

Erection of detached dwelling (outline - access, layout and external appearance included for determination)

Report Item No
A2

Site Off Main Street Normanton Le Heath Leicestershire

Application Reference
14/01040/OUT

Applicant:
Mr Stephen Bryan

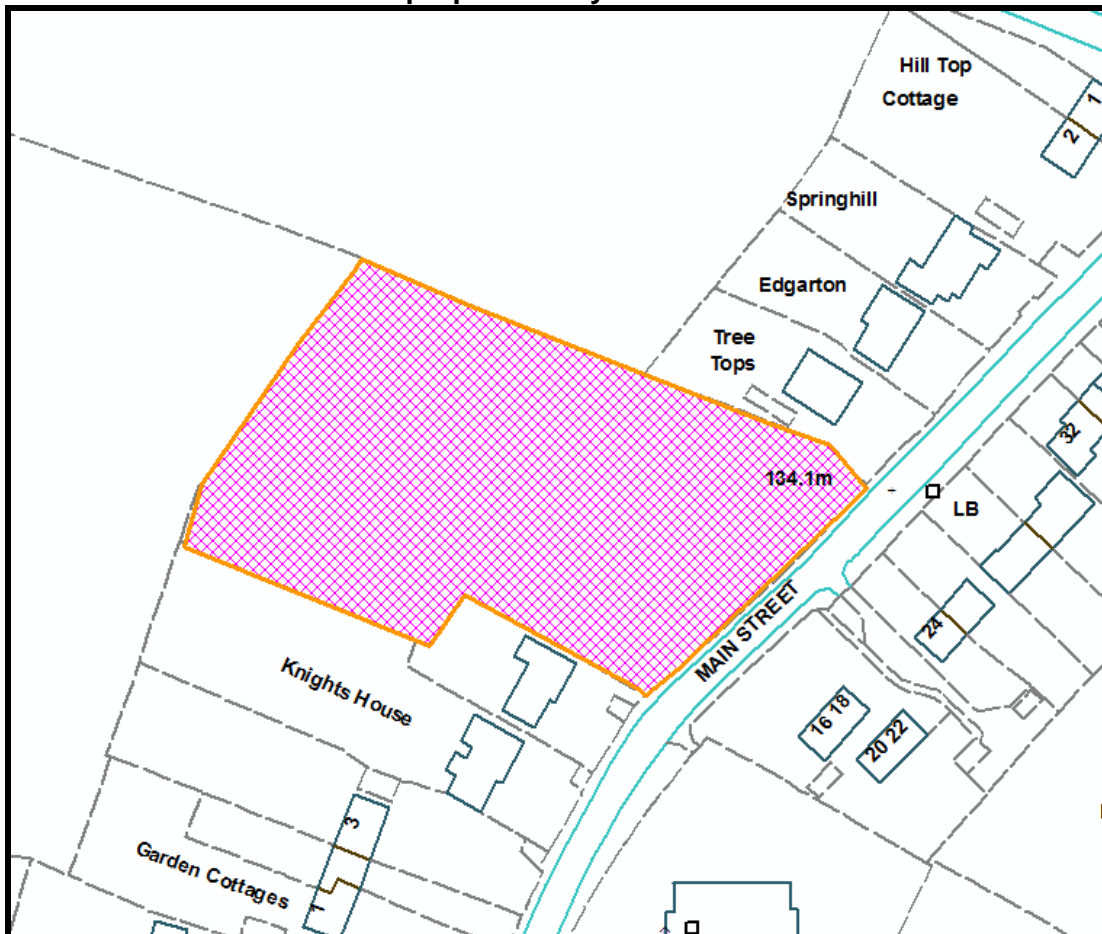
Date Registered
13 November 2014

Case Officer:
Chris Elston

Target Decision Date
8 January 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

This application is reported to Members of the Planning Committee at the request of Councillor Nigel Smith on the grounds that previous applications on the site have been refused.

Proposal

Outline permission is sought for the erection of one dwelling on land off Main Street, Normanton le Heath. The dwelling would be sited on the northern part of the front of the site and would form a three storey dwelling with a single storey/two storey rear projection. The application originally included operation of a tutoring business and agricultural/equestrian trailer business from the site but these businesses no longer form part of the application. A previous application for three dwellings on the rear of the site was refused at Planning Committee in February 2014 on the grounds of being an unsustainable form of development and impact on the rural setting and character of the village, intruding further into the countryside than the current proposal.

Consultations

A total of 28 letters of objection have been received from members of the public including a petition with 67 signatures, along with one letter of support. Normanton le Heath Parish Meeting objects to the proposal. No other objections have been received from statutory consultees.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and in the countryside which is protected by Policy S3. The site is also a Sensitive Area as designated under Policy E1 of the Local Plan. Also material to the determination of the application is the need to consider whether the proposals would, overall, constitute sustainable development in the context of the National Planning Policy Framework (NPPF).

Conclusion

While the site lies outside limits to development in a Sensitive Area, a finely balanced view is taken that the scale of the development would be generally in keeping with the character of the village whilst also maintaining part of the Sensitive Area and setting of the village. It is considered that the design of the dwelling complies with the provisions of Policies E4 and E7 of the Local Plan and the route of the public footpath that crosses the site would not be affected. It is considered that the proposal would not adversely impact on highway safety and would be unlikely to result in overshadowing, overlooking or an oppressive outlook to the adjacent dwellings. The development would not adversely affect the setting of the Grade 2* listed Holy Trinity Church and its significance would therefore be retained and conditions could be imposed relating to archaeology. It can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. It is therefore recommended that planning permission be granted.

RECOMMENDATION - APPROVE, subject to conditions;

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for the erection of one dwelling on land off Main Street, Normanton le Heath. Details of access, scale, layout and external appearance have been included for consideration.

The dwelling would be sited on the northern part of the front of the site and would form a three storey dwelling with a single storey/two storey rear projection which would wrap around a courtyard to the rear of the main part of the dwelling. A detached double garage would be located between the new dwelling and the dwelling known as Tree Tops. Amended plans have been submitted which have amended the design and position of the dwelling following officer concerns regarding the design and scale of the dwelling and its impact on the character of the area and retains the legal route of public footpath (O60) that crosses the site. Access to the dwelling would be via a new access off Main Street at the northern end of the site and parking and turning space would be provided to the front of the proposed garage.

The dwelling would provide accommodation for three generations of one family. The application originally included operation of a tutoring business and agricultural/equestrian trailer business from the site. However the applicant and agent have confirmed that these businesses no longer form part of the application, although two small studies and a study/spare bedroom are indicated on the submitted plans which could be used for home working.

The Church of the Holy Trinity which lies on the opposite side of Main Street is a Grade 2* listed building. The site lies in the catchment area for the River Mease Special Area of Conservation.

A previous application for three dwellings on land to the rear of the site was refused by Planning Committee in February 2014 (13/00913/OUT) on the following two grounds:

1. The site that is subject to this application is located outside the Limits to Development where there is a presumption against development non-essential residential development as set out in Policy S3 of the adopted Local Plan. Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to provide an environmental role, including in respect of minimising pollution and mitigating and adapting to climate change, and moving to a low carbon economy. The site is in a location remote from services and public transport and occupiers of the development would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs, not providing for a sustainable form of development compatible with a move towards a low carbon economy, and contrary to the policies and intentions of the NPPF. The development of this site for housing would therefore, be contrary to Policy S3 of the adopted Local Plan and the provisions of the NPPF.

2. Policy E4 of the North West Leicestershire Local Plan requires that in determining planning applications, regard should be had to the wider setting of new buildings and that new development should respect the character of its surroundings, in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the streetscene generally. The application site forms part of a large piece of agricultural land within the village that extends up to Main Street and allows long and important open views from within

the village of the wider countryside beyond, which contributes to the rural setting and character of the settlement. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore, the site, along with the land forward of the site is considered to be an important vista that makes a positive contribution to the rural setting of the village. Therefore, the development of the site for housing would result in an important view out of the centre of the village being lost to the detriment of the rural setting and character of Normanton le Heath. Approval of the proposal would therefore, be contrary to the provisions of Policy E4 of the Local Plan and the provisions of the NPPF.

Other Planning History:

88/1304- Residential Development (Outline) - Refused on the grounds that the proposal would develop an open break in the street frontage that has been designated as a Sensitive area where development will be resisted to maintain the character of the streetscene and the character of the area. An appeal was lodged and was dismissed by the Planning Inspector.

84/0045- Residential Development (Outline) - Refused on the ground that the site forms part of a field extending up to the back of the footway on Main Street and between existing development. To develop the site as proposed would close up this important area of informal open space with its attractive views to the north-west, and would be detrimental to the rural amenities enjoyed by residents of the village.

AR5204 - Residential Development (Outline) - Approved on 1 March 1974. No reserved matters submitted and planning permission not implemented and has therefore expired.

2. Publicity

22 no. neighbours have been notified (Date of last notification 3 June 2015)

Press Notice published 3 December 2014

Site Notice posted 27 November 2014

3. Consultations

Normanton-le-Heath Parish Meeting consulted

County Highway Authority consulted 27 November 2014

Environment Agency consulted 19 November 2014

Severn Trent Water Limited consulted 19 November 2014

Head of Environmental Protection consulted 19 November 2014

County Archaeologist consulted 19 November 2014

LCC ecology consulted 19 November 2014

NWLDC Conservation Officer consulted 19 November 2014

LCC/Footpaths consulted 19 November 2014

NWLDC Footpaths Officer consulted 19 November 2014

4. Summary of Representations Received

Statutory Consultees

Normanton le Heath Parish Meeting advise that a significant number of residents are totally opposed to the proposal and have raised many objections at the Village Meeting.

The Parish Meeting objects to both the original and amended plans on the following grounds:

- the site is outside the defined Limits to Development and the site has been the subject of numerous applications all of which have been refused by the Council and at appeal;

- proposal would affect the nature of the village;
- the site has been designated as a Sensitive Area in the rural core of the village, is the only 'green wedge' in the village and is an ancient, beautiful and well used feature of the community;
- the countryside views and ancient holly hedge are accessible to all and would be erased by the development;
- the public footpath through the site is extremely well used;
- the proposal would result in the introduction of enormous housing and a business complex to the centre of this tiny hamlet and would increase sustainability and environmental problems;
- the village centre is crowded with houses and flats and there is a lot of on-street parking;
- the proposal would enormously increase activity, noise and inconvenience from added volume and type of traffic;
- the lack of public transport is a major issue and the actual distance to a bus stop is much greater than suggested in the application;
- the site is not a vacant plot;
- the development at Highfield Close was a brownfield site and replaced previous buildings;
- the location of an agricultural/equestrian and tutoring businesses in the heart of the village would create a nuisance and exacerbate existing traffic problems;
- attempts to present the development as sustainable are ridiculous as whilst it may be a low carbon property, it is the general sustainability of every day living that is the issue;
- claims that the family would walk along non-paved roads or cycle to remote bus stops and rely on supermarket deliveries are ludicrous;
- the proposal would encounter the same issues with transport, work, leisure and amenities as existing residents;
- we hope the Council will continue its policy of rejecting developments on this 'sensitive site' as the rurality of the village would be prejudiced by replacing the panoramic views and beautiful pasture land with a visually dominant house and business complex.

The County Highways Authority initially raised objection on the ground that the application fails to demonstrate that the proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. The Highway Authority later clarified that if the businesses were removed then it would not object on sustainability grounds. Following submission of amended plans the Highway Authority refers to its Standing Advice.

Severn Trent Water has no comments to make.

The Environment Agency does not wish to make any formal comments.

The Environmental Protection team has no environmental observations.

The Leicestershire County Council Ecologist has no objections.

NWLDC Conservation Officer initially advised that the proposal is unlikely to affect the setting of the nearby Grade II* listed church and therefore has no objections. Following the submission of amended plans the Conservation Officer welcomes the changes to the design and has no objections.

The Leicestershire County Council Footpaths Officer does not raise any objections to the original or amended plans.

NWLDC Footpaths Officer initially advised that the line of the public footpath needs to be shown on the plans and does not raise any objections to the amended plans.

No comments have been received from the County Archaeologist by the date of this report.

Third Party Representations

29 letters of objection including one petition with 67 signatures have been received which object on the following grounds:

- the Planning Committee's reasons for refusal on the previous application for three dwellings still apply to this application;
- trust that Planning Committee's position regarding the previous application will remain unchanged;
- the Council has previously advised that the site is unsuitable for development;
- previous owner was unable to build a bungalow on the site for her husband who has a terminal illness;
- system is unfair as other people have tried to obtain planning permission for houses in the countryside and have been unsuccessful;
- Normanton has limited facilities and is an unsustainable village;
- nearest bus service is in Ravenstone;
- unlikely to use the bus service due to need to walk along unlit 50mph bendy lanes with no footways;
- more cars would be brought into the village;
- village has poor mobile phone and broadband access;
- the plot is not within the village building line;
- no need for another large house in the village;
- village needs affordable starter homes;
- dwelling offers same level of accommodation as three dwellings previously proposed;
- any precedent from dwelling approved 41 years ago has surely been superseded by other refused applications;
- one of the applicants last lived in the village over 20 years ago;
- no interest has been shown by the applicants in living in other houses that have come up for sale in the village;
- anyone could live in the dwelling once it is built;
- the general sustainability of the proposal is questionable;
- any carbon saving would be outweighed by increase in traffic;
- nothing particularly noteworthy in respect of the dwelling's sustainability/green credentials as would only subscribe to current regulations regarding insulation, services and other features;
- new dwelling would have no less impact than the previous application;
- increasing problems with traffic congestion and on-street parking in the village would be exacerbated by more traffic in particular from the businesses which could include large vehicles;
- Main Street is very narrow;
- businesses should not be operated in a residential area with limited access;
- loss of long and important views across the site and of the village and church;
- site is an important vista that makes a positive contribution to the rural setting of the village;
- loss of last remaining open area in the village;
- the rural setting and character of the village would be destroyed;
- site has distinctive open feel which adds to character of the village;
- contrary to Policy E1 of the Local Plan as site is a Sensitive Area and its present open character would be diminished;
- Sensitive Area considered important under the previous appeal decision and there is nothing within the application to outweigh this;
- Highfield Close development was built on a farmyard and there were no open views available;
- size of dwelling out of scale with other buildings on Main Street and would dominate street frontage;

- permission was refused for a large frontage dwelling at Highfield Close;
- development is not modest in scale and applicants want to impose development on a smaller village than the now expanding Packington;
- access for and enjoyment of users of public footpath would be compromised;
- ancient and traditional public footpath route would be lost or diverted;
- the public footpath would be repositioned increasing noise and resulting in overlooking of the neighbouring dwelling;
- limited information given regarding the businesses;
- vague terms have been used to replace the references to 'businesses' which are open to interpretation;
- no buildings to accommodate the equestrian business and further applications likely which could be difficult to refuse if business established on the site;
- businesses would increase activity and noise and compromise village security with peace, tranquility and privacy lost;
- residents choose to live in the village due to its tranquility which is already under threat from existing increasing traffic;
- noise and disturbance from use of driveway and garage;
- capacity of Ravenstone Treatment Works needs to be checked;
- existing sewerage problems would be exacerbated, in particular as village pumping station now closed;
- no benefits for the village;
- land is Green Belt;
- small size of site means it isn't an agricultural holding;
- when last development was erected in the village it was stated that no buildings would be allowed for agricultural business purposes;
- scaremongering as proposal presented as an alternative to affordable housing on the site and eradication of risk of future development;
- proposal could set precedent for more development and infilling green gaps in the village;
- no discussions with neighbours have taken place and there is a great deal of opposition to the proposal;
- the timing of the application means there is less time for residents to consider the application;
- inaccuracies and misleading information/photographs in application submission.

One letter of support has been received which states that as approval would inevitably be granted in the future due to demand for new homes, one dwelling would enhance street scene and remove uncertainty regarding use of the land. The design and setting are good and it would be an eco friendly sustainable house.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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.

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

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)
Paragraphs 32 and 34 (Promoting sustainable transport)
Paragraphs 49 and 55 (Delivering a wide choice of high quality homes)
Paragraphs 57, 61 and 64 (Requiring good design)
Paragraphs 109, 112, 118 and 119 (Conserving and enhancing the natural environment)
Paragraphs 129, 131, 132 and 134 (Conserving and enhancing the historic environment)
Paragraph 203 (Planning conditions and obligations)

North West Leicestershire Local Plan:

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

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

Policy S3 - Countryside
Policy E1 - Sensitive Areas
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy F1 - National Forest 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 Guidance

National Planning Practice Guidance - March 2014
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations')
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)
River Mease Water Quality Management Plan - August 2011
6Cs Design Guide (Leicestershire County Council)

6. Assessment

The main considerations in the determination of this application relate to the principle and sustainability of development, impact on the character of the area, design and impacts on highway safety, residential amenities, historic environment and the River Mease Special Area of Conservation/SSSI.

Principle and Sustainability:

The previous application for three dwellings was in part refused for the following reason:

The site that is subject to this application is located outside the Limits to Development where

there is a presumption against development non-essential residential development as set out in Policy S3 of the adopted Local Plan. Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to provide an environmental role, including in respect of minimising pollution and mitigating and adapting to climate change, and moving to a low carbon economy. The site is in a location remote from services and public transport and occupiers of the development would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs, not providing for a sustainable form of development compatible with a move towards a low carbon economy, and contrary to the policies and intentions of the NPPF. The development of this site for housing would therefore, be contrary to Policy S3 of the adopted Local Plan and the provisions of the NPPF.

Insofar as the principle of development is concerned, 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)).

The site lies outside the Limits to Development for Normanton le Heath as defined by the Proposals Map of the adopted Local Plan and therefore falls to be considered against Saved Policy S3 of the Local Plan. In applying weight to any conflict with Policy S3 in the overall planning balance, it is important to bear in mind the fact 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). It is therefore considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

Saved Policy H4/1 is also of relevance and identifies the criteria for in releasing "appropriate" land for housing. The site is bounded by housing to the north and south and on the opposite side of Main Street and the proposal would not extend or encroach any further to the west of the settlement than existing housing on the western side of Main Street and would not be an isolated development in the countryside.

As the Authority is able to demonstrate a five year supply of housing, including an additional 20% buffer, Saved Policies S3 and H4/1 are considered to be relevant and in date, in the context of Paragraph 49 of the NPPF (subject to the weight to be attached to Policy S3 as a material consideration being adjusted having regard to the plan period issue as set out above).

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 still need to be assessed against the NPPF. The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Normanton le Heath has no services and facilities other than a church and no bus service, with the nearest service/facilities/bus service being located in Packington and Heather, which are both at least 2 km away. Therefore, occupiers of the new dwelling would be dependent on the private car to reach basic services to meet their day to day needs. Anyone working in connection with or visiting the initially proposed trailer and tutoring businesses would also be dependent on private vehicles to visit the site due to its distance from other nearby settlements.

In seeking to overcome the previous reason for refusal, the applicant has submitted information

relating to the principle and sustainability of the proposal:

- Supermarket food delivery services available to the village;
- Bus service within 0.8km walking distance;
- Other successful appeals in the area which have demonstrated that settlements similar to Normanton le Heath are suitable for new residential development, e.g. at The Brambles in Coleorton;
- Removal of the trailer and tutoring businesses from the application;
- Provision of offices for home working;
- Proposing one family house which allows the applicants, their children and an elderly parent to live in a multi-generational family context;
- Planning permission previously granted in 1974 for a similar development of one dwelling on the site creating a precedent;
- Eradication of unknown risk of future unacceptable development on land behind existing housing, i.e. there is a shortage of affordable housing in the District which would be more harmful than one dwelling;
- Creation of a low carbon dwelling;

In respect of this additional information, the provision of supermarket deliveries is not considered to significantly increase the sustainability of the settlement and in the case of the appeal decision other services/facilities were available within Coleorton and in closer proximity than in respect of the application site. As noted above there is no bus service within the village. The applicant and agent have confirmed that the two businesses no longer form part of the application and that no other businesses would be run from the site. The two studies would allow for home working only.

The provision of one dwelling would be a reduction when compared to the previous scheme. Although it is acknowledged that three generations of one family would occupy the dwelling and that the layout would allow for separate living arrangements, communal living is more likely to occur (and the likely resultant reduction in journeys to and from the site) when compared to the previously proposed occupation of three separate homes. Although a large dwelling, the proposal could also be occupied by a one-generation family. In any event, a condition could be imposed requiring the property to be occupied as one dwelling.

The 1974 permission is not considered to set a precedent given the subsequent decisions relating to proposals on the site in the 1980s. The application can only be considered on the basis of its own merits and the potential for other forms of development on the site cannot be taken into account.

The application advises that the dwelling would be constructed to the equivalent of Level 6 of the Code for Sustainable Homes (which has now been abolished), which was the highest level achievable under this former national standard for the design and construction of sustainable new homes. A summary scoring report showing how the dwelling would achieve this level has been submitted. The Design and Access Statement also includes an Energy and Sustainability Statement which sets out that the dwelling would be more than 40% more efficient than the minimum standards required to obtain Building Control approval. The application states that the dwelling would attempt to achieve zero carbon emissions by way of ground source heating with biomass fires, very high insulative properties and air tightness in line with passive design strategies and low water usage fittings and rainwater harvesting would also be included. Local bricks and tiles are also proposed along with FSC timber.

As to whether the proposal would result in a sustainable form of development, it is

acknowledged that the site is in a location remote from services and public transport and occupiers of the dwelling would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs. Whilst the Authority has a five year housing land supply small sites such as this can help to maintain this supply although only to a minimum degree. The scheme has been reduced from three dwellings to one dwelling (albeit to be occupied by three generations of the family) and the dwelling would incorporate sustainable design principles to achieve zero carbon emissions and the equivalent of Sustainable Code for Homes Level 6, which might help to offset the reliance on the private car to some degree but would not in itself make the development sustainable. Therefore, on balance it is considered that, while the proposal is contrary to planning policy, the development would be well related to and in keeping with existing development and result in limited harm to the character of the village as set out below.

Character of the Area:

The previous application for three dwellings was located on the rear part of the site and was refused for the following reason:

Policy E4 of the North West Leicestershire Local Plan requires that in determining planning applications, regard should be had to the wider setting of new buildings and that new development should respect the character of its surroundings, in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the streetscene generally. The application site forms part of a large piece of agricultural land within the village that extends up to Main Street and allows long and important open views from within the village of the wider countryside beyond, which contributes to the rural setting and character of the settlement. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore, the site, along with the land forward of the site is considered to be an important vista that makes a positive contribution to the rural setting of the village. Therefore, the development of the site for housing would result in an important view out of the centre of the village being lost to the detriment of the rural setting and character of Normanton le Heath. Approval of the proposal would therefore, be contrary to the provisions of Policy E4 of the Local Plan and the provisions of the NPPF.

The proposal would result in a density of 2 dwellings per hectare, which is significantly below that sought under Policy H6 of the Local Plan (a minimum of 30 dwellings per hectare). The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances. This density is considered appropriate having regard to the nature of the settlement and character of the area.

The dwelling would be located on the front part of the site, which falls within an area designated as a 'Sensitive Area' under Policy E1 of the Local Plan. This policy provides that development will not be permitted within the Sensitive Areas, identified on the Proposals Map, which would adversely affect or diminish the present open character of such areas and the contribution they may make to the character, form and setting of settlements, the streetscene generally or the relationship with adjoining countryside. The supporting text for the policy provides that *'The need to protect open areas within or closely related to urban areas is widely recognised. There are many instances of important open areas within or adjoining settlements which contribute positively to the character of the settlement concerned, its streetscene or its setting or approaches. It is important that such areas are kept free from development in view of the contribution they make to local environmental quality.* The policy identifies types of sensitive areas of open land; including important open breaks in street frontages and important settings and approaches to settlements.

In considering an earlier appeal lodged against a 1988 outline application for residential development on the Sensitive Area, an Inspector commented as follows:

'Normanton le Heath is a small village with strong linear form along Main Street. On the north-west side of Main Street, between the B5326 and Normanton Lane, the frontage has been developed apart from the appeal site. The development could be regarded as infilling, i.e infilling a small gap in an otherwise built up frontage, however, in this case, the appeal site has been specifically excluded from the limits to development and designated a Sensitive Area in the recently adopted plan, to which, I must give considerable weight. The site has several trees along the road frontage and there are fine views from Main Street across the site towards the rolling countryside in the direction of Packington and Ashby de la Zouch. This is the only substantial gap on the north-west side of Main Street and offers the only significant view of the countryside to the north. Outbuildings associated with farms and garages restrict the views between the existing dwellings. I therefore consider that this is an important vista to retain. I also consider that this open land contributes to the rural character of the village particularly due to its proximity to the designated Sensitive Area around the church on the opposite side of Main Street. Since 1984 it has been the aim of the Local Planning Authority to retain this area as open land within the village and I find no overriding reason to depart from this Policy. I conclude that this open land makes a significant contribution to the form and character of Normanton le Heath and that the proposed development would harm the character and appearance of the village streetscene.' The appeal was dismissed.

The application site forms part of a large piece of agricultural land within the village that extends up to Main Street and allows long and important open views from within the village of the wider countryside beyond, which contributes to the rural setting and character of the settlement. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore, the site, is considered to be an important vista that makes a positive contribution to the rural setting of the village.

The dwelling was originally located on the central part of the site and had a larger footprint than now proposed which would have resulted in the loss of any views across the site. Taking into account the comments of the Inspector in the previous appeal decision, officers sought amendments to the proposals and amended plans have been submitted which show the dwelling located on the northern part of the site and with a smaller footprint, which would allow for open views across the southern part of the site from Main Street and along the public footpath to be retained. Although the contribution of the site to the character of the area would change, as the open break in the street frontage and views across the site and out of the village would be reduced, they would not be lost completely and the site would still make a positive contribution to the form and character of the village. Views of the church from the footpath would also be retained. It should also be noted that the applications for development on the Sensitive Area in the 1980s related to 'residential development', which could have been more likely to result in several dwellings on the site rather than for a single dwelling as currently proposed and that the recent scheme for three dwellings on the land to the rear of the site would have resulted in development extending across the entire width of the site and the view. In views from the public footpath in an easterly direction towards the village, the dwelling would be seen in the foreground of existing dwellings and would not be more significantly prominent than existing development.

Therefore the finely balanced view is taken that the development would result in limited harm to the rural setting and character of the village and Sensitive Area.

Design:

The scale, proportions and design of the dwelling were initially considered to be out of keeping with other traditional dwellings in the village and it was not clear where the inspiration for the dwelling's design had been drawn from. Amended plans have therefore been submitted which show a dwelling that better reflects the scale, proportions and design of the older and larger dwellings elsewhere in the village. The front element of the dwelling would have three floors of accommodation with the second floor provided in the roof and would incorporate traditional detailing. The side/rear parts of the dwelling are lower in height and wrap around a courtyard in an attempt to reflect a traditional farmyard arrangement. The front of the dwelling would be broadly in line with existing dwellings and the side/rear parts and garage are set back within the site and would not be significantly prominent within the streetscene. Although the dwelling is large in size, much of its bulk would be set back within the site. There is also a mix in the scale and design of dwellings within the village. There is nothing on the plans to suggest that the holly hedge would be removed and details of landscaping and boundary treatments would need to be submitted as part of a reserved matters application. As such it is considered that the design of the dwelling complies with the provisions of Policies E4 and E7 of the Local Plan.

The impact on the route of public footpath O60 was not clear on the original plans. On site the footpath starts at the stile adjacent to the field gate (two-three metres from the site's southern boundary with The Laurels), and then crosses the site diagonally before leaving the site at the centre of its western boundary. However this does not appear to completely reflect the Definitive Map of Public Rights of Way, which shows the eastern stretch of the footpath's legal route running parallel with the site's southern boundary with The Laurels before turning to the north west towards the western boundary. The amended plans appear to reflect the legal route of the footpath based on the Definitive Map. The dwelling would not affect the route of the footpath as it appears on the ground or based on the Definitive Map and it is not shown to be diverted on the plans. An application for a Footpath Diversion Order would need to be made to divert the footpath and the County Council has provided advice regarding matters that need to be adhered to in respect of the footpath. It is therefore considered that the proposal would not significantly impact on the enjoyment of users of the footpath given the distance of the dwelling from the footpath.

Highway Safety:

Concerns have been raised by the Parish Meeting and local residents in respect of highway safety matters, in particular the exacerbation of existing traffic and on-street parking problems and from traffic associated with the businesses. There is space within the site to provide for off-street parking and turning for the dwelling. As noted above the tutoring and trailer businesses have been removed from the application and the offices proposed are for home working only. A 43 metre visibility splay in a northerly direction cannot quite be achieved and so a condition would need to be imposed requiring the access to be repositioned slightly further southwards to provide this splay. The County Highway Authority has not raised any objections in relation to highway safety matters subject to conditions and did not raise any objections in relation to the scheme for three separate dwellings. The existing access at the southern end of the site frontage is not shown to be closed and the Highway Authority has no objection to it being retained given that the rest of the site would remain as a field. As such it is considered that a safe and suitable access could be provided and the proposal would not result in severe impacts on highway safety and would therefore comply with the advice in the NPPF and Policies T3 and T8 of the Local Plan.

Residential Amenities:

It is considered that any noise and disturbance from comings and goings of vehicles into the site would not give rise to any significant adverse impact on the amenities of neighbouring residents.

As noted above the line of the footpath shown on the amended plans appears to follow the legal route of the footpath closer to the boundary with The Laurels rather than the route on the ground which is approximately 8 metres from this boundary.

The dwelling would be sited 21 metres from the boundary of the dwelling known as The Laurels and would be 23 metres from the dwelling itself. The front part of the new dwelling would be 23 metres from the dwelling known as Tree Tops and 16 metres from its boundary, with the side/rear element being 20 metres away from Tree Tops and 8-13 metres from its boundary. The garage would be single storey and between 1.5-3.5 metres from the boundary with Tree Tops and 9.5 metres from the dwelling, with a mature hedge on the boundary. The proposal is therefore unlikely to result in overshadowing or an oppressive outlook to these dwellings. Given the distances of the front element of the dwelling from the adjacent dwellings and the existing fence/hedgerow on the boundaries, it is considered that there would not be any significant direct overlooking from the second floor side windows. The side/rear element of the amended dwelling initially had several first floor windows serving habitable rooms which could result in direct overlooking of the rear garden to Tree Tops. Amended plans have been submitted which remove all windows in this elevation serving habitable rooms and therefore this element of the proposal is unlikely to result in direct overlooking.

Historic Environment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework stipulates that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The application site lies to the north west of the Grade II* listed Holy Trinity Church which is sited on the opposite side of Main Street. The development site falls within the setting of the listed building and, therefore, the impact of the development on the setting of the listed building should be given special regard as required by the 1990 Act. The new dwelling would be seen in views of the church from the public footpath which crosses the site but would not be directly in front of the church in any of these views and existing buildings on Main Street already obscure views of the church building. The Conservation Officer has been consulted on the application and advises that the proposal would be unlikely to affect the setting of the Grade II* listed building. On this basis it is considered that the development would not adversely affect the setting of the listed building and its significance would therefore be retained.

Concern has been raised by local residents and the Parish Meeting about the archaeological remains that may be potentially present on the site which may be affected by the proposals. The County Archaeologist has been consulted but no response has been received. However in respect of the previous application for three dwellings the County Archaeologist advised that the Leicestershire and Rutland Historic Environment Record (HER) notes that the projected line of a Roman road, the 'Via Devana' (HER ref.: MLE4345), appears to run c. 200m to the south of the application area. Whilst it is unlikely that the proposed development will, consequently, disturb evidence of the road, its presence in the vicinity raises the potential that there may be as yet unrecorded Roman remains in the area. The proposed development also lies squarely within the historic settlement core of the medieval and post-medieval village (MLE16886); this is the area within which it is anticipated to find evidence of Anglo-Saxon and later settlement and

activity. The potential for such remains is enhanced by the location of the site close to Holy Trinity church, first recorded in the 13th century. The place name Normanton-le-Heath is suggested to indicate a farmstead and settlement established by Norwegian Viking settlers, however, it is not mentioned in the Domesday Book.

The County Archaeologist previously reviewed historic mapping and available aerial photographs for the site, and it appears there were some earthworks in the area of the proposed development in the 1960's, these appear to survive at least in part until the 1990's but were damaged by ploughing/cultivation in or before 2001. It is also likely that the main focus of any medieval and post-medieval archaeological remains will be to the front of the site.

Therefore in accordance with the NPPF, archaeological recording will be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, which could be secured by condition.

River Mease SAC/SSSI:

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

Although the site lies within the catchment of the River Mease, Severn Trent Water advised in respect of the previous application that waste water from the site would be pumped to Ravenstone Sewage Treatment Works which lies outside the River Mease catchment area. Therefore the proposal would not contribute additional wastewater within the River Mease catchment and would be not subject to the requirements of the DCS.

In terms of surface water run-off, the application advises that surface water would be dealt with by a soakaway system and this can be secured by condition. Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Other Matters:

The proposal would result in the loss of Grade 3 agricultural land. However, when having regard to the size of the site, it is not considered that the proposal would result in a significant loss of agricultural land in the area.

Severn Trent Water has been consulted on the application and has not made any comments in respect of drainage.

With regard to comments raised by local residents that have not already been covered above, there is no Green Belt land within the District. The personal circumstances in terms of one of the applicants having previously lived in the village does not have any weight in this case and

the Council cannot take into account whether previous attempts have been made by the applicants to live elsewhere in the village.

In respect of the concerns raised regarding inaccuracies and misleading information/photographs in the application submission, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application have allowed for the application to be fully and adequately assessed.

In terms of concern about the proposal setting a precedent, it is a fundamental principle of planning legislation that each application should be assessed on its own merits. Other sites will be affected by a different set of circumstances. The statutory period for consultation of local residents and consultees was undertaken when the application was first submitted and further consultation has been undertaken in respect of the amended plans.

Conclusion

While the site lies outside limits to development in a Sensitive Area, a finely balanced view is taken that the scale of the development would be generally in keeping with the character of the village whilst also maintaining part of the Sensitive Area and setting of the village. It is considered that the design of the dwelling complies with the provisions of Policies E4 and E7 of the Local Plan and the route of the public footpath that crosses the site would not be affected. It is considered that the proposal would not adversely impact on highway safety and would be unlikely to result in overshadowing, overlooking or an oppressive outlook to the adjacent dwellings. The development would not adversely affect the setting of the Grade 2* listed Holy Trinity Church and its significance would therefore be retained and conditions could be imposed relating to archaeology. It can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. It is therefore recommended that planning permission be granted.

RECOMMENDATION, PERMIT subject to the following condition(s):

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Approval of the details of the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason- this permission is in outline only.

- 3 The proposed development shall be carried out strictly in accordance with the following schedule of plans, unless otherwise required by a condition of this permission:

- Drawing No. 2738_030 RevA (Existing and Proposed Site Plans) received by the Local Planning Authority on 13 May 2015;

- Drawing No. 2738_031 (Proposed Plans and Elevations) received by the Local Planning Authority on 4 June 2015.

Reason- To determine the scope of this permission.

- 4 No development shall commence on site until such time as precise details of the existing and finished ground levels on the site and the proposed floor levels of the dwelling and garage in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason- to ensure the development takes the form envisaged by the Local Planning Authority.

- 5 No building shall be erected on site above damp proof course until details/drawings/representative samples (as appropriate) of the:-

- (i) Bricks and brick bond;
- (ii) Roof tiles;
- (iii) Materials and paint finish for the windows and doors and their headers and cills;
- (iv) Drawings of the proposed door and window units and rooflights including headers and cills, to a scale of 1:10;
- (v) Eaves and corbelling details to a scale of 1:10;
- (vi) Chimney details to a scale of 1:10

have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason- to enable the Local Planning Authority to retain control over the external appearance in the interests of visual amenities, as precise details have not been submitted.

- 6 No development shall commence on site until details of the sustainability/low or zero carbon measures as set out in the Code for Sustainable Homes Achievement Plan and letter from Gary Phillips received by the Authority on 1 June 2015 and set out in the Energy and Sustainability Statement received by the Authority on 14 May 2015 have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and shall thereafter be so retained.

Reason- these measures form part of the assessment of the sustainability of the proposal.

- 7 The curtilage relating to the dwelling hereby approved shall be confined to the area hatched on the attached plan number LPA/14/01040/FUL.

Reason - To enable the Local Planning Authority to retain control over future development in view of the form of the development proposed and its location.

- 8 Notwithstanding the provisions of Part 1 (Classes A, B, C and E) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby permitted shall not be enlarged, improved or altered (excluding the installation of windows subject to the provisions of condition xx) nor shall any building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided

within the curtilage of the dwelling, unless planning permission has first been granted by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over future development in view of the site's relationship with existing dwellings and its location within a Sensitive Area.

- 9 The windows serving ensembles and a dressing room in the first floor of the northern elevation of the two storey rear projection shall be glazed with obscure glass (to at least Pilkington Level 3 or its equivalent) and shall have top opening lights only, which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason- to avoid the possibility of overlooking in the interests of preserving the amenities of residents.

- 10 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) no window or opening (other than any that may be shown on the approved drawings) shall be formed in the first and second floors of the northern and southern elevations of the main three storey part of the dwelling or in the first floor of the northern elevation of the two storey rear projection unless planning permission has first been granted by the Local Planning Authority.

Reason- to avoid the possibility of overlooking in the interests of preserving the amenities of residents.

- 11 Notwithstanding the provisions of Parts 1 and 2 of Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) the rooflights installed in the roofslope of the two storey rear projection shall serve first floor accommodation only.

Reason: to avoid the possibility of direct overlooking in the interests of preserving the amenities of residents.

- 12 The development hereby approved shall be occupied as one dwelling and each part of the dwelling shall not be severed from the principal house as a separate and unconnected dwelling.

Reason - the creation of additional dwellings is likely to be unacceptable in this location on sustainability and highway safety grounds.

- 13 The development hereby approved shall only use the mains sewer system for its foul drainage discharge.

Reason: any other means of dealing with foul discharge could have an adverse impact on the River Mease Special Area of Conservation.

- 14 Before first occupation of the dwelling hereby approved, the surface water shall be disposed from the site to soakaway(s) or another sustainable drainage system, unless evidence to demonstrate that these means of drainage are not suitable for the site and alternative details of surface water discharge to mains sewer have been submitted to

and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details, which shall thereafter be so retained.

Reason- To prevent an adverse impact on the River Mease Special Area of Conservation.

- 15 Before first occupation of the dwelling hereby approved, three car parking spaces (which can include one garage space) shall be provided in full in accordance with the details shown on Drawing No. 2728_030 (Existing and Proposed Site Plans) and once provided the parking spaces shall thereafter be permanently available for car parking at all times.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 16 Before first occupation of the development hereby permitted a plan showing the following details shall be submitted to and agreed in writing by the Local Planning Authority:

- (i) the revised position of the access drive to enable visibility splays of 2.4 metres by 43 metres in both directions at the junction of the access road with Main Street;
- (ii) 1 metre by 1 metre pedestrian visibility splays on the highway boundary.

The development shall be carried out in accordance with the agreed details and the access surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least five metres behind the highway boundary, and once provided the access drive and visibility splays shall thereafter be permanently retained. Nothing shall be allowed to grow within any of the visibility splays above a height of 0.6 metres above ground level.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety; in the interests of pedestrian safety.

- 17 Before first occupation of any dwelling hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line 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 2015.
- 2 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 3 You must also apply to the Northern Area Manager, Leicestershire County Council,

Granite Way, Mountsorrel, Leicestershire, LE12 7TZ (Tel: 0116 305 0001) for consent to construct or alter a vehicular crossing or any works within the highway limits.

4 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk

5 A public footpath crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council. You are advised to refer to the attached comments from the County Footpaths Officer.

6 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the

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potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com