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Erection of one dwelling (outline - all matters reserved)

Report Item No  
A3

Land To The Rear Of The George Inn Bakewell Lane  
Coleorton Coalville Leicestershire LE67 8HF

Application Reference  
15/00072/OUT

Applicant:  
Mr & Mrs Jason Heathcote

Date Registered  
19 January 2015

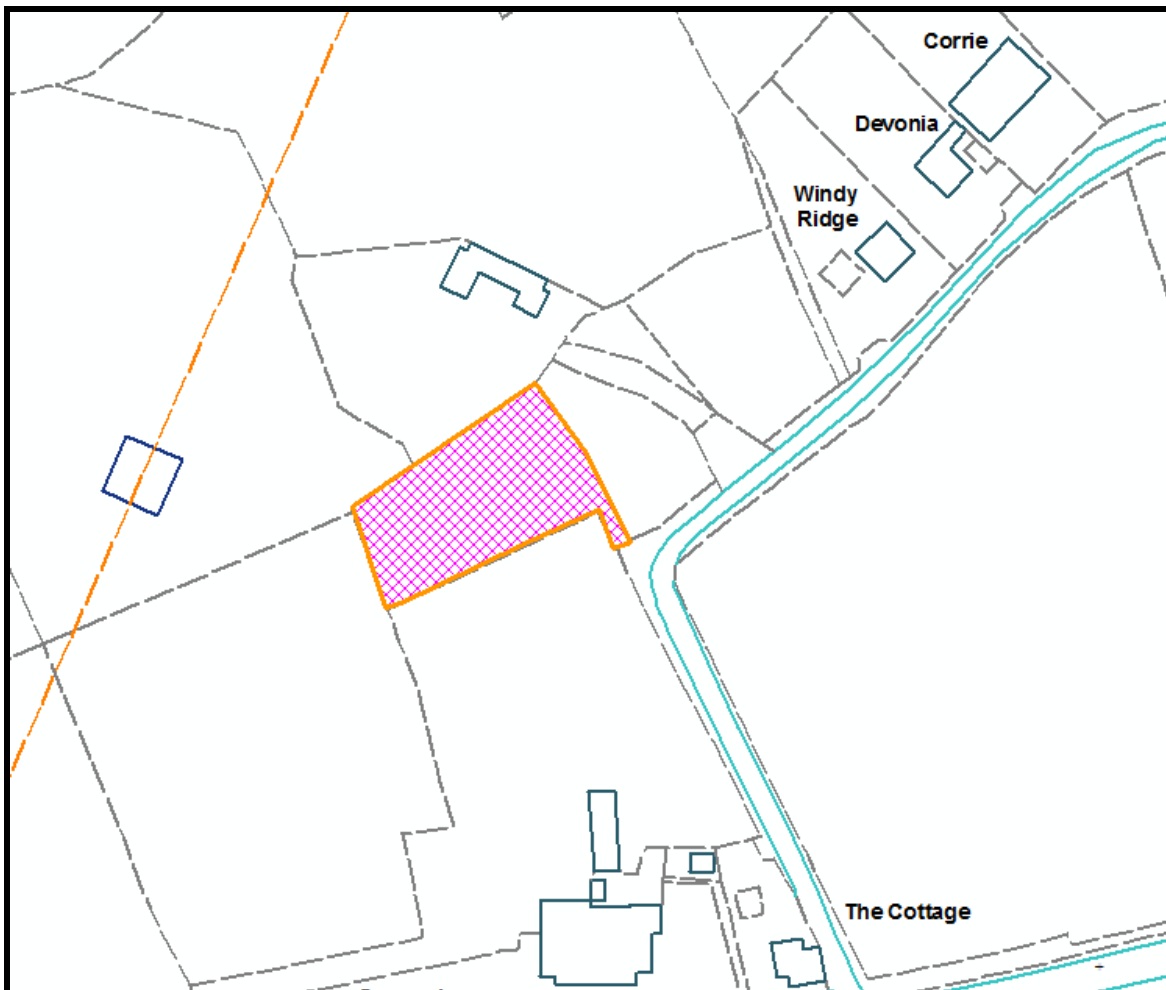
Case Officer:  
Adam Mellor

Target Decision Date  
16 March 2015

Recommendation:  
REFUSE

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Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is brought to the Planning Committee at the request of Councillor Stevenson so that the local need for the dwelling can be appropriately assessed.

### Proposal

Outline planning permission is sought for the erection of one dwelling (outline application - all matters reserved) at land to the rear of The George Inn, Bakewells Lane, Coleorton. The 0.08 hectare site is located 60.0 metres to the north of The George Inn and 13.0 metres to the south-west of existing stables and would be served by an existing vehicular access off Bakewells Lane. The site is situated outside the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately open countryside with a sporadic form of residential dwellings situated to the north-east of the site on Bakewells Lane.

### Consultations

No representations to the application have been received although Coleorton Parish Council has objected to the development. All other statutory consultees have no objections subject to the imposition of relevant conditions on any consent granted.

### Planning Policy

It is considered that the development would result in conflict with the social and environmental strands of sustainability as well as Paragraphs 17, 55, 57, 60 and 61 of the National Planning Policy Framework and Policies S3, E4, H4/1 and H7 of the North West Leicestershire Local Plan.

### Conclusion

The report below indicates that the site is a Greenfield site outside Limits to Development and that the area of Coleorton where the property would be located is not sustainable due to the site's proximity to an appropriate level of services.

It is considered that the proposed development would result in the provision of a dwelling on land outside the defined Limits to Development which would physically intrude into the rural environment and would be physically isolated from other substantial built forms and as such would represent unwarranted development in the countryside. A heavy reliance on the private car, an unsustainable mode of transport, for any future occupants to undertake their daily duties would also not support the move towards a low carbon economy or seek to use natural resources prudently. In these circumstances the proposed development of the site is unacceptable in principle and would conflict with the environmental strand of sustainability and Paragraphs 17 and 55 of the NPPF as well as Policies S3 and H4/1 of the Local Plan.

In addition, the site would not be situated within an acceptable walking distance of local services available within the sustainable part of Coleorton (Lower Moor Road) and as such the development of the site would not provide accessibility to an appropriate level of services which would contribute towards people's day to day needs and as such the development would also conflict with the social strand of sustainability as well as Paragraph 17 of the NPPF.

It is also considered that the development of the site for residential purposes would result in a form of development which would be prominent and isolated from other substantial forms of development, given its distance from neighbouring built forms and relationship with a public right

of way, and as such to permit the development would be contrary to the intentions of Paragraphs 57, 60 and 61 of the NPPF and Policies E4 and H7 of the Local Plan.

The introduction of the dwelling on Bakewells Lane has been assessed by the County Highways Authority who have concluded that it would result in a significant increase in the amount of vehicular movements, when taken cumulatively with existing movements, onto and off the A512 (Loughborough Road) at a junction which is substandard in its width and as such the turning manoeuvres would be an additional source of danger to road users. Bakewells Lane itself is also unsuitable in its width and design to cater for an increase in vehicular movements with the introduction of vehicular, pedestrian and cycle movements on a lane which lacks both footways and street lighting resulting in dangers to both pedestrians and vehicles. In these circumstances to permit the development would be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

It is therefore recommended that the application be refused.

**RECOMMENDATION - REFUSE;**

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

## **Main Report**

### **1. Proposals and Background**

Outline planning permission is sought for the erection of one dwelling (outline application - all matters reserved) at land to the rear of The George Inn, Bakewells Lane, Coleorton. The 0.08 hectare site is located 60.0 metres to the north of The George Inn and 13.0 metres to the south-west of existing stables. The site is situated outside the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately open countryside with a sporadic form of residential dwellings situated to the north-east of the site on Bakewells Lane.

No indicative position of a dwelling is shown on the submitted layout plan but vehicular access would be provided off an existing access located on a bend in Bakewells Lane at a distance of 87.0 metres from the junction of Bakewells Lane with Loughborough Road (A512). No information has been supplied on the potential scale of the dwelling apart from that one dwelling would be proposed which would provide four, or more, bedrooms.

Whilst the application is brought to the Planning Committee for an assessment to be made on the 'local need' for the dwelling it is noted that no supporting information has been supplied to demonstrate that the application is proposed to meet a local need nor has material been supplied to demonstrate that the potential 'needs' of the applicant could not be met from existing housing stock within the area, what the cost of any new build dwelling would be in relation to house prices within the surrounding area and whether any land within the defined limits to development would be available for such a development proposal.

A Phase 1 Protected Species Survey, Tree Report and Coal Mining Risk Assessment have been submitted in support of the application.

An outline application for the erection of a bungalow was refused on the 10th February 1988.

### **2. Publicity**

5 no neighbours have been notified (Date of last notification 27 January 2015)

Site Notice displayed 5 February 2015

Press Notice published 11 February 2015

### **3. Consultations**

County Highway Authority  
Coleorton Parish Council  
Severn Trent Water Limited  
Head of Environmental Protection  
NWLDC Tree Officer  
County Archaeologist  
LCC ecology  
LCC/Footpaths  
NWLDC Footpaths Officer  
Coal Authority

#### **4. Summary of Representations Received**

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

**Coal Authority** has no objections subject to the imposition of relevant conditions.

**Coleorton Parish Council** objects to the application on the basis that it is outside the current and proposed limits to development and could lead to unacceptable infill development in an area of open landscape.

**Leicestershire County Council - Archaeology** no representation received to date any comments will be reported to Members on the Committee Update Sheet.

**Leicestershire County Council - Ecology** has no objections subject to the imposition of conditions in respect of the retention of hedgerows and the timings of any site clearance.

**Leicestershire County Council - Footpaths Officer** has no objections subject to the proposal not affecting the public's use and enjoyment of footpath M82.

**Leicestershire County Council - Highways Authority** objects to the application on the basis that the proposal would lead to significant increases in vehicular traffic using a junction off the A512 which is unsuitable to accommodate additional movements with Bakewells Lane itself being inadequate in its width and design, as well as lacking pedestrian footways and street lighting, to accommodate additional movements.

**NWLDC - Environmental Protection** has no objections.

**NWLDC - Footpaths Officer** initially outlined that the boundary of the site in relation to public footpath M82 is not clear and as such it cannot be concluded whether there would be any necessity for a diversion order. Following clarification being provided, on the basis of the definitive maps supplied by the County Footpaths Officer, it has been determined that no diversion of footpath M82 will be necessary as it is outside the application site boundaries and as such no objections are raised.

**NWLDC - Tree Officer** no representation received to date any comments will be reported to Members on the Committee Update Sheet.

**Severn Trent Water** no representation received to date any comments will be reported to Members on the Committee Update Sheet.

#### **Third Party Representations**

No third party representations have been received to date. Any representations received from the publication of the Committee Agenda will be reported to Members on the Committee Update Sheet.

#### **5. Relevant Planning Policy**

##### **National Policies**

##### *National Planning Policy Framework*

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the

Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development);  
Paragraph 14 (Presumption in favour of sustainable development);  
Paragraph 17 (Achieving sustainable development);  
Paragraph 28 (Supporting a prosperous rural economy);  
Paragraph 32 (Promoting sustainable transport);  
Paragraph 49 (Delivering a wide choice of high quality homes);  
Paragraph 53 (Delivering a wide choice of high quality homes);  
Paragraph 55 (Delivering a wide choice of high quality homes);  
Paragraph 57 (Requiring good design);  
Paragraph 60 (Requiring good design);  
Paragraph 61 (Requiring good design);  
Paragraph 75 (Promoting healthy communities);  
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);  
Paragraph 118 (Conserving and enhancing the natural environment);  
Paragraph 120 (Conserving and enhancing the natural environment);  
Paragraph 121 (Conserving and enhancing the natural environment);  
Paragraph 203 (Planning conditions and obligations);  
Paragraph 204 (Planning conditions and obligations);

#### **Adopted North West Leicestershire Local Plan (2002)**

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside;  
Policy E3 - Residential Amenities;  
Policy E4 - Design;  
Policy E7 - Landscaping;  
Policy F1 - General Policy;  
Policy F2 - Tree Planting;  
Policy F3 - Landscaping and Planting;  
Policy T3 - Highway Standards;  
Policy T8 - Parking;  
Policy H4/1 - Housing Land Release;  
Policy H6 - Housing Density;  
Policy H7 - Housing Design;

#### **Other Policies**

##### **6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development;

**Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)**

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

**National Planning Practice Guidance**

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

**6. Assessment**

**Principle of the Development**

In terms of the principle of development, and 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 (2002 (as amended)).

In terms of the adopted North West Leicestershire Local Plan, the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3.

Notwithstanding the countryside location of the site, in determining the application regard must be had to other material considerations, including other Development Plan policies and whether the proposal constitutes sustainable development.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

Whether or not this site would be considered "appropriate," in the context of Policy H4/1, is a matter of judgement having regard to its location outside Limits to Development. This policy nevertheless sets out criteria relevant to release of land. Insofar as the site's location is concerned it is isolated from neighbouring built forms, as well as the defined limits for development of the Lower Moor Road part of Coleorton, and as such does not perform well in the context of Policy H4/1. However, this issue needs to be considered in the context of the need to maintain a five year housing land supply in the District. It is, therefore, considered inevitable that Greenfield land will need to be released in order to maintain a five year supply of deliverable sites.

*Housing Land Supply and 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.

In terms of the minimum amount of housing required to be provided within the District as a whole, a Strategic Housing Market Assessment (SHMA) undertaken on behalf of all of the

Leicestershire local planning authorities has provided the District Council with an up-to-date objectively assessed annual housing requirement, equating to 350 dwellings per annum. The approach used in the SHMA to establishing this Objectively Assessed Need (OAN) was supported by the Inspector who determined the appeal in respect of a site at Lower Packington Road, Ashby de la Zouch, issued in October 2014 and, based on the findings of the Inspector regarding the appropriate method of calculating supply, the District Council's latest housing supply trajectory indicates that, using the approach of the above annualised requirement with a 20% buffer, the District is currently able to demonstrate a supply of 6.08 years.

Having regard to the above and to the approach set out in Paragraph 49 of the NPPF, Local Plan Policy S3 is considered to be up-to-date in the context of Paragraph 49. However, given that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006), this needs to be taken into account when considering the weight to be applied to any conflict with this policy.

In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. These are set out in more detail below: -

#### *Environmental*

The NPPF outlines that the environmental role should contribute to *"protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

The land is identified as paddock land and as such the development would result in the loss of Greenfield land which is identified in the adopted Local Plan as being countryside and as such the scheme would fail to protect or enhance the natural environment contrary to the intentions of Paragraph 17 of the NPPF and Policy S3. The proposed development of the site would also result in the provision of an isolated dwelling in the countryside, due to its detachment from built forms and the limits to development of Coleorton, for which no special circumstances exist for the allowance of the scheme, as such the development would also conflict with the intentions of Paragraph 55 of the NPPF.

It is also considered, taking into account the views of the Planning Inspectorate relating to a recent appeal decision at Tea Kettle Hall in Diseworth (APP/G2435/A/13/2208611), that due to the distance from shops, services and employment opportunities, as well as the limited bus service available to the site, that the private car would be the most likely mode of transport for the majority of trips to and from the proposed dwellings. This would involve lengthy trips in an unsustainable mode of transport for shopping, work and leisure purposes which again would conflict with the environmental aims of the NPPF which seek to use natural resources prudently and move towards a low carbon economy.

#### *Social*

The NPPF outlines that the social role should support *"strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being."*

The site lies adjacent to the boundary with a public house (George Inn) and would be in close proximity to bus stops outside the public house (at a distance of 133 metres from the centre of



the site) which provides access to Bus Service 9 (between Coalville and Burton on Trent) which is an hourly service every day of the week (last bus returning by 19:00 Monday - Saturday and 16:52 on Sunday). However, in respect of other services the site would be relatively isolated from the Post Office/shop (on Lower Moor Road, Coleorton), school (Viscount Beaumont Church of England School, Ashby Road), recreation services (Beaumont Centre, Nottingham Road, Peggs Green and Recreation Ground, Zion Hill, Peggs Green) and places of worship (St Marys Church, Ashby Road)

In the context of Paragraph 7 of the NPPF, which requires the supply of housing to be linked to accessible local services which meet the needs of the community and support its health, social and cultural wellbeing, it is considered that the location of the site would lead to future residents being relatively isolated from shops, medical services and cultural or recreational facilities. Whilst the bus service supplied along Loughborough Road (A512) is hourly to reach the bus stop would require a walk along an unlit section of Bakewells Lane which does not benefit from a pavement and as such would not be an attractive option for future residents. Access to private transport would, therefore, be a necessity for future occupiers of the development particularly in the evenings or at other times when the service is inconvenient. Public transport is also subject to the vagaries of the providers who could change the timetable at will.

As a consequence, in the terms of the social role as defined by the NPPF, the accessibility to a range of local services for residents of the proposed housing would be severely limited.

#### *Economic*

The NPPF outlines that the economic role should contribute to *"building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure."*

In the short term the construction of the development would provide opportunities for local employment and in the longer term a new house would help to support and underpin demand for available businesses and services by bringing people into the settlement.

#### *Conclusions in respect of the Principle of Development and Planning Policy*

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration and includes a presumption in favour of sustainable development.

The site is outside Limits to Development, as defined in the adopted North West Leicestershire Local Plan and, as such, the scheme would be in conflict with the relevant Development Plan and other policies designed to protect the countryside from inappropriate development, including Policy S3 which is a policy designated to protect the countryside for its own sake. Paragraph 17 of the NPPF also outlines that decisions should *"recognise the intrinsic character and beauty of the countryside,"* and it is considered that the physical intrusion into the countryside of this type of development, which would be significantly detached from the recognised limits to development, would be unwarranted and could potentially set a precedent for the further expansion of the settlement of Coleorton into the surrounding fields to the further detriment of the rural environment. Without any special justification for the provision of an isolated dwelling in this location there would also be conflict with Paragraph 55 of the NPPF. As a result the proposal conflicts with environmental strand of sustainability.

It is also considered that the development would conflict with the social strand of sustainability

given that future occupants of the dwelling would be heavily reliant on the private car to access the most basic of services given the proximity of the site to shops, medical facilities and cultural or recreational facilities.

In conclusion, therefore, any support to the economic strand of sustainability would be heavily outweighed by the substantial conflict with the environmental and social strands and as such the development of the site would be unacceptable in principle and would not represent sustainable development.

### **Density**

Policy H6 of the North West Leicestershire Local Plan seeks to permit housing development which is of a type and design to achieve as high a net density as possible taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per hectare elsewhere.

With a site area of 0.08 hectares, the proposed development would have a density of 12.5 dwellings per hectare which would fall significantly below that advised in Policy H6. Whilst the density is significantly below that advised in Policy H6 it is considered important to factor into any assessment the principles of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority would wish for the development to incorporate a strong landscaping scheme, given the sites location, and the provision of more dwellings would have a more substantial impact on the rural environment it is considered that the density proposed is considered to represent an efficient use of the land in this instance taking into account the need for good design and the potential size of the amenity area to the dwelling. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

### **Residential Amenity**

Having regards to the site area shown on the submitted site location plan it is considered that it would be of a sufficient size to accommodate a residential dwelling with adequate amenity space and parking provision. Three detached residential properties lie to the north east of the site with the George Inn Public House and The Cottage (both on Loughborough Road) lying to the south east of the site.

The plot of land itself lies adjacent to the residential/pub garden of the George Inn as well as some stables with public footpath M82 running in close proximity to the north-eastern boundary. The closest residential elements to the site are those associated with the George Inn at a distance of 44.0 metres from the south-eastern site boundary which is defined by mature vegetation in the form of trees and hedgerows. Whilst, at this stage, no indicative position for the dwelling has been provided it is considered that the distance of the site boundary from the built form of the George Inn would ensure that there would be no adverse overbearing or overshadowing implications. The orientation of any dwelling, as well as the position of windows, could also be controlled under any subsequent reserved matters application to ensure that the proposal would not create any adverse overlooking impacts onto the residential/pub garden of the George Inn which is substantial in size.

In terms of the amenities of any future occupants of the proposed dwelling it is considered that the relationship with surrounding built forms would ensure that there would be no adverse overbearing or overshadowing impacts with any loss of privacy from the use of the residential/pub garden of the George Inn being mitigated by the provision of relevant boundary

treatments and retention of the vegetation. In respect of implications associated with noise generated by the use of the public house it is noted that the Council's Environmental Protection team have raised no objections to the application on this basis and, in any case, given that the public house is an existing building, any potential buyer of the new property would be aware of the relationship prior to the purchase.

Overall the development is considered to accord with the principles of Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

### **Design**

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

It is noted that layout, scale, appearance and landscaping are all included as matters to be considered at a later stage. The existing properties on Bakewells Lane in close proximity to the site are set back from the highway but all have their principal elevations fronting onto the lane. At this stage the indicative position of any dwelling on the site has not been provided but it is clear that a residential development on this land would detract from the visual and rural amenity of the area due to its detachment from other substantial built forms, 40.0 metres from the George Inn and over 50.0 metres from Windy Ridge, and as such it would be viewed as an isolated and disconnected form of development. The potential orientation and position of any dwelling would also not respect the characteristics of residential properties on Bakewells Lane given its detachment from the highway.

Public footpath M82 runs to the north-east and north-west of the site and at present built development forms would be peripheral in views established from the footpath whereas the proposed development of the application site would be viewed directly, by virtue of the gaps in the vegetation, and as such this would further compound the isolated nature of the development proposal, although it would not impact sufficiently on the enjoyment of the public right of way.

Overall, therefore, a residential development on this site would result in a form of development which would be prominent and isolated from other substantial built forms and as such would be contrary to the intentions of Paragraphs 57, 60 and 61 of the NPPF as well as Policies E4 and H7 of the Local Plan.

### **Accessibility**

It has been outlined, by the County Highways Authority, that there is an existing accident record at the junction of Bakewells Lane with the restricted (50 mph) Class I (A512) Loughborough Road and as such the introduction of an additional dwelling on Bakewells Lane would result in a significant increase in turning traffic using this junction, when viewed cumulatively with existing users of the highway, which has a substandard width. The width of the access could not be improved due to the relationship of the access with private boundaries. In these circumstances an increase in turning manoeuvres onto and off Loughborough Road at the junction with Bakewells Lane would be severely detrimental to the free and safe movement of vehicles on Loughborough Road as well as causing additional dangers to road users which would not be in the best interests of highway safety and therefore contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

The introduction of a dwelling on Bakewells Lane would also result in additional vehicular, pedestrian and cycling movements on the highway which is unsuitable in its width and design to cater for this increase and which also lacks footways and street lighting within the vicinity of the site. In these circumstances the proposal would also result in additional dangers to pedestrian and vehicular movements on Bakewells Lane which would conflict with the intentions of Policy T3 of the Local Plan.

It is considered that sufficient off-street parking and manoeuvring facilities could be provided within the site boundaries to ensure that vehicles exit the site in a forward direction and that there would be no on-street parking problems on Bakewells Lane. As such there would be no conflict with Policy T8 of the Local Plan.

Public footpath M82 lies around 2.0 metres from the north-eastern boundary of the site and would not be affected, or be required to be diverted, as part of any development. On this basis the County Footpaths Officer and District Council Footpaths Officer have no objections subject to the inclusion of relevant notes to the applicant being imposed on any consent granted to make them aware of the proximity of the public footpath. In these circumstances there would be no conflict with the intentions of Paragraph 75 of the NPPF.

### **Landscaping**

A tree survey has been submitted in support of the application which identifies that there are ten individual trees, two of which are identified as dead and one of which is outlined as poor, as well as an unmanaged hedgerow. Vegetation exists to all boundaries, with dense vegetation established around the vehicular access of the site, and ranges in height from 8 - 17 metres.

As the property is situated within the National Forest a strong landscaping scheme would be a necessity for the development with Policies E7 and F2 of the Local Plan seeking to ensure that existing vegetation is retained and enhanced. It is important to establish, at this stage, whether the site can accommodate a residential dwelling without undue harm to established vegetation which is desirable to retain and which contributes positively to the visual amenity of the area. It is also important to ensure that the amenities of any future occupants are protected and that there is not pressure placed on the removal of retained vegetation due to it restricting light to habitable areas of the dwelling or the rear amenity areas.

At this stage the Council's Tree Officer has not had an opportunity to assess the situation on the site, and provide any formal recommendations, and as such any comments provided in respect of this matter will be reported to Members on the Committee Update Sheet. An assessment on whether the development would accord with the intentions of Policies E7, F1, F2 and F3 of the Local Plan will also be made on the Committee Update Sheet.

### **Ecology**

The County Council Ecologist has concluded that although the habitat survey was undertaken at the wrong time of the year (January 2015) the habitats on site are such that an adequate assessment of their value could be done at this time of the year. In this circumstance the County Council Ecologist has no objections subject to the imposition of relevant conditions on any consent granted to ensure that existing hedgerows are retained and managed, or suitable replacement hedgerows provided, and that site clearance is done outside of the bird nesting season. Should site clearance not be carried out within a year of the date of the 2015 survey than a revised badger survey would also be required. Subject to the imposition of these conditions on any consent granted it is considered that the development would not conflict with the principles of Paragraph 118 of the NPPF and Circular 06/05.

### **Other Matters**

The Coal Authority has concluded that the recommendations of the Coal Mining Risk Assessment are satisfactory subject to the imposition of a condition on any consent granted for intrusive site investigations to be carried out to establish the presence of a recorded mine shaft prior to any reserved matters submission as this would inform the siting of the dwelling. Pre-commencement conditions would also be necessary for borehole investigations to be carried out and remedial works undertaken should there be a need to treat unrecorded shallow mine workings or the recorded mine entry. In the circumstances that the Coal Authority has no objections, subject to the imposition of relevant conditions, it is considered that the scheme would accord with the principles of Paragraphs 120 and 121 of the NPPF.

### **Conclusion**

The report above indicates that the site is a Greenfield site outside Limits to Development and that the area of Coleorton where the property would be located is not sustainable due to the site's proximity to an appropriate level of services.

It is considered that the proposed development would result in the provision of a dwelling on land outside the defined Limits to Development which would physically intrude into the rural environment and would be physically isolated from other substantial built forms and as such would represent unwarranted development in the countryside. A heavy reliance on the private car, an unsustainable mode of transport, for any future occupants to undertake their daily duties would also not support the move towards a low carbon economy or seek to use natural resources prudently. In these circumstances the proposed development of the site is unacceptable in principle and would conflict with the environmental strand of sustainability and Paragraphs 17 and 55 of the NPPF as well as Policies S3 and H4/1 of the Local Plan.

In addition, the site would not be situated within an acceptable walking distance of local services available within the sustainable part of Coleorton (Lower Moor Road) and as such the development of the site would not provide accessibility to an appropriate level of services which would contribute towards people's day to day needs and as such the development would also conflict with the social strand of sustainability as well as Paragraph 17 of the NPPF.

It is also considered that the development of the site for residential purposes would result in a form of development which would be prominent and isolated from other substantial forms of development, given its distance from neighbouring built forms and relationship with a public right of way, and as such to permit the development would be contrary to the intentions of Paragraphs 57, 60 and 61 of the National Planning Policy Framework (NPPF) and Policies E4 and H7 of the adopted North West Leicestershire Local Plan.

The introduction of the dwelling on Bakewells Lane has been assessed by the County Highways Authority who have concluded that it would result in a significant increase in the amount of vehicular movements, when taken cumulatively with existing movements, onto and off the A512 (Loughborough Road) at a junction which is substandard in its width and as such the turning manoeuvres would be an additional source of danger to road users. Bakewells Lane itself is also unsuitable in its width and design to cater for an increase in vehicular movements with the introduction of vehicular, pedestrian and cycle movements on a lane which lacks both footways and street lighting resulting in dangers to both pedestrians and vehicles. In these circumstances to permit the development would be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

It is therefore recommended that the application be refused.

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

- 1 The proposed dwelling would be situated in an area of Coleorton whereby access to appropriate services would be fairly limited and as a result the dwelling would not be situated within a sustainable settlement. The application site is also on unallocated Greenfield land located outside the limits to development of Coleorton, as defined on the Proposals Map to the North West Leicestershire Local Plan. Policy S3 of the adopted North West Leicestershire Local Plan provides a presumption against non-essential residential development in the countryside. Paragraph 17 of the National Planning Policy Framework (NPPF) also indicates that planning should recognise the intrinsic character and beauty of the countryside with Paragraph 55 of the NPPF outlining that isolated homes in the countryside should be avoided. The NPPF also outlines that socially, development should provide the supply of housing required to meet the needs of present and future generations with accessible local services and the support of their health, social and cultural well being. Although the scheme would be considered acceptable in terms of the economic strand of sustainable development the scheme would fail the environmental and social strands as it would physically intrude into the rural environment, by virtue of its isolation from other substantial built forms of development, whilst also creating a development whereby future occupants would be heavily reliant on the private car to access the most basic of services, thereby leading to greater vehicular emissions and not supporting the approach to a low carbon economy. Insufficient local services to serve the basic needs of future residents would also lead to such residents being socially isolated. An approval, therefore, would be contrary to the environmental and social strands of sustainability enshrined within the NPPF, as well as Paragraphs 17 and 55 of the NPPF and Policies S3 and H4/1 of the adopted Local Plan.
  
- 2 It is considered that the development of the site for residential purposes would result in a form of development which would be prominent and isolated from other substantial forms of development, given its distance from neighbouring built forms and relationship with a public right of way, and as such would be detrimental to the visual and rural amenity of the surrounding area. Therefore, to permit the development would be contrary to the intentions of Paragraphs 57, 60 and 61 of the National Planning Policy Framework (NPPF) and Policies E4 and H7 of the adopted North West Leicestershire Local Plan.
  
- 3 Paragraph 32 of the National Planning Policy Framework (NPPF) outlines, amongst other things, that development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe. Policy T3 of the North West Leicestershire Local Plan (Local Plan) identifies that development will be permitted only where its highway design and layout make adequate provision for vehicular access and circulation, and servicing arrangements. It is concluded that the proposal would lead to a significant increase, when viewed cumulatively with existing movements, in turning traffic using a junction onto a restricted (50mph) Class I (A512) road where there is an existing accident record and where the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety. There would also be a material increase in vehicular traffic at the junction of Bakewells Lane and the Class I Loughborough Road (A512), where the proximity of adjacent private boundaries are such that Bakewells Lane is substandard in its width and the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety. In these circumstances the development would

be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

- 4 The proposal, if permitted, would also lead to additional traffic using Bakewells Lane, which is unsuitable in its width and design to cater for this increase which would not be in the best interests of highway safety. Bakewells Lane also lacks both footways and street lighting in the vicinity of the site and as such the development will introduce additional vehicular, pedestrian and possibly cycle movements via Bakewells Lane, including in the winter months in the hours of darkness, which would introduce additional dangers to road users. In these circumstances the development would be contrary to the aims of Policy T3 of the Local Plan.

**Notes to applicant**

- 1 Outline planning permission has been refused for this proposal for the clear reasons set out in this decision notice. It is considered that the application is not acceptable in principle and as such the Local Authority has not entered into dialogue to seek any amendments. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).