

Erection of three self-build detached dwellings (outline application with all matters reserved except for access)

Report Item No  
A2

67 Loughborough Road Coleorton Coalville Leicestershire  
LE67 8HJ

Application Reference  
23/01048/OUT

Grid Reference (E) 441580  
Grid Reference (N) 317512

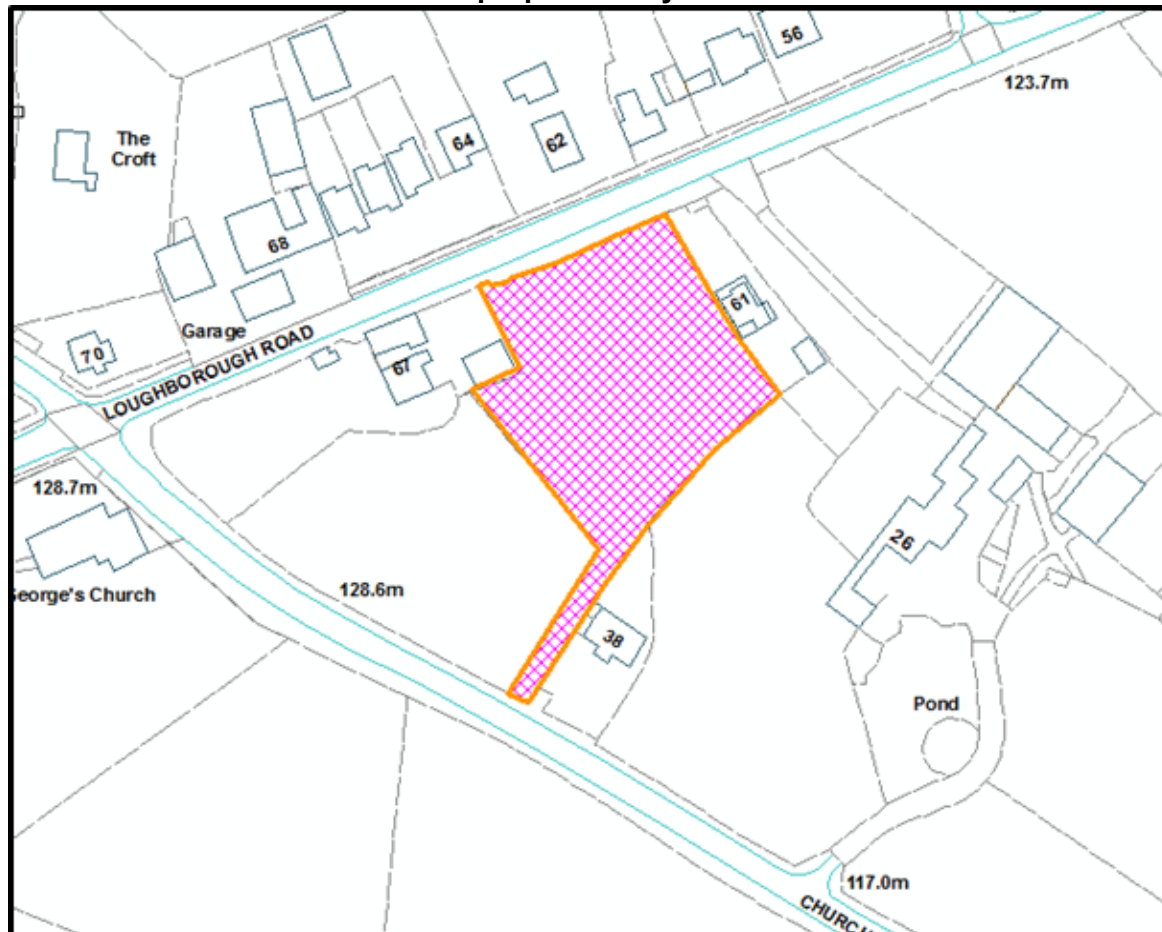
Date Registered:  
11 August 2023  
Consultation Expiry:  
25 October 2023  
8 Week Date:  
12 December 2023  
Extension of Time:  
12 December 2023

Applicant:  
Specht

Case Officer:  
Chris Unwin-Williams

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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The application is referred to the Planning Committee in line with the requirements of the council's constitution as the agent is a relative of a serving Councillor and an objection has been received against the proposal.

**RECOMMENDATION - PERMIT, subject to a S106 which relate to the following requirements:**

- **agreement limiting the occupation of the dwellings as self-build properties**

**and subject to the following conditions:**

- 1 Time Limit for Submission of Reserved Matters (Application for approval of the reserved matters to be made before the expiration of three years and the development to begin before the expiration of two years from the date of approval of the last of the reserved matters)
- 2 Reserved Matters (prior to commencement of development approval of reserved matters shall be obtained).
- 3 Approved Plans (access only)
- 4 Levels details including details of finished ground levels across site to be submitted at Reserved Matters
- 5 The first reserved matters application in respect of the development shall be accompanied by a detailed biodiversity and habitat creation net-gain assessment and improvement / management plan (in line with the completed Defra metric received by the Local Authority on 25.08.23), including full details of all measures proposed in respect of the enhancement of the biodiversity of the area, details of future maintenance and a timetable for the implementation of the relevant measures for approval.
- 6 Access width shall be a minimum 4.25m, gradient shall be no more than 1:20 for a distance of at least 5m behind highway boundary and shall be surfaced in a hard bound material.
- 7 Prior to occupation, the proposed offsite highway works shall be implemented in general accordance with the Proposed Site Plan by Andrew Large Surveyors (Rev A). Details shall first be submitted and agreed on in writing.
- 8 Prior to occupation, vehicular visibility splays of 2.4 metres by 65 metres and pedestrian visibility splays of 1 metre by 1 metre have been provided at the site access with no obstructions within the splays greater than 0.6m in height.
- 9 No development shall commence on the site until such time as a Construction Traffic Management Plan has been submitted and approved in writing.
- 10 Construction Environment Management Plan for biodiversity shall be submitted and approved in writing prior to commencement of development.
- 11 Findings of updated Great Crested Newt survey shall be submitted and approved in writing prior to commencement of development.
- 12 Landscape and Ecological Management Plan to be secured prior to commencement of development.
- 13 Prior to commencement of development, a surface water drainage scheme shall be submitted and approved in writing.
- 14 Prior to commencement of development, details in relation to the long-term maintenance of the sustainable surface water drainage system within the development shall be submitted and approved in writing.
- 15 Permitted development rights removal (Classes A, AA, B, C and E).

- 16 Statement to be submitted for review to outline how initial owners of each of the homes will have primary input into its final design and layout in line with the requirements of the Self Build Act 2015 to be submitted at Reserved Matters stage.

## 1. Proposals and Background

The application seeks outline planning permission with all matters reserved except for access for the erection of three self-build dwellings.

The application site relates to an existing area of grassland which is overgrown with brambles, and bare scrub. The main boundaries to the site comprise of post and rail fence to the west and mature hedgerows to the north, east and south.

Additional information has been provided throughout the course of the application including updated visibility, a road safety audit and speed report data. As such, re-consultation has been carried out with Leicestershire County Council Highways for 14 days.

The application site is located outside limits to development, being situated within the small village of Peggs Green which is identified as a “Settlement with very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land (as defined in the National Planning Policy Framework) or affordable housing in accordance with Policy H5 (Rural Exceptions Sites for Affordable Housing).”

Precise measurements of the proposal are available to view on the submitted plans.

*Site Location Plan and Aerial Image (north indicated by arrow):*



## Relevant Planning History

- **12/00153/OUT** - Erection of five dwellings (outline - all matters reserved) - Withdrawn 04.04.12.
- **12/00347/OUT** - Erection of five dwellings (outline - all matters reserved) - Refused 30.5.12 and dismissed at appeal on 05.03.13.
- **16/00198/OUT** - Erection of three detached dwellings with garages (Outline - Part access for approval) – Application Permitted 13.5.16.
- **17/00427/REM** - Reserved matters application for the erection of 3 no. dwellings following outline planning permission 16/00198/FUL (Matters for approval: access, appearance, landscaping, layout and scale) - Permitted 02.08.17.
- **20/00676/FUL** - Erection of three detached dwellings with garages - Application refused 07.0720.

To provide context to the application history of the site, in 2012, an outline application was refused because of the previous local plan (prior to the adoption of the current local plan) due to a lack of compliance with historic green wedge and housing land release policies. An appeal was subsequently lodged which was dismissed.

In 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.

A later full application was also submitted in 2020 which was subsequently refused at committee, given the material change in circumstances between the assessment of the 2020 application and 2016/17 applications where the authority was previously unable to demonstrate a 5-year supply of housing whilst under the 2020 application this was not the case. Concerns were also raised within the 2020 application regarding a reduction in the sustainability of the site given the closure of the local shop at the nearby garage. It is also noted that under the 2020 application, self-build dwellings were also proposed, although at this time the District Council was meeting its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). Further, concerns were raised regarding whether the scheme (which was a full application) would meet the self and custom build definition, given that this previous application included all design details, therefore, not allowing for an input from the prospective occupiers.

### 3. Publicity

6 Neighbours have been notified.  
 Site Notice displayed 21 August 2023.  
 Press Notice published Leicester Mercury 23 August 2023.

### 3. Summary of Consultations and Representations Received

**Swannington Parish Council** - raises an objection as the site is outside of the settlement limits as well as in relation to highway safety concerns regarding the proximity of the access to a central reservation.

**LCC Highways** – No objections subject to conditions.

**LCC Ecology** – The submitted BNG metric is acceptable. The grassland has declined in terms of botanical value over many years due to a lack of management. Further detail will be needed regarding the created habitats around the new ponds/wetland area, and how they will be managed, this can be as a Landscape Management Plan. Great Crested Newts are likely to be in the area, and the Preliminary Ecological Appraisal report by Heatons recommends that eDNA testing is undertaken next spring of the nearest pond, approx. 100m from the site within a residential garden. No evidence of other protected species was found, although the site is suitable for use by reptiles. As such, no objections are raised subject to the imposition of conditions to include a construction environmental management plan for biodiversity, an updated great crested newt survey and a landscape and ecological management plan.

**NWLDC Tree Officer** - No objection

**NWLDC Environmental Protection** - No objection

**NWLDC Waste Services** – No comments at the time of writing.

### **Third Party Letters of Representation**

Neighbouring properties were consulted during the lifetime of the application and 5 no. objections have been received raising the following comments –

- The existing land is unkempt and has “re-wilded” and contains various wildlife that would be lost because of the proposals.
- The Great Crested Newt survey is out-of-date.
- The provided highway speed survey is out-of-date and not relevant to the current application.
- Concerns regarding ongoing maintenance and management of the site should the application be approved.
- Concerns regarding feasibility and plans for construction traffic and/or deliveries
- Concerns regarding the timescale of the build if approved.
- Concerns regarding accuracy of traffic survey data provided.
- Concerns regarding visibility and highway safety.
- Concerns regarding the sustainability of the location.
- Concerns regarding proposed rainwater disposal method.
- Need for self builds is erroneous and unsubstantiated.
- Requests that the previous history on the site is taken into consideration.

All responses from statutory consultees and third parties are available to view in full on the Council's website.

## **4. Relevant Planning Policy**

### **National Policies**

#### *National Planning Policy Framework (2023)*

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 8, 11, 14 (Achieving sustainable development);

Paragraphs 47, 48, 55, 56 and 57 (Decision-making);  
Paragraphs 78, 79, 80 (Delivering a sufficient supply of homes)  
Paragraphs 83,84 (Supporting a prosperous rural economy);  
Paragraphs 55, 56 (Planning conditions and obligations);  
Paragraphs 92 and 93 (Promoting healthy and safe communities);  
Paragraphs 104, 105, 110, 111 and 112 (Promoting sustainable transport);  
Paragraphs 119, 120 and 124 (Making effective use of land);  
Paragraphs 126, 130, 131, 132 and 134 (Requiring good design);  
Paragraphs 152, 154, 157, 159, 162-165 and 167 (Meeting the challenge of climate change);  
Paragraphs 174, 180, 183, 184, 185 and 187 (Conserving and enhancing the natural environment).

### **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:

S2 - Settlement Hierarchy  
S3 - Countryside  
D1 - Design of New Development  
D2 - Amenity  
En1 - Nature Conservation  
En3 – The National Forest  
IF1 - Development and Infrastructure  
IF4 - Transport Infrastructure and New Development  
IF7 - Parking Provision and New Development  
Cc2 - Water - Flood Risk  
Cc3 - Sustainable Drainage Systems

### **Swannington Neighbourhood Plan (2023)**

Policy H2: Settlement Boundary  
Policy H3: Housing Mix  
Policy H4: Design Quality  
Policy H6: Windfall Sites  
Policy Env 3: Sites and Features of Natural Environment Significance  
Policy Env 4: Protecting and Enhancing Biodiversity  
Policy Env 5: Sites and Features of Historic Environment Significance  
Policy Env 8: Footpaths, Bridleways and Byways  
Policy Env 9: Flood Risk Resilience and Climate Change

### **Other Policies/Guidance**

National Planning Practice Guidance  
Leicestershire Highways Design Guide (LHDG)  
National Design Guide (2019)  
Good Design SPD (2017)  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System)  
The Self-Build and Custom Housebuilding Act 2015

## **5. Assessment**

### **Principle of Development**

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase

Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are up to date having regard for their consistency with the National Planning Policy Framework. The most important policies in the determination of the matter of principle are Policies S2 and S3 as they relate to the provision and distribution of housing. The Council can demonstrate a five-year housing land supply and has performed well against the Government's Housing Delivery Test. It is considered that Local Plan Policies S2 and S3 are effective, not out of date and carry significant weight.

The site is located on land falling outside the defined limits to development, designated as countryside within the adopted Local Plan and Neighbourhood Plan. On sites falling outside the defined limits to development, residential development is not a form of development that is permissible by Policy S3 save for limited exceptions as specified in the policy (e.g. re-use or adaptation of an existing building or the redevelopment of previously developed land). The proposal does not fall within any of these exceptions.

Further, Policy H2 of the Swannington Neighbourhood Plan states that land outside the settlement boundary will be treated as open countryside, where development will be carefully controlled, or supported as appropriate, in line with local and national strategic planning policies.

The NPPF defines '*Previously Developed land*' (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. In this instance, the application site is an existing greenfield site and would not fall under the NPPF's definition of PDL. As such, this development would not be supported under Policy S3 (e).

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.

The site is located within the small village of Peggs Green, located approximately 650 metres from the defined limits to Development of Swannington. It is also noted that whilst Policy S2 identifies Swannington as a sustainable village, this specifies 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 Local Plan.

For the reasons set out above, the proposal would not accord with the provisions of Policies S2 and S3 of the adopted Local Plan and Policy H2 of the Swannington Neighbourhood Plan.

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...***

The application site relates to an existing greenfield site which consists of grassland and is

overgrown with brambles, existing as bare scrub. The site is not a local wildlife site although it is noted it is a historic wildlife site as woodland as outlined in Figure 8 (page 30) of the Swannington Neighbourhood Plan. The main boundaries to the site comprise of post and rail fence to the west and mature hedgerows to the north, east and south.

As discussed within the later ecology and trees section of the report the proposals would result in onsite net gains the proposals would result in onsite net gains in excess of 10% with mature hedgerows being reinforced and retained as part of the proposals and the inclusion of a wetland area to promote biodiversity.

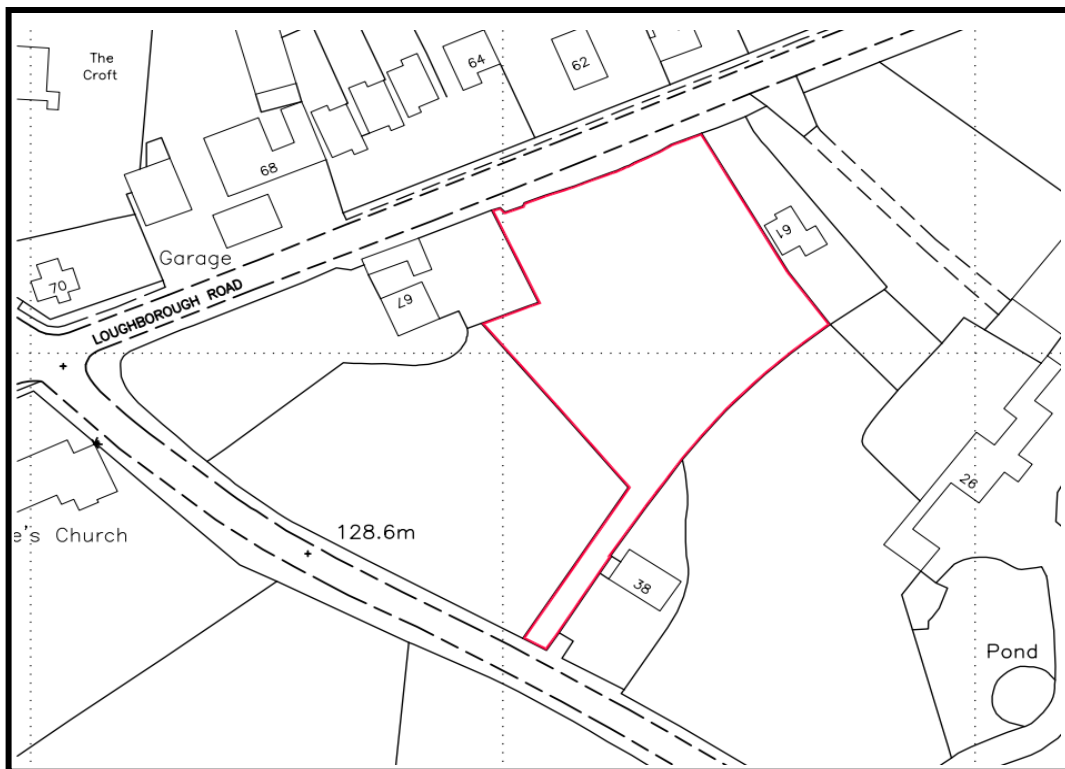
In terms of the character and appearance of the landscape, the application site would be located on the southern side of Loughborough Road which is characterised by sporadic buildings punctuating the rural landscape. The site has a rural appearance and provides a wide gap between the only two houses on the southern side of the road, and slopes away from Loughborough Road towards the rear of the site. The proposal would result in a suburban form of development that would fail to respond to or enhance the built and natural character of the settlement thus would harm its immediate and wider landscape setting.





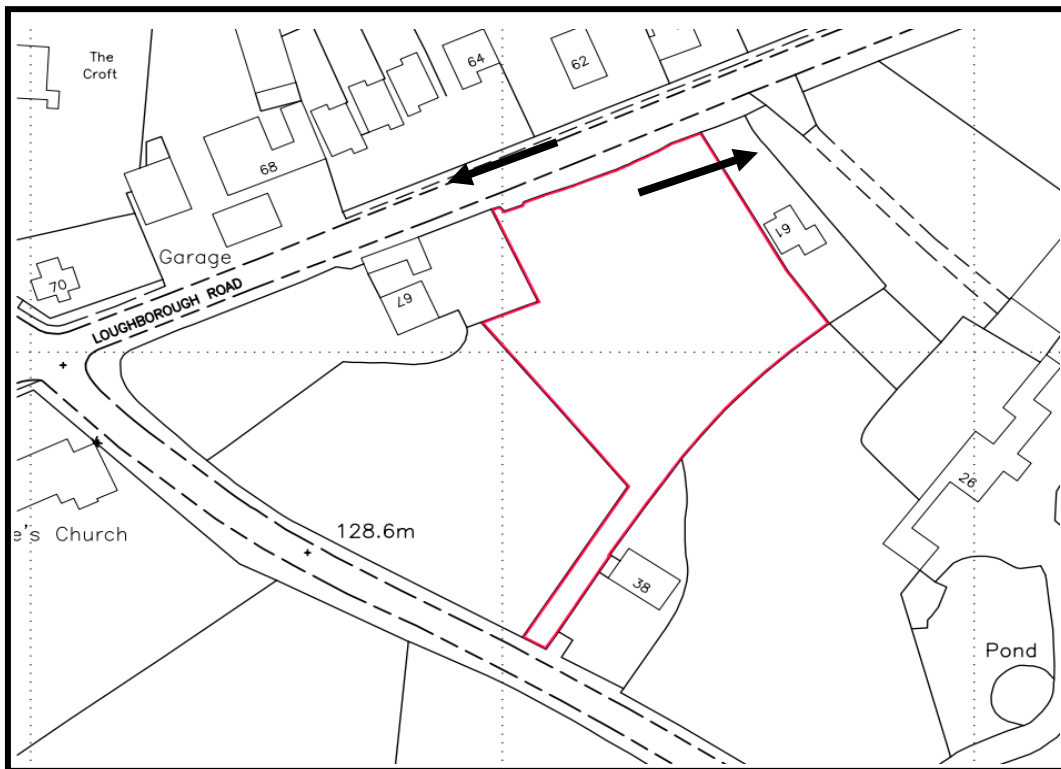
***(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements...***

Whilst the proposed development would result in the infilling of an existing undeveloped site outside of the defined limits to development, given that this would be sited between two existing plots on the southern side of Loughborough Road and would not result in the development of Peggs Green further to the east of No. 61 or west of No. 67, it is not considered the development of the site would undermine the physical and perceived separation and open undeveloped character 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 building of houses along a main road, especially one leading from a town or village."



The proposals, whilst only illustrative, would result in additional development across this section of Loughborough Road. Nevertheless, given the size of the application site along with that the adjacent no. 61 Loughborough Road is set far back from the adjacent highway within its plot in comparison to No. 67 which directly fronts onto Loughborough Road, as well as having consideration to the sloping and enclosed nature of the application site which is surrounded by a large amount of boundary screening, it is considered that a development could be designed within the site which would not result in unacceptable ribbon development impacts across this section of Loughborough Road.

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

The proposed development would involve the erection of 3 no. new dwellings, but it is considered a form of development could be secured at reserved matters stage that would be well-related to existing development along Loughborough Road and the wider settlement of Peggs Green.

***(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;***

Since the determination of the previous applications, the shop that previously existed at the local garage has closed and the nearest convenience store would be the Coop in Thringstone which is not within a reasonable walking distance of the site and would be accessible via

Church Hill/Talbot Lane which have an undulating topography, and which do not have footways or street lighting for much of the route. However, within Peggs Green itself, there are some limited facilities within walking distance of the application site including public houses (the New Inn and The George), a local church (St George), village hall (Beaumont Centre) and a recreation ground. These services/facilities are within 500-1000m (preferred maximum walking distance) of the site.

This application site is also located approximately 0.65km from the defined limits to Development of Swannington as well as being sited approximately 1.1km to the development limits of Thringstone and 1.3km from the sustainable part of Coleorton.

It is also noted that Policy S2 identifies Swannington as a sustainable village. Services available in Swannington include a public house, primary school, and village hall. However, it is noted that the walking distance to these facilities would exceed the preferred maximum walking distance.

Nevertheless, future occupants of the application site would also have access to public transport including being able to access a bus service from Zion Hill (approximately 500m distance) which would connect the occupants of any dwellings to Ashby De La Zouch, Belton, Shepshed and Loughborough on a two hourly basis. Notwithstanding this, there would also be the hourly bus service which is located on the opposite side of the nearby roundabout on Loughborough Road (approximately 0.5km distance) which would connect the occupants of the dwellings to Ashby De La Zouch, Coalville and Whitwick. As such, a wider provision of facilities and services would be able to be accessed via sustainable forms of travel.

Given the above, there would be limited opportunities for accessing an array of services and facilities via public footpaths or cycling to meet the needs of day-to-day requirements other than the services outlined in Peggs Green above. However, given the variety of public transport links in close proximity of the site, 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 this dwelling would also assist in sustaining these services, which is a key intention of Paragraph 79 of the NPPF.

As such, on balance, whilst the development would be located approximately 0.65km to the nearest defined limits to development, given there would be some access to services in the immediate area and the application site would be well-sited in terms of access to public transport links, in order for any future occupants to be able to access a wider range of facilities and services without over reliance on private transport, it is considered that the proposed development would accord with the aims of Policy S3 (vi).

The site is not considered to be in an isolated location given its proximity to other dwellings and development within Peggs Green itself, as well as considering the distance from services and facilities in Swannington and further afield in Coalville and Ashby.

There would also be some limited economic benefits associated with employment in the construction trade and future residents helping to maintain local services in the area.

Whilst the development is compliant with five of the criteria set out under the second part of Policy S3, it conflicts with the criterion (i). The development is also not supported in principle by Policies S2 and S3, as well as Policy H2 of the Swannington Neighbourhood Plan. The proposal would therefore conflict with the broad objective of containing new residential development within the settlement limits.

## Self-Build and Custom Housing

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 and gives more people the opportunity to build their own homes as set out in Paragraph 62 of the NPPF.

The applicant has provided arguments in support of a self-build unit, including but not limited to that the Council has not satisfactorily demonstrated that it has granted enough permissions to meet the identified need and that the relevant policies of the Local Plan are failing to secure sufficient permissions in this regard.

The Council's Planning Policy Team has confirmed that the applicant is currently on the Council's self-build register.

Self and custom building 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. This is an outline application for the erection of 3 no. Self-Build Dwellings, and the proposal would meet this 'definition' and would contribute towards the delivery of self-build and custom housebuilding in the District.

The District Council has a duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), to give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the area of North West Leicestershire arising in each base period. This District Council's Self-Build Register was established in April 2016. As of 10th October 2023, there are 126 individuals on the self-build register. For the area of North West Leicestershire, this demand equates to providing a specific number of permissions for plots.

The demand is split into different base periods as outlined in the table below. As of October 2022, there was a shortfall of four self-build permissions. Two applications have been granted (22/01054/FUL and 22/01547/FUL) and four applications have resolutions to permit, subject to the signing of a S106 agreement and so the permissions have not yet been issued.

However, as of October 2023, this shortfall has increased by a further 20 plots which therefore means there is a current deficit of 22 dwellings needed for the Council to meet its self build obligation as contained in the 2015 Self Build Act. Therefore, it is acknowledged that this proposal for three dwellings (subject to a legal agreement securing it as a self-build dwelling) would make a contribution to addressing this existing and future shortfall and this is a material consideration in the determination of the application to be given significant weight.

Table 1: North West Leicestershire Register (April 2016 – 30 October 2023)

Base Period	Number of new registrations	Date the demand is to be met
April 2016 – 30 October 2016 (7 months)	6	October 2019
31 October 2016 – 30 October 2017	10	October 2020
31 October 2017 – 30 October 2018	8	October 2021
31 October 2018 – 30 October 2019	14	October 2022
31 October 2019 – 30 October 2020	20	October 2023
31 October 2020 – 30 October 2021	14	October 2024
31 October 2021 – 30 October 2022	20	October 2025
31 October 2022 – 30 October 2023	37	October 2026

The adopted Local Plan is silent on the matter of self-build housing and in these circumstances, Paragraph 11 of the NPPF would apply which states that 'plans and decisions should apply a presumption in favour of sustainable development'.

For decision taking, it sets out in criterion (d) that '*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. 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."*

Paragraph 14 of the NPPF also states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is "*likely*" to significantly and demonstrably outweigh the benefits, provided all of the following apply;

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the

previous three years.

The Swannington Neighbourhood Plan was adopted in 2023 and is therefore less than two years old. The Swannington Neighbourhood Plan contains a housing allocation within Policy H1 and therefore seeks to meet housing needs. The Local Planning Authority can demonstrate in excess of five years housing land supply and has consistently exceeded 45% of the housing delivery test.

In this instance, whilst the above criteria would be met, it is noted that wording of paragraph 14 refers to a “*likelihood*” that the adverse impact of allowing development that conflicts with the neighbourhood plan would demonstrably outweigh the benefits. Therefore, in light of this shortfall that derives from the Self Build Register, this need has to be balanced against planning considerations in coming to a view on the suitability of the proposal.

Neighbours also have raised concerns that this application is similar to application 20/00676/FUL which was refused due to the officer concluding that the development would represent unwarranted development of a greenfield site in the countryside and that the development would not represent sustainable development.

It is noted that under the 2020 application, self-build dwellings were also proposed, although at this time the District Council was meeting its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). Further, concerns within the previous application were raised regarding whether the scheme (which was a full application) would meet the self and custom build definition, given that this previous application included all design details, therefore, not allowing for an input from the prospective occupiers.

Crucially, in the assessment of the current application, there is now an unmet need for self-builds, which changed in October 2022 (where the Local Authority is failing to meet its statutory obligations) and as such, there is a material change in circumstances between the two proposals. Further, whilst concerns were raised regarding whether the previous full application scheme would meet the self and custom build definition, given that the current proposal is at outline stage only (with access for consideration), a condition could be included as part of any decision on the application to outline how initial owners of each of the homes will have primary input into its final design and layout at Reserved Matters to meet the definition of self and custom build defined by the Self-Build and Custom Housebuilding Act 2015 (as amended).

Therefore, it is considered there has been a material change in circumstances between the current and previously determined applications where there is now a need for the Council to provide self-build properties as set out above.

Considering this shortfall that derives from the Self Build Register, this need has to be balanced against planning considerations in coming to a view on the suitability of the proposal. This balancing exercise will be undertaken upon completion of the consideration of all planning matters at the end of this report.

### **Design and Impact upon Character**

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must perform positively against Building for Life 12 and that developments will be assessed against the Council's

adopted Good Design SPD.

The recently updated NPPF includes several new measures to improve design quality. This includes a test at paragraph 134 which directs that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The Council's Good Design SPD and the government's National Design Guide/National Model Design Code therefore carry substantial weight. The site is also located within the National Forest and is therefore subject to the requirements of policies En3. Policy H4 of the Swannington Neighbourhood Plan states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated.

The application does not seek approval of the layout, scale, appearance, or landscaping therefore the submitted plan shows only the layout and scale indicatively.

The application site would be located on the southern side of Loughborough Road which is characterised by sporadic buildings punctuating the rural landscape. The site has a rural appearance and provides a wide gap between the only two houses on the southern side of the road, which is characterised by a sloping topography, which slopes away from Loughborough Road towards the rear of the site.

Whilst the proposals would result in the development of greenfield land, given the sloping and enclosed nature of the site itself, the overall harm resulting from the loss of the greenfield site could be mitigated through appropriate controls on appearance, landscaping, layout, and scale which would be considered in further details at reserved matters stage to limit the visual impacts of the development.

With the above in mind, whilst it is considered the loss of the site to built development would result in some harm to local character, when the overall context of the scheme is considered (outline with access for consideration only at this stage) and that the impacts of such a development could be controlled through appropriate use of conditions and during any further reserved matters applications, on balance, it is considered the proposals would accord with policy D1 of the Local Plan and Policy H4 of the Neighbourhood Plan as well as relevant paragraphs of the NPPF.



### Impact upon residential amenity

Policies D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. Policy H4 of the Neighbourhood Plan states that proposals should minimise the impact on general amenity and careful consideration given to noise, odour and light.

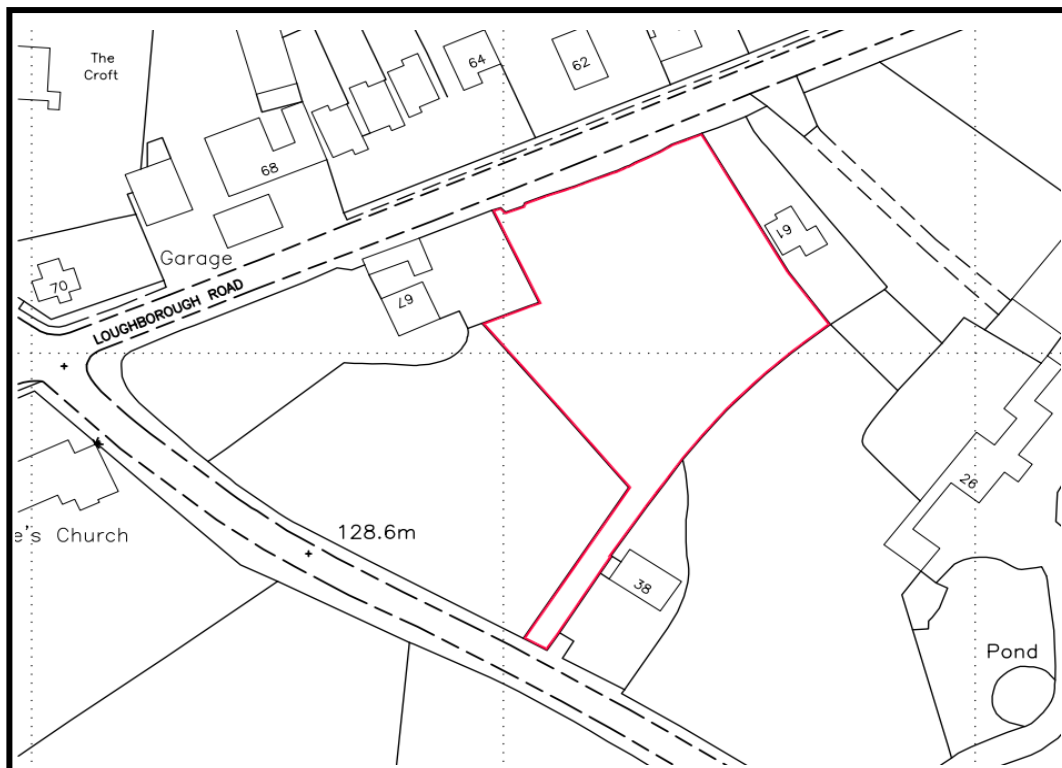
Given that the submitted plans provided are indicative, it is not possible to assess the impacts upon the residential amenity of surrounding dwellings in detail. Impacts, particularly in terms of privacy, loss of sunlight and daylight and overbearing impacts would be a primary consideration at the reserved matters stage, when details of the scale and appearance of the proposal are presented for approval. How the proposed landscaping, including details of proposed ground levels and boundary treatments will impact or preserve amenity will also be considered carefully at the reserved matters application stage. However, the submitted layout and indicative plans provide a high degree of confidence that a scheme is capable of being delivered that would accord with policy D2.



Furthermore, it is considered that the future occupiers of the proposed units could be provided with a high standard of amenity in terms of light, outlook, noise and private amenity space.

Overall, the proposal is not considered to result in significant impacts upon existing surrounding or future occupier residential amenity.

Therefore, the proposal is considered to be in accordance with Policy D2 of the adopted Local Plan, Policy H4 of the Neighbourhood Plan, the Council's Good Design SPD, and relevant sections of the NPPF.



### Highway Considerations

Policy IF4 of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees.

Policy IF7 of the Local Plan (2021) requires that development incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment.

Objections have been received throughout the lifetime of the application in respect of highway safety concerns. Comments were also raised regarding the accuracy of the submitted speed data. In respect of highway safety concerns, this is covered in further detail below and it should be noted that in respect of the speed data submitted, LCC Highways were consulted and have confirmed that they have no objections or concerns in relation to the accuracy and/or validity of the data.

The Local Highway Authority (LHA) has been consulted to establish if there would be acceptable highway impacts resulting from the proposal and following a re-consultation in relation to further requested information including visibility splays and speed data, no objections were raised subject to conditions.

The site is proposed to be accessed off the A512 Loughborough Road which is subject to a speed limit of 40mph. The siting of the access is demonstrated on the included photos below. The LHA acknowledges that the access arrangements proposed are commensurate with those approved under previous planning permission 16/00198/OUT. However, the access proposals will be reassessed as part of this consultation based on the LHA's current design standards, the Leicestershire Highway Design Guide (LHDG). As such, speed survey data was requested during the application which demonstrated 85th percentile speeds of 35mph eastbound and 37mph westbound. It is noted that these speeds are below the 40mph posted speed limit on Loughborough Road. Therefore, visibility splays of 2.4m x 65m would need to be provided which have been demonstrated on the updated plans.

A road safety audit was also undertaken at the request of LCC Highways which included a proposed central refuge island on Loughborough Road and a dropped crossing across to the northern side of the road. It was noted that the Local Highway Authority raised no objections to these proposals, with further details being secured either via a planning condition or a future S278 highway application to the LHA.

In terms of parking and turning, the site is large enough to provide sufficient space, which would be subject to a later reserved matters application. The site is also considered to be accessible in terms of the limited local amenities but with access to public transport links to meet day to day needs. Notwithstanding this, the access is considered safe and suitable, and therefore the proposal accords with policy IF4 and IF7.

As such, the Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe (as outlined by paragraph 111 of the NPPF) and therefore a refusal of the proposal on highway safety grounds would not be defensible.

Overall, the application is considered to be in accordance with the guidance set out within the Leicestershire Highway Design Guide and the application is considered to be acceptable when having regard to Local Plan Policy IF4 and IF7 and relevant paragraphs of the NPPF.



### 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 and as such the proposed development would not harm the setting of the church. It is noted that this was the same conclusion also reached in the consideration of the most recent application on the site (under 20/00676/FUL).

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.

As per the responses to earlier applications on the site, no archaeological mitigation would be required in connection with the development and in these circumstances, archaeology would not act as a constraint on the development. As such, the Local Planning Authority is satisfied that the proposal would be acceptable for the purposes of paragraphs 189-199 of the NPPF.

## Ecology and Trees

Policy EN1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district. Policy ENV3 of the Swannington Neighbourhood Plan identifies the application site as a historic wildlife site, although it should be noted that the site itself is not designated as a Local Wildlife Site in the plan. Existing photos of the site, including relevant viewpoints can be viewed in the figure below.

The application is accompanied by a Great Crested Newt Habitat Suitability Index Survey, Biodiversity Report, Preliminary Ecological Appraisal, Biodiversity Impact Assessment and completed biodiversity metric.

In respect of biodiversity and ecology, it is noted that the submitted Design and Access statement states that the site is predominantly screened with mature hedgerows which will be reinforced and retained as part of the proposals and that a wetland area to promote biodiversity would be included at the rear. The site itself is not a Local Wildlife Site, however it is noted that the Swannington Common Grassland 6 Local Wildlife Site is located on the opposite side of Church Hill. Therefore, as a precautionary measure, the provision of a Construction Environment Management Plan is included within the report's recommendations.

Throughout the course of the application, objections were received stating that the existing land is unkempt and contains various wildlife that would be lost if this scheme was to be granted permission. Further concerns were raised that the provided Great Crested Newt survey is out-of-date.

LCC Ecology were consulted throughout the course of the application and provided the following comments:

*"The grassland has declined in terms of botanical value over many years due to a lack of management. Further detail will be needed in regard to the created habitats around the new ponds/wetland area, and how they will be managed, this can be as a Landscape and Ecological Management Plan.*

*Great Crested Newts are likely to be in the area, and the PEA report by Heatons recommends that eDNA testing is undertaken next spring of the nearest pond, approx. 100m from the site within a residential garden.*

*No evidence of other protected species was found, although the site is suitable for use by reptiles."*

As such, LCC ecology confirmed that they had no objections to the development of the site subject to securing the following conditions:

1. *A Construction Environment Management Plan for biodiversity to include identification of potentially damaging construction activities, biodiversity protection zones, practical measures and sensitive working practices to avoid or reduce impacts during construction on reptiles and amphibians, timing of works to avoid harm to nesting birds, responsible persons for overseeing sensitive works and use of protective fencing where required.*
2. *An updated Great Crested Newt Survey to be submitted for approval.*
3. *A Landscape and Ecological Management Plan (LEMP) for the new wetland area to include a description and evaluation of the features to be created/managed, aims and*

*objectives of management, appropriate management options for achieving aims and objectives, prescriptions for management actions, work schedule, species/seed mixes to be planted/sown and ongoing monitoring and remedial measures.*

As such, it is recommended that these conditions be imposed should the application be permitted.



It is noted that within the submitted Design and Access Statement that existing hedgerows and trees will be retained as part of the proposals with additional planting proposed to the rear of the site. Further, the Council’s Tree Officer was consulted throughout the course of the application and raised no objections to the proposals and *“consider{s} that {the} development of the site as proposed will be possible without raising any unresolvable arboricultural issues.”*

Whilst the mandatory requirement for 10 percent BNG has not yet been enacted through the Environment Bill (expected in January 2024), paragraph 174(d) of the NPPF sets out a

requirement to minimise impacts on and provide net gains for biodiversity. According to current guidance, self-build developments are exempt from Biodiversity Net Gain. Nevertheless, the NPPF still requires a measurable net gain for biodiversity.

It is noted that the submitted biodiversity metric demonstrates a 14.26% increase in habitat units and a 38.41% increase in hedgerow units which would be secured onsite, and therefore exceeds the 10% net gain target on both accounts. A condition will be included as part of any decision on the application, should the application be permitted, to secure a net gain plan to demonstrate the above in any future reserved matters application.

FINAL RESULTS		
<b>Total net unit change</b> (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	0.23
	<i>Hedgerow units</i>	0.34
	<i>Watercourse units</i>	0.00
<b>Total net % change</b> (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	14.26%
	<i>Hedgerow units</i>	38.41%
	<i>Watercourse units</i>	0.00%

Subject to the securing of the above conditions, the proposals would secure enhancements to local biodiversity and would therefore accord with Policy En1 of the Local Plan, Policies Env3 and Env4 of the Neighbourhood Plan and relevant paragraphs of the NPPF.

### Flood Risk and Surface Water Drainage

Objections have been raised throughout the lifetime of the application in respect of concerns regarding proposed rainwater disposal method and drainage issues.

The site is situated within Flood Zone 1, an area at lowest risk from fluvial flooding, and the site is not in an area at risk of surface water flooding.

The previously approved reserved matters permission (under application reference 17/00427/REM) 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. However, given the drainage concerns raised in relation to the site by surrounding neighbours and having consideration to previous drainage conditions applied in relation to the site and advice from the Local Lead Flood Authority, 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. As such, it is considered reasonable to apply conditions in respect of securing a surface water drainage scheme and maintenance plan should the application be permitted.

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.

As such, subject to conditions, it is considered that the proposal would not result in flooding or surface water drainage issues and consequently would accord with the aims of Policies Cc2 and Cc3 of the adopted Local Plan, Policy Env9 of the Neighbourhood Plan as well as the guidance set out within the NPPF.

## Conclusions and Planning Balance

As set out above, the proposed development would contribute towards the supply of self-build plots when there is an identified shortfall, and the Local Planning Authority is failing in its statutory duty to provide enough self-build plots in order to meet demand. It should also be acknowledged that, in terms of technical matters, the scheme would be acceptable. Nevertheless, the scheme would result in residential development on land located outside the Limits to Development.

The most important policies in the determination of this application are Policies S2 and S3 of the Local Plan and Policy H2 of the Swannington Neighbourhood Plan which support development within the settlement limits and restrict development in the countryside. As set out earlier in this report, these policies are of greatest importance in this case, and are effective, not out of date and carry significant weight.

However, the adopted Local Plan is silent on the matter of self-build housing and in these circumstances, as set out earlier in this report, paragraph 11(dii) of the NPPF would apply which states *that 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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.'*

Paragraph 14 of the NPPF is also engaged which states that any conflict arising with the neighbourhood Plan, where criteria (a-d) are met, would *"likely"* constitute significant and demonstrable harm. Policy H2 of the Neighbourhood Plan restricts development in the countryside in line with national and local planning policies and as such does not support residential development outside of the settlement limits. Therefore, any harm arising from conflict with policy H2, and by association Policies S2 and S3 of the Local Plan needs to be weighed up to determine if this would be significant and demonstrable and whether or not this is outweighed by the benefits of 3 no. self-build units as proposed.

Limited harm would arise from the loss of greenfield land located within the countryside. The site would result in some character and appearance impacts contrary to criterion (i) of the second part of Policy S3.

Moderate harm would arise from the granting of a permission that is in conflict with Policies S2 and S3 of the Local Plan and Policy H2 of the Swannington Neighbourhood Plan.

Balanced against the harms, the provision of additional housing in a sustainable location is afforded positive weight, with additional significant positive weight given to the provision of self-build plots where there is currently an identified District wide shortfall. The benefits of the self-build dwellings can be secured by way of a legal agreement that requires the self-builder to occupy the property for the first three years following construction and a condition could be included, should the application be permitted, to ensure that the developer would evidence how the proposals would meet the self and custom build definition. In addition, the economic expenditure both during construction and through additional expenditure by future occupants within the local area which is of benefit to the local economy is a benefit.

The application site is located a reasonable distance from the settlement boundary (Limits to Development) however it would still be near to some local services and public transport links. This location is more acceptable when compared to remote locations in the countryside where there would be more adverse environmental and social sustainability impacts. In this case the proposal would not constitute 'isolated' dwellings, and they would be close to other dwellings and some services.

The application site is not an existing Local Wildlife site but is a Historic Wildlife Site as classified under Neighbourhood Planning Policy Env3 which has declined in terms of botanical value over many years due to a lack of management and the scheme would secure biodiversity net gains for the site in excess of 10% which would be afforded positive weight.

Whilst the previous refusal under application 20/00676/FUL is noted, this was a full application with all relevant matters for consideration which was determined prior to the material consideration of an unmet need for self-builds, which changed in October 2022, with this need having increased as of October 2023 by an additional 20 plots. Additionally, unlike under application 20/00676/FUL where it was unclear if the development would meet the self build and custom build definition, given that the current application is at outline stage (with access for consideration only), a condition could be included as part of any decision on the application to outline how initial owners of each of the homes will have primary input into its final design and layout at Reserved Matters to meet the definition of self and custom build defined by the Self-Build and Custom Housebuilding Act 2015 (as amended).

Therefore, on balance, whilst criteria (a-d) as set out in Paragraph 14 of the NPPF are met in respect of the neighbourhood plan, when the scheme is considered as a whole and a balancing exercise undertaken, it is not considered that the harms identified above, when considered individually or cumulatively, would significantly and demonstrably outweigh the identified benefits.

It is therefore recommended that planning permission be granted subject to a Section 106 obligation and the recommended conditions.