development will not seriously undermine the vitality and viability of existing town and local centres*

Given the residential nature of the proposal, this criterion is not considered to be relevant.

*(vi) the proposed development is accessible, or will be made accessible by a range of sustainable transport.*

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within paragraphs 7 and 8 of the NPPF. Policy S2 is consistent with the core principle of the NPPF 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.

This application site is located between Heather and Ibstock. Policy S2 of the adopted Local Plan highlights that Heather is a 'Sustainable Village' with Ibstock being identified as a 'Local Service Centre'. Such services which are available in Heather include a shop, school, public house and community centre with Ibstock offering a wider range of services. These services/facilities are within 800-1000m (preferred maximum walking distance) of the site.

Future occupants of the application site would have access to public transport via a half-hourly bus service to Coalville operating from a bus stop on Station Road (Ibstock) which is within walking distance of the site. Whilst there is not a bus service in Heather itself there is a demand response transport (DRT) service which is operated by Coalville Yellow Cabs.

The above services would be accessible via foot on raised footways, or cycling, and consequently future occupants of the properties would not necessarily be dependent on the private car to access the most basic of services and would support the approach to a low carbon economy. The provision of the dwellings would also assist in sustaining these services which is a key intention of Paragraph 78 of the NPPF.

As such it is considered that the proposed development would accord with the aims of Policy S3 (vi).

### **Previously Developed Land**

It is noted that the applicant's submitted information argues that the proposed development could be supported under Local Plan Policies S2 and S3(e) (subject to subparagraphs (i) - (vi)) and the NPPF where it would be sited on 'Previously Developed land' (PDL).

The NPPF defines PDL as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. However, this excludes land in built-up areas such as residential gardens. The site's location is bounded by and opposite to existing dwellings. As previously mentioned, the site is not far from Heather

and Ibstock and the site is also in close proximity to neighbouring large industrial sites to the south-east and south-west of the application site. It is therefore considered this application site would be located in a 'built up area' and on that basis it would be excluded from the NPPF's definition of PDL. As such this development would not be supported under Policy S3 (e).

### **Other Principle matters**

The supporting Design and Access statement mentions that the new dwelling would be an "affordable property" and as such the statement argues that this development would be acceptable on that basis in the countryside. However there has been no submitted information to establish an identified local need for affordable housing in Heather. The submitted information states that the property would be for the personal use of the applicant and would therefore not meet the criteria of a rural exceptions site for affordable housing as per Policy H5 of the adopted Local Plan. As such, this reasoning would not outweigh the harm to the Countryside.

Members of the public have highlighted that the applicant's justification for the proposed new property is that it is required as a home for the applicant's retirement and the neighbour objection letters mention that the scale of the property is too large to be a retirement home. Notwithstanding this, there are no planning policies that support a home in the countryside on the basis of it being a "retirement house". The principle of the development is not supported under Policy S3 regardless of its scale.

Whilst numerous letters of support have been received stating that the applicant wishes to remain living in Heather this does not justify the provision of a new dwelling in the countryside.

Councillor Richichi supports the application and has referred to a planning application (19/00824/FULM) approved in 2021 for 14 dwellings on land to the north-east of the application site. Whilst those dwellings were approved outside of limits to development the site was brownfield land and was therefore supported as the development was located on previously developed land. This application is not considered to be Previously Developed Land.

Residents letters of objection have referred to a historic planning application on this site (01/00785/OUT) which was refused in principle and due to highway safety. The previous application was considered over 20 years ago and there have been several changes in national and local planning policy since this time and that application is too old to be a material consideration in this application. Each application should be assessed on its own merits and this application has been assessed on the latest planning policies. Notwithstanding this, the same principal concerns have been identified for both the previous and current applications.

### **Principle of development - Conclusion**

Accordingly, the application is not considered to represent sustainable development, a core objective of the NPPF, and therefore the application is not considered to be acceptable in relation to Policies S2 and S3 of the adopted Local Plan as well as the NPPF. Therefore, it is considered that overall, the proposal does not constitute sustainable development and the application should be refused in principle.

The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits. Consequently, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable.

The proposed development does not accord with either Policy S2 or Policy S3 of the adopted

Local Plan which does not support residential development of this kind outside of the defined Limits to Development. On this basis there is direct conflict with the settlement hierarchy and strategic housing aims of Policy S2 with the proposed form of development also not being supported in the countryside under Policy S3 of the adopted Local Plan. The failure of the development to protect or enhance the natural environment would also be contrary to Policy S3 as well as the core sustainability aims of Paragraphs 7 and 8 of the NPPF. It is also the case that the proposal would exacerbate ribbon development contrary to the aims of criterion (iii) of Policy S3. Such conflicts with Policies S2 and S3 of the adopted Local Plan would significantly and demonstrably outweigh the benefits of the proposal, and there are no other material considerations that would outweigh this harm.

### **Design and Visual Impact**

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 130 and 134 of the NPPF.

The site is located outside the Limits to Development under the Local Plan. On this basis the proposal would be assessed against the context of Policy S3, and paragraph 174 of the NPPF which requires planning decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

The application site is located within the garden of an existing property. In this case the existing dwelling fronts Station Terrace whereas the proposed new dwelling would be rotated at 90 degrees from the existing property so that it would front Mill Lane. Given there are existing properties facing Mill Lane, including some directly opposite the site, it is considered that there are already examples of properties having a frontage relationship with Mill Lane. Therefore, the principle of the proposed layout is considered to be acceptable in design terms.

It is noted that the principle section of this report has identified concerns with the proposal with regard to exacerbating ribbon development. To clarify, the assessment of the scheme in relation to its design and visual impact is based solely on the compliance of the scheme with policy relating to the encroachment of development into the countryside. The physical impact of the scheme and how that impacts on the surrounding area is a different argument to this and having regards to the assessment below, is not considered to be harmful and would not be a subsequent reason for refusal.

The submitted plans propose a new detached dwelling which would be two storey in height with the first floor accommodation being within the roof space and the inclusion of dormer windows. It is noted that the scale of the property would be larger and would be different in appearance from the existing properties on Station Terrace, which are generally two storey terraced / semi-detached dwellings. However, as the new dwelling would front Mill Lane it is considered that the new development would be acceptable in the context of neighbouring dwellings and the street scene on Mill Lane. As such this development would accord with Policies S3(i) and (iv) and D1 of the adopted Local Plan.

The proposed density of the site is considered appropriate having regard to the location of the site within the countryside and the character of the area. Furthermore both the proposed dwelling and the existing property would each have a footprint that would be at least equal to its outdoor amenity space, as recommended in the Council's Good Design Supplementary Planning Document (SPD). As such the proposal is not considered to result in overdevelopment of the site.

There is a public right of way directly across the road from the application site and the development would be highly visible from the public highway. Given the site's location in the countryside it is recommended that some landscaping should be retained, particularly along the site boundaries. The proposed site plan indicates that large areas of the existing boundary hedgerow would be retained and it is considered that this matter could be adequately secured via a condition.

It is noted that there are some minor design features, such as dormer windows, which might be somewhat out of keeping with the immediate street scene. However, there are examples of dormer windows on properties located on Mill Lane and therefore the principle of this is not detrimental to the character of the area.

It is considered that the site would accommodate all of the necessary requirements such as private gardens, frontage landscaping, parking/turning space, bin storage and collection for the existing and proposed dwellings, without being cramped.

Therefore, the proposal would not result in any harmful impacts to the character or appearance of the street scene or the rural landscape. As such, the development would accord with Policies S3 (i) and (iv) D1 of the Local Plan, the Council's Good Design SPD and the design aims of the NPPF.

### **Historic Environment**

Concerns have been raised by neighbouring residents regarding the impacts of the proposal on heritage assets in the locality.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to preserve the setting of listed buildings when considering whether or not to grant planning permission for development.

The NPPF says that development should be "visually attractive as a result of good architecture" and it should contribute positively to "local character and distinctiveness". The significance of a listed building may be harmed by unsympathetic development "within its setting" (see paragraphs 130, 190 and 200).

Policy He1 of the adopted Local Plan also aims to secure the conservation and enhancement of North West Leicestershire's historic environment.

The Conservation Officer has been consulted on this application and has advised that the development at the application site may affect the setting of The Old Mill, which is a listed building directly opposite to the site.

Station Terrace contains three terraces and four semi-detached pairs. The terraced houses were originally faced in red brick but most have been rendered. The semi-detached pairs are faced in pale red brick. All roofs are covered with concrete tiles. On the north side of Mill Lane a bungalow is concealed from view. The former station master's house has a slate roof while Mill Farmhouse has a blue plain tile roof.

It is proposed to erect a two storey dwelling with accommodation at first floor being within the roof space. The original plans for the new dwelling included one dormer window and would have been faced in white through-colour render beneath a gabled roof covered with dark grey plain

tiles. The roof would be a dominant visual feature in the street scene and as such the Conservation Officer requested blue roof tiles so that they would be sympathetic to local distinctiveness and would reflect the character of the listed building. The Conservation Officer also requested an additional dormer window to provide a symmetrical appearance and it was also recommended that the render was amended to red brick which is the locally distinctive facing material. Those amendments have now been received in accordance with the Conservation Officer's advice and therefore the proposal is considered to have an acceptable impact on the setting of the neighbouring listed building.

Therefore the proposal would comply with the aims of the NPPF, Policy HE1 of the Local Plan and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Residential Amenities**

By virtue of the corner plot location of the site, and its distance from surrounding neighbouring dwellings, the only neighbouring property likely to be affected by the proposed development is the existing dwelling, No.2 Station Terrace, to the south-east of the proposed new dwelling.

The proposal demonstrates that there would be a separation distance of at least 15 metres from the rear elevation of 2 Station Terrace and the side elevation of the new dwelling. This would comply with the recommended separation distanced as per the Council's Good Design SPD.

Whilst the proposed dwelling would be in close proximity to the rear garden boundary of No.2 Station Terrace, there would be no upper floor windows proposed on the nearest side elevation of the new dwelling. Given this close relationship, a first floor window here could result in the perception of overlooking even if it was obscurely glazed. It is considered that a condition could be added to remove permitted development rights to prevent the addition of a new upper floor window for this elevation.

The owners of The Old Mill on the opposite side of Mill Lane have raised concerns with the Loss of privacy to their home and their front garden. As the front garden is already visible from the public highway this would not be considered as a private space that should be protected under planning policy. Notwithstanding this the proposed new dwelling would be at least 12 metres from the neighbour's front garden with a road separating the properties. The front elevation of the proposed dwelling would also be at least 60 metres from The Old Mill. As such these separation distances are considered to be acceptable in accordance with the Council's Good Design SPD.

Overall the proposal would not result in any adverse overlooking, overshadowing or overbearing impacts. As such it is considered the proposal would accord with the guidelines of the Council's Good Design SPD and would comply with Policy D2 of the Local Plan.

### **Highway Safety**

Several neighbour objections have been raised regarding highway safety matters. Concerns have also been raised regarding highway safety and safety impacts for users of Bridleway Q67, which is located on land opposite the site. The President and Networks Officer for the Leicestershire and Rutland Bridleways Association has provided a letter of representation emphasising concerns with the proposed development and its impacts on the safety of users of the Bridleway, particularly when crossing the road on Mill Lane.

The County Highway Authority (CHA) initial response on this application advised the Local

Planning Authority that further information would be required to fully assess the impact of the proposed development on the highway network. The additional information requested by the CHA was as follows:

- a) A scaled drawing which demonstrates the achievable vehicular visibility splays in both directions of the proposed site access, which does not include any third-party land;
- b) Speed survey data to determine the 85th percentile speeds of vehicles along Mill Lane;
- c) An amended plan which demonstrates that the gate would be set-back a minimum distance of 5 metres from the back of the footway;
- d) An amended parking plan which demonstrates that two off-street car parking spaces could be achieved on the site which comply with the minimum requirements of Figure DG13 of Part 3 of the Leicestershire Highway Design Guide (LHDG); and
- e) Drainage details to ensure that water would not drain into the public highway.

Following the CHA's previous observations, the following documentation has been submitted:

- An email response from the agent;
- 120m Visibility Display drawing number 8514-03-03 Rev A;
- Proposed Plans, Elevations & Sections drawing number 8514-03-02 Rev B;
- Proposed Site Plan drawing number 8514-03-01 Rev C; and
- Amended Highway Plan drawing reference NDI/HRE/2203102 100/A.

On the basis of the new information the CHA is satisfied that the gate would be set back a minimum distance of 5 metres from the back of the footway in accordance with paragraph 3.199 of Part 3 of the LHDG. Likewise, the CHA is also satisfied that the proposed drainage channel at the edge of the highway boundary would be sufficient to prevent water runoff from the site onto the public highway.

The CHA has reviewed the Proposed Site Plan (Rev C) and acknowledges that 2 off-street car parking spaces could be achieved on the site which comply with the minimum requirements of Figure DG13 of Part 3 of the LHDG.

With regard to visibility splays, the CHA has reviewed the email from agent and the applicant's Highway Consultant which argues that a new speed survey is not required as there have been other speed surveys undertaken in the area recently. The CHA have taken this into consideration, however as the existing data was collected more than 3 years before this application was submitted the CHA have advised that they are unable to accept it as a basis for determining the required visibility splays for the proposed site access.

The CHA therefore maintains its advice to the Local Planning Authority that a new speed survey should be undertaken to ascertain up-to-date 85th percentile vehicle speeds in the location of the proposed site access. This data should then be used as the basis for determining the required visibility splays for the proposed site access, in line with Table DG4 of Part 3 of the Leicestershire Highway Design Guide (LHDG).

Without the requested information it is also not possible to fully assess the impacts of the proposed development on the bridleway on the opposite side of Mill Lane. Therefore it cannot be concluded at this stage whether or not there would be adverse impacts on members of the

public who use the bridleway.

Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this circumstance further information has been requested from the planning agent with regards to the matters listed above however not all of the necessary information has been provided during the course of the application.

In conclusion, on this basis the Local Planning Authority are unable to make an informed decision without all of the details requested. As such it is recommended that the application should be refused due to failure to demonstrate a safe and suitable site access for the development. Without the relevant information to make an informed decision it cannot be substantiated that the proposal would not cause an unacceptable impact upon highway safety or on the users of the public bridleway on the opposite side of the road. Furthermore these highways safety concerns raised by members of the public cannot be concluded. In these circumstances the proposal would be contrary to highway safety policy IF4 of the adopted Local Plan, Paragraphs 110 and 111 of the NPPF and the Leicestershire Highways Design Guide.

### **Trees**

The proposal includes the removal of a Willow tree growing in the centre of the site, but the Council's Tree Officer has advised that this tree is of limited value and there are no arboricultural objections to its removal. The remaining trees on site will require protection during the development works. The Proposed Site Plan (8514-03-01 Rev A) includes the BS5837:2012 specification for tree protection fencing which would be acceptable. However, it does not show the proposed position for the fencing to protect the trees. If the application was to be recommended for approval, then this detail could be secured by condition.

In view of the above the application would accord with Policy En3 of the adopted Local plan.

### **Flood Risk**

Concerns have been raised by neighbouring residents regarding Impacts on River Sence and flooding resulting from the proposed development. This will be considered further below.

Several comments from members of the public have also been received regarding existing inadequate sewer systems. This is the responsibility of Severn Trent Ltd who have not commented on this application. This matter would fall outside of planning controls.

The application site is within Flood Zone 1 and there are no areas at risk of surface water flooding within the site. Flood Zones 2 and 3 are located nearby on land to the west and south of the application site with there also being areas at risk of surface water flooding on land to the north, south and west of the application site.

The proposal would increase areas of hard standing including areas for off street parking. Notwithstanding this, if the application was recommended for approval then a surface water drainage scheme could be secured by condition to prevent any adverse drainage on to neighbouring land. Overall it is unlikely that the scale of this proposal would adversely affect the current drainage of the site.

The River Sense lies approximately 65 metres to the north-west of the proposed new dwelling.

The proposed development would also be approximately 20 metres from a private fishing lake to the rear (south) of the site. Given these distances and that the application site falls outside of Flood Zones 2 and 3 it is not considered that the proposal would result in contamination of the watercourse during construction of the proposal. Therefore no construction management conditions should be necessary in this regard.

Taking the above into account, the proposal is unlikely to result in an increase in flooding on the site or elsewhere and so would comply with Policies CC2 and CC3 of the Local Plan.

### **Protected Species/Ecology**

Concerns have been raised by members of the public regarding the development's impact on wildlife.

The County Ecologist has no objections to the proposed development as it forms part of a private garden. However, conditions to secure bat boxes and a landscaping scheme are recommended to contribute towards biodiversity net gain on site.

On this basis it is considered that the proposal would not adversely impact on protected species or ecological features and the proposal complies with the Habitats Regulations 2017 and Policy En1 of the Local Plan.

### **Minerals**

The site lies within a Mineral Safeguarding Area for shallow/surface coal and therefore Policy M11 of the Minerals and Waste Local Plan is relevant. However, the Mineral Planning Authority (Leicestershire County Council) does not believe that the proposed development would adversely sterilize any mineral deposits if present, and advises that a Mineral Assessment is not required in this instance. As such the proposal would not conflict with Policy M11.

### **Conclusion**

In conclusion, the proposal would be outside the Limits to Development and would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the Local Plan, and would also be contrary to Policy S3, as it is not a form of development supported in the countryside under Policy S3. This would be at odds with the primary sustainability aims of the NPPF and would result in unwarranted development in the countryside. Furthermore, the proposal would create and exacerbate ribbon development contrary to the aims of Policy S3 (iii). 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. 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 and the advice in the NPPF.

The application has also failed to demonstrate that the proposed new vehicular access on to Mill Lane would be acceptable and without the relevant information to make an informed decision it cannot be substantiated that the proposal would not cause an unacceptable impact upon highway safety. In these circumstances the proposal would be contrary to highway safety policy IF4 of the adopted Local Plan, Paragraphs 110 and 111 of the NPPF and the Leicestershire Highways Design Guide.

It is therefore recommended that the application should be refused on the above grounds.

**RECOMMENDATION - REFUSE, for the following reasons:**

- 1 Policy S3 of the adopted North West Leicestershire Local Plan provides a presumption against non-essential residential development outside the Limits to Development with Paragraph 174 of the NPPF indicating that planning should recognise the intrinsic character and beauty of the countryside. The dwelling would result in the unnecessary development of land located outside limits to development.

The proposed development does not accord with the above criteria and Policy S2 of the adopted Local Plan does not support residential development of this kind outside of the defined Limits to Development. On this basis there is direct conflict with the settlement hierarchy and strategic housing aims of Policy S2 with the proposed form of development also not being supported in the countryside under Policy S3 of the adopted Local Plan. The failure of the development to protect or enhance the natural environment would also be contrary to Policy S3 as well as the core sustainability aims of Paragraphs 7 and 8 of the NPPF. It is also the case that the proposal would create ribbon development contrary to the aims of criterion (iii) of Policy S3. Furthermore, the Local Authority can demonstrate a five year housing land supply.

The proposed new dwelling 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 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. 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 and the advice in the NPPF.

On this basis, to permit the development would be contrary to the environmental strands of sustainability enshrined within the NPPF, as well as Paragraph 174 of the NPPF, Policy S3 of the adopted Local Plan. This would result in unwarranted development in the countryside. Such conflicts with the adopted Local Plan would significantly and demonstrably outweigh any benefits of the proposal, and there are no other material considerations that would outweigh this harm.

- 2 Paragraph 111 of the NPPF (2021) outlines, amongst other things, that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 of the NPPF outlines that it should be ensured, under criteria (b), that safe and suitable access to the site can be achieved for all users. Policy IF4 of the adopted North West Leicestershire Local Plan identifies, amongst other matters, that the District Council, in conjunction with the highway authorities, would ensure that development takes account of the impact upon the highway network and incorporates safe and accessible connections to the transport network.

The applicant has failed to demonstrate that an appropriate and safe vehicular access could be provided to the proposed development. If permitted, the development could consequently result in an unacceptable form of development and could lead to dangers

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for users of the highway. It has also not been demonstrated that no harm would arise to users of footpath Q67 which is located directly opposite the application site. The proposal therefore is not in the interest of highway safety. In these circumstances to permit the development would be contrary to Policy IF4 of the adopted Local Plan and Paragraphs 110 and 111 of the NPPF.