

Construction of a detached two-storey dwelling involving the formation of a new vehicular access off Melbourne Lane

Report Item No  
A3

1 Hollow Road Breedon On The Hill Derby DE73 8AU

Application Reference  
15/00204/FUL

Applicant:  
Mr James Burton

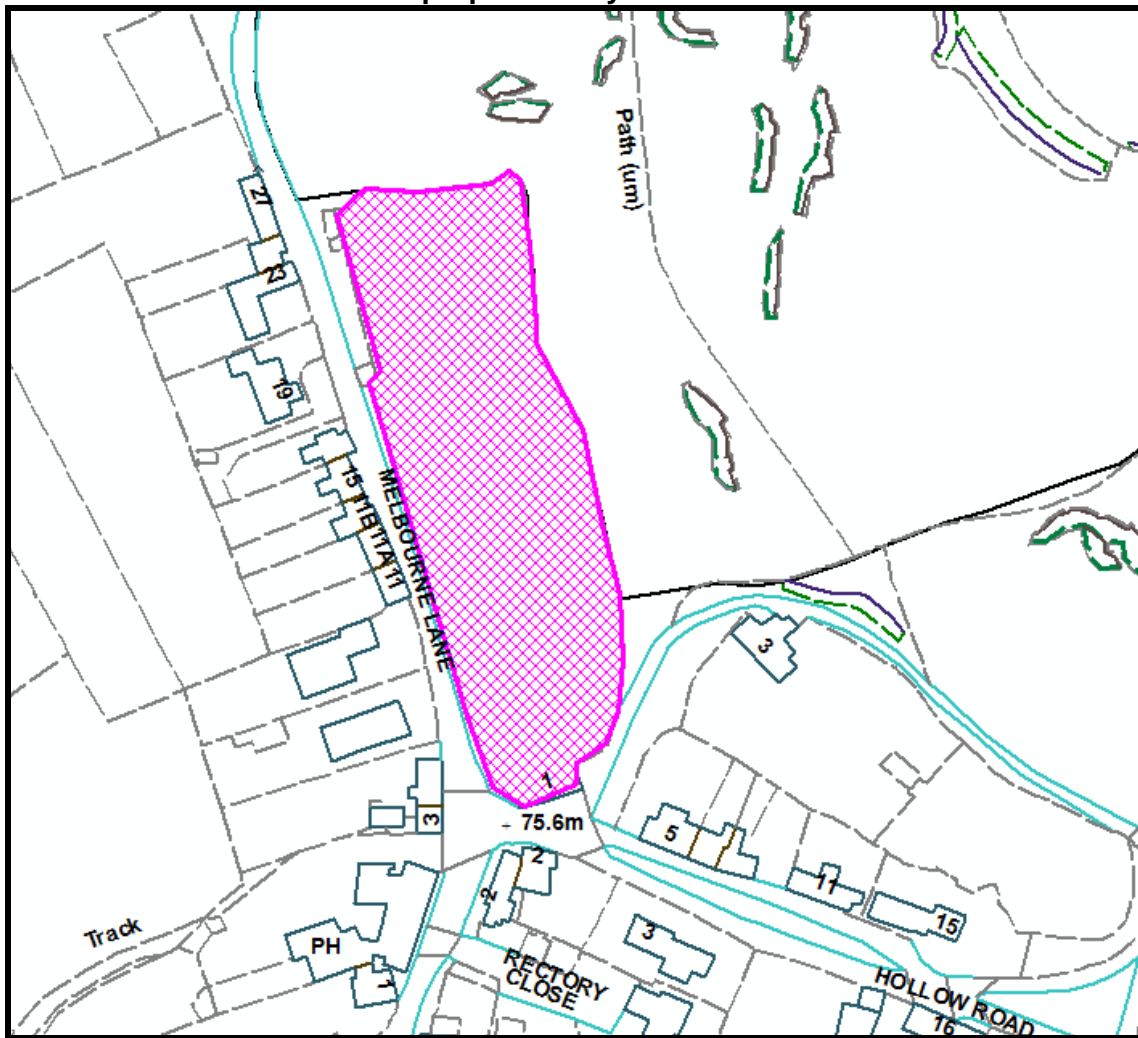
Date Registered  
25 March 2015

Case Officer:  
Adam Mellor

Target Decision Date  
20 May 2015

Recommendation:  
PERMIT

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 as a matter of public concern.

### Proposal

Permission is sought for the construction of a detached two-storey dwelling involving the formation of a new vehicular access off Melbourne Lane at land to the north of No. 1 Hollow Road, Breedon on the Hill. It is noted that the site in question is situated outside the defined limits to development and is also within the Breedon on the Hill Conservation Area. Following the removal of an existing studio and storage building a dwelling within three distinct parts, and based on a modernistic agricultural approach, would be formed which would be two-storey in height, albeit the first floor accommodation would largely be contained within the roof space which keeps the ridge height lower than that of a traditional two-storey dwelling.

### Consultations

To date four letters of individual representation from third parties and a signed petition with 10 signatories raising objections to the proposals have been received. All statutory consultees have no objections subject to the inclusion of relevant planning conditions.

### Planning Policy

It is considered that the development would comply with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the North West Leicestershire Local Plan and Circular 06/05.

### Conclusion

Breedon on the Hill is considered to be a sustainable settlement and any future occupants would help to sustain the available services within the settlement. The dwelling would also not be 'isolated' from built forms or impact adversely on the openness of the rural environment. As such it would not conflict with the key principles of the NPPF, as well as Paragraphs 28 and 55, or Policies S3 or H4/1 of the Local Plan. The development of a dwelling on land currently defined as residential garden would also not impact adversely on the visual amenity of the area and therefore accords with Paragraph 53 of the NPPF.

Whilst the topography of the site means that land levels are higher than those associated with Melbourne Lane, and the dwellings opposite, it is considered that the finished floor levels and scale of the dwelling would ensure that it would have an acceptable relationship with existing properties with the amenities of any future occupant also being protected. As such the development would accord with Policy E3 of the Local Plan.

Although the dwelling would not be 'isolated' it is considered that it would be viewed as an 'individual' property and therefore a design approach has been adopted whereby the building is based on an 'agricultural' building given the historic use of the site with three distinct parts being created to reduce the visual mass. Whilst part of the open space associated with the conservation area would be lost to facilitate the dwelling this would be fairly minimal and overall it is considered that the development would not impact adversely on the character and appearance of the streetscape, or wider area, and would result in less than significant harm to the setting of heritage assets. As such the development would accord with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 as well as Policies E4 and H7 of the Local Plan.

No objections have been raised by the County Highways Authority and it is considered that an access with suitable visibility, along with off-street manoeuvring facilities, could be achieved which would not result in sufficient detriment to highway safety with the amount of vehicular movements associated with one dwelling also not being significant. An adequate amount of off-street parking would also be accommodated for the dwelling. Overall, therefore, the proposal would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

Subject to the imposition of relevant conditions to address the proximity of the site to a badger sett and access into the Breedon Hill SSSI it is considered that the scheme would not result in any adverse ecological impacts and would therefore accord with Paragraph 118 of the NPPF and Circular 06/05. The loss of four trees and part of the hedgerow to facilitate the access would also be adequately mitigated by the provision of additional landscaping secured as part of a condition and as such the scheme would accord with Policy E7 of the Local Plan. There are no airport safeguarding or archaeological concerns associated with the development and as such it would accord with Paragraph 141 of the NPPF and Policy T20 of the Local Plan.

It is therefore recommended that the application be permitted.

**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 recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the construction of a detached two-storey dwelling involving the formation of a new vehicular access off Melbourne Lane at 1 Hollow Road, Breedon on the Hill. The application site in question is located to the north of No. 1 Hollow Road and to the east of properties on Melbourne Lane (mainly Nos. 9, 11 and 11A) and currently forms part of the residential garden to No. 1 as well as open paddock land. The site in question is situated outside the defined limits to development, as identified on the proposals map to the North West Leicestershire Local Plan, and is also within the Breedon on the Hill Conservation Area. The Breedon Hill Site of Special Scientific Interest (SSSI) is located along the eastern and northern boundaries of the site with the Grade I Listed Church of St Mary & St Hardulph also being located to the north east of the site.

In order to facilitate the development it would be necessary to remove an existing studio and storage building off the site with the dwelling then being constructed at a distance of 6.4 metres, at its closest point, and 7.0 metres, at its furthest point, from Melbourne Lane. The dwelling would be formed in three distinct parts all linked together by a flat roofed addition located centrally within the scheme and has been amended following concerns raised by the Local Authority. Due to the topography of the site the three parts would each have different ridge heights ranging from 8.6 metres to 6.05 metres with the connecting structure being 4.9 metres high. Internally the dwelling would provide a dining room, lounge, double garage, boot room, water closet, utility room, kitchen and day room at ground floor level and four bedrooms, study, three en-suites and a bathroom at first floor level for the occupants. First floor accommodation would be provided within the roofspace.

In addition to the above works it is also proposed that a new vehicular access would be formed onto Melbourne Lane which would have a relative width of 11.2 metres.

A design and access statement, ecology report, heritage statement, highways report and tree survey have been submitted in support of the application.

The planning history of the site is as follows: -

- 84/0609/P - Extension to dwelling - Approved 15th August 1984;
- 84/0923/P - Erection of garage and siting of L.P.G. tank - Approved 7th November 1984;
- 89/1523/P - Erection of one dwelling - Refused 4th April 1990;
- 90/0817/P - Erection of one dwelling and car port (resubmission) - Approved 29th August 1990.

### 2. Publicity

3 no. neighbours have been notified (Date of last notification 1 June 2015)

Site Notice displayed 1 April 2015

Press Notice published 8 April 2015

### 3. Consultations

Breedon On The Hill PC consulted  
County Highway Authority  
Severn Trent Water Limited  
Head of Environmental Protection

Natural England  
NWLDC Tree Officer  
County Archaeologist  
LCC ecology  
Airport Safeguarding  
NWLDC Conservation Officer

#### 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.

**Breedon on the Hill Parish Council** has no objections.

**East Midlands Airport Safeguarding** has no objections.

**Leicestershire County Council - Archaeology** no representation received.

**Leicestershire County Council - Ecology** following receipt of the ecological survey no objections are raised subject to an appropriate buffer zone/fencing being provided to a badger sett on the site as well as the retention of an Ash tree which has bat potential. Following discussions with the applicants ecologists it has been determined that a buffer zone of 20 metres would be adequate.

**Leicestershire County Council - Highways** has no objections subject to their standing advice being considered.

**Natural England** has no objections subject to a condition being imposed on any consent granted for a suitable boundary treatment to be secured between the site and the Breedon Hill SSSI with no direct access from the site into the SSSI along the eastern boundary.

**NWLDC - Conservation Officer** initially had no objections to the principle of the development but raised concerns in respect of the prominence of the garage element (Second Structure) and the large façade due to the garage doors being off-set. Following subsequent revisions the Council's Conservation Officer has no objections.

**NWLDC - Environmental Protection** no representation received.

**Severn Trent Water** has no objections.

#### Third Party Representations

Four no. individual representations have been received (from the occupants of Nos. 9, 11 (x2) and 11B Melbourne Lane) along with a signed petition with 10 signatures which object to the application and whose objections are summarised below: -

- *Melbourne Lane narrows outside No. 11 Melbourne Road with it not being possible for two cars to pass each other due to the width. The access is within 5 metres of this point;*
- *Whilst Melbourne Lane is restricted to 30mph vehicles regularly exceed this limitation despite the width of the highway;*
- *Development would detract and not enhance the Conservation Area;*
- *Development of the site would set a precedent for the development of the remainder of the site which would be detrimental to the character of the area and integrity of the*

- Conservation Area;*
- *Siting of property and differences in land levels (site is 1.8 metres higher than Melbourne Lane) would result in detriment to the amenities of properties on Melbourne Lane as it is not only No. 9 Melbourne Lane which would be affected;*
  - *Insufficient detail has been supplied to demonstrate the ridge height of the new dwelling in comparison to existing properties on Melbourne Lane;*
  - *There is adequate land provision within the SHLAA for housing development and as such there is no need for this site to be developed;*
  - *The removal of ancillary domestic outbuildings from the site does not justify the provision of a new dwelling;*
  - *The design of the proposal would dominate the street scene and change its overall character;*
  - *The overall width of the driveway to the property (including splays), make a material difference to the character of the lane;*

A query was received from the occupant of No. 25 Melbourne Lane in respect of the red line of the application site including land within the ownership of the occupant. A revised site location plan has been received and the occupant has confirmed that this is now accurate.

## **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 39 (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 118 (Conserving and enhancing the natural environment);
- Paragraph 128 (Conserving and enhancing the historic environment);
- Paragraph 129 (Conserving and enhancing the historic environment);
- Paragraph 131 (Conserving and enhancing the historic environment);

Paragraph 132 (Conserving and enhancing the historic environment);  
Paragraph 134 (Conserving and enhancing the historic environment);  
Paragraph 137 (Conserving and enhancing the historic environment);  
Paragraph 141 (Conserving and enhancing the historic environment);  
Paragraph 203 (Planning conditions and obligations);  
Paragraph 204 (Planning conditions and obligations);

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

The application site is outside 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 T3 - Highway Standards;  
Policy T8 - Parking;  
Policy T20 - Airport Safeguarding;  
Policy H4/1 - Housing Land Release;  
Policy H7 - Housing Design;

### **Other Policies**

#### **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.

#### **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;

#### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

## 6. Assessment

### Principle of the Development

The District Council is able to demonstrate a five year supply of housing and as a result of this Policies S3 and H4/1 are considered to not be 'out of date' in the context of Paragraph 49 of the NPPF. However, in terms of the weight which should be afforded to these policies consideration has to be given to 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 the Plan Period (i.e. to 2006).

With regard to 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 and as the development proposal would not meet the criteria for development in the countryside an approval of the application would be contrary to the provisions of Policy S3. The development itself, relating to the provision of one dwelling, would also not make a significant contribution to the Council's five year housing land supply.

Notwithstanding the countryside location, and whilst the proposals would be contrary to the adopted Development Plan, in determining the application regard must be had to other material considerations, including other policies, such as other Development Plan Policies and National policies.

In terms of the North West Leicestershire Local Plan, Policy H4/1 identifies that, in releasing appropriate land for housing, the Council will have regard to:

- up-to-date housing land availability figures;
  - the latest urban capacity information;
  - the need to maintain an appropriate supply of available housing land;
  - lead times before houses will be expected to be completed and build rates thereafter;
- and
- other material considerations.

It is also noted that 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 given the presumption in favour of such as set out in the NPPF.

Whilst being located on a greenfield site residential dwellings exist to the south and west of the site, along Melbourne Lane and The Hollow, with a substantial tree screening existing to the north and eastern boundaries which are shared with the Breedon Hill SSSI. In the context of the site's location it is considered that it would not be significantly detached from the existing limits to development and as such the dwelling would not impact adversely on the 'openness' of the rural environment. The proposal would also not result in the provision of an 'isolated' dwelling in the countryside given the relationship with built forms and the substantial screening afforded to the site from the vegetation to the northern and eastern boundaries with any views established from the public domain viewing the site in the context of its relation with neighbouring buildings.

The settlement of Breedon on the Hill also benefits from a range of local services including a bus service, running between Coalville and East Midlands Airport, a primary school, community centre, post office and shop, two public houses and a butchers. Given this level of service it is considered that a scheme for one dwelling would score well against the social sustainability advice contained within the NPPF, with the provision of one dwelling also helping to sustain these services in the future which is a key intention of Paragraphs 28 and 55 of the NPPF.



Overall, therefore, the development is considered to accord with the three strands of sustainability and as such the principle of the development would be acceptable.

Paragraph 53 of the NPPF outlines that inappropriate development of residential gardens should be resisted where there is potential that development would cause harm to the local area. No. 1 Hollow Road would retain an appropriate level of private amenity space, and a significant extent of the paddock would be retained as green open space given that a condition could be imposed on any consent granted to limit the curtilage of the property. Overall, the implications of the development to the character and appearance of the streetscape and surrounding area (as discussed in more detail below) would not be sufficiently detrimental to justify a refusal of the application, given the above conclusion, and as such there would not be conflict with the aims of Paragraph 53.

In respect of the representations made outlining that the development would set a precedent for further development of the paddock land to the north of the proposed dwelling it is a fundamental tenant of the planning system that each application should be assessed on its own merits. In any case the assessments undertaken outline that significant constraints exist on the remainder of the site, including ecological and topographical issues, which would likely prevent further successful development of the remainder of the application site and as such it would not result in a precedent being set. In respect of the allocation of sites within the SHLAA it is noted that that the SHLAA does not allocate land it only identifies land that may be potentially suitable.

### **Residential Amenity**

It is considered that the properties most immediately affected by the proposed works would be Nos. 9, 11, 11A and 11B Melbourne Lane which lie to the east of the site. No. 9 is a detached one and a half storey property with Nos. 11, 11A and 11B being two-storey terraced properties.

No. 9 is set back from Melbourne Lane and as a result would be situated 21.5 metres from the first structure and 24.5 metres from the second structure. Although the finished floor levels of the proposed dwelling would be higher than those of No. 9 it is considered that the distance and orientation would ensure that there would not be a sufficiently detrimental overbearing, overshadowing or overlooking impact.

In respect of Nos. 11, 11A and 11B it is noted that these properties abut Melbourne Lane and it is proposed that the first structure would be set 11.2 metres from Nos. 11 and 11A and 13.6 metres from 11B. The finished floor level of the first structure is also proposed to be 80.5 metres which would be 2.26 metres higher than the land level at the boundary situated 8.6 metres from the western (front) elevation of the first structure. A site section drawing has been supplied to show the relationship with properties on Melbourne Lane and this shows that the ridge height would be 1.2 metres higher than No. 11. Although located on higher ground the separation distance between the proposal and properties on Melbourne Lane, as well as the ridge height of the proposal, would ensure that the property would not be physically dominant particularly as the eaves height would match the dwellings opposite with the roof sloping away, as such it would not be sufficiently detrimental to neighbouring amenities as to justify a refusal of the application. In terms of overlooking implications it is considered that the distance between the elevations would ensure that there would be no prominent views established from a ground floor dining room window or roof light serving a bedroom at first floor level.

A distance of 24.2 metres would exist between the second structure and the north-western (rear) elevation of No. 1 Hollow Road which would ensure that there would be no adverse overbearing or overshadowing impacts given that the second structure is the part of the dwelling with the lowest ridge height. There would also be no adverse overlooking impacts given that the

second structure contains no windows in its side elevation and the third structure is set 12.0 metres from the shared boundary.

In terms of future amenities it is considered that sufficient amenity space would be provided for the new property with the relationship with existing dwellings also being acceptable given the separation distances and overall scale of neighbouring built forms.

Overall, therefore, the proposal would accord with Policy E3 of the Local Plan.

### **Impact on the Historic Environment and Streetscape**

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 and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Due regard should also be given to Sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 given the setting of the dwelling.

The land on which the dwelling would be situated is around 1.02 metres higher (at the western boundary) than that of Melbourne Lane with the land increasing by 4.26 metres from west to east and by 1.50 metres south to north (it would rise by 8.14 metres to the northern extent of the application site within the adjoining paddock land).

In respect of the implications to the streetscape it is considered that whilst the dwelling would not be 'isolated' from existing built forms, given its relationship with No. 1 Hollow Road and the position of No. 3 Hollow Road, it would be viewed as an 'individual' property and would likely become a defining feature of the streetscape when travelling northwards along Melbourne Lane given the natural framing of the site by the positions of No. 1 Hollow Road and Nos. 3 and 5 Melbourne Lane. When travelling southwards the property would not be as readily visible due to the level of the highway in comparison to the site and the substantial retention of the boundary hedge which has a height of around 2.2 metres.

With regards to the Conservation Area, which includes an area identified as open space in the Breedon on the Hill Conservation Area Appraisal, and setting of the Grade I Listed Building the Council's Conservation Officer has commented as follows: *"the proposal would only develop a small part of the open space and would be set well away from the listed church. The setting of this building would not be affected. On balance I consider the minor encroachment could be acceptable subject to a dwelling of high quality being developed. I note the application site extends significantly to the north and consider the garden area should be limited to land closer to the dwelling with rest remaining undeveloped and beyond the curtilage to minimise the impact on the green space."* Whilst concerns were initially raised in respect of the garage element (second structure) following amendments to the plans no objections are now raised.

Historically the land in question has been used in connection with agriculture and as such an approach has been taken to designing a dwelling which is influenced by 'agriculture' with three separate 'barn' units being proposed all connected by a simplistic link element. This approach would allow the development to respond better to the topography of the site given that variations can be provided in the ridge heights without compromising the finished floor levels and would be more appropriate than a design reflecting a 'standard' detached dwelling like those constructed recently to the north-west of the site. Although there would be a more 'modern element' to the design than that generally associated with an 'agricultural barn,' i.e. the inclusion of chimneys

and dormer windows, this is considered to be acceptable in a new build particularly when assessed in the context of Paragraph 60 of the NPPF which indicates that "*decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.*" In conclusion, as the eastern side of Melbourne Lane becomes more rural in character when travelling northwards it is considered that the 'agricultural' design approach adopted acts as a nature transition between the built and rural environments and as such would not result in sufficient impacts to the character and appearance of the streetscape and would have less than significant harm to the setting of heritage assets.

Whilst the dwelling would have a relatively large footprint its visual mass is reduced by the formation of three separate elements which each have individual design characteristics, therefore its scale would not be out of keeping with the built forms situated on Melbourne Lane or The Hollow. The substantial natural screening retained to the eastern, northern and western boundaries would also result in the development not being substantially prominent in the wider environment and as such it would not be detrimental to the appearance of the surrounding area or detract from the significance of the heritage assets.

Although it would be necessary to remove a large section of hedgerow (27.2 metres) to provide the vehicular access the impact of this loss has been mitigated by the redirection of the hedgerow to the back of the visibility splays, so that the physical gap would only be 11.2 metres, and the provision of soft landscaping within the visibility splays itself. This approach would ensure that the access would not be over engineered and given the length of hedgerow retained (in excess of 55.0 metres) it is considered that there would be no significant detriment to the character of the streetscape.

The agent for the application has stipulated that the dwelling would be constructed from bricks, stone, timber panelling and plain clay roof tiles. These materials are considered to reflect those which have been utilised on agricultural forms of development within the settlement and would therefore be appropriate for the design approach adopted whilst also not detracting from the materials of construction utilised on buildings within the immediate vicinity. A condition would be imposed on any consent granted to ensure that the precise details of the materials are agreed.

Overall the layout, design and scale of the dwelling is considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the 1990 Act as well as Policies E4 and H7 of the Local Plan.

### **Highway Safety**

The County Highways Authority has been consulted on the application and have raised no objections subject to their standing advice being considered in respect of visibility splays, access surfacing, car parking and the gradient of the access. Although objections have been received on the basis of vehicles travelling in excess of the speed limit (30mph) this would be a matter which would need to be addressed by the Police and would not be material in the consideration of the application particularly as there have been no reported accidents.

A highways report has been submitted in support of the application which outlines that an access junction with visibility splays of 2.4 metres x 43.0 metres to the north and south could be achieved, albeit this would result in the loss of a 27.2 metre section of the existing boundary hedgerow (the loss of which is assessed in other sections of this report). The provision of a vehicular access with this level of visibility would ensure that vehicles exiting the site could do so in a safe and controlled manner with the site frontage having adequate manoeuvring facilities to ensure that vehicles would likely exit the site in a forward direction. Given that Paragraph 32

of the NPPF outlines that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe,"* it is considered that the highway network of Melbourne Lane would be able to accommodate the additional vehicular movements associated with one dwelling and as such the implications to highway safety would not be severely detrimental. The proposal would therefore accord with the aims of Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

The property would provide four bedrooms and as such a minimum of three off-street parking spaces should be provided. A double garage, with adequate internal dimensions, would accommodate two vehicles with there being sufficient room to the site frontage to ensure that an additional vehicle could park clear of the highway. Subject to the parking provision being conditioned as part of any consent granted it is considered that the proposal would accord with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

### **Ecology**

The County Council Ecologist and Natural England have raised no objections to the application subject to the imposition of relevant conditions to ensure that adequate protection is afforded to a badger sett situated around 22.0 metres from the north-eastern corner of the dwelling, an Ash tree in close proximity to the northern boundary being retained due to it providing a foraging habitat for bats and a suitable boundary treatment being provided to the eastern boundary of the residential garden to prevent direct access from the site into the Breedon Hill Site of Special Scientific Interest (SSSI). It is considered reasonable for these conditions to be imposed on any consent granted to ensure that protected species are adequately protected and as a result the development would not conflict with the SSSI or the principles of Paragraph 118 of the NPPF and Circular 06/05.

### **Landscaping**

It is proposed that four trees (2 x Cherry and 2 x Apple) trees would be removed from the site in order to facilitate the development and these trees are predominately young or early mature trees which show signs of decay. A section of the hedgerow (27.2 metres) would also be removed to facilitate the access and visibility splays.

It is considered that the trees to be removed do not contribute significantly to the visual amenity of the area, given the height and stature of the trees which border to SSSI, and subject to appropriate replacement planting being conditioned as part of any consent it is considered that this impact could be mitigated. The re-establishment of the hedgerow behind the visibility splays, so that the physical gap created would be 11.5 metres, would also be considered acceptable and would be conditioned accordingly on any consent granted. Overall the development would not conflict with the principles of Policy E7 of the Local Plan.

### **Other Matters**

East Midlands Airport has confirmed that there are no safeguarding issues associated with the development and as such it would accord with Policy T20 of the Local Plan.

No representation to the development has been received from the County Council Archaeologist and as such it is considered that there would be no archaeological constraints associated with the development which would ensure compliance with Paragraph 141 of the NPPF.

### **Summary Reasons for Granting Planning Permission**

Breedon on the Hill is considered to be a sustainable settlement and any future occupants would help to sustain the available services within the settlement. The dwelling would also not be 'isolated' from built forms or impact adversely on the openness of the rural environment. As

such it would not conflict with the key principles of the NPPF, as well as Paragraphs 28 and 55, or Policies S3 or H4/1 of the Local Plan. The development of a dwelling on land currently defined as residential garden would also not impact adversely on the visual amenity of the area and therefore accords with Paragraph 53 of the NPPF.

Whilst the topography of the site means that land levels are higher than those associated with Melbourne Lane, and the dwellings opposite, it is considered that the finished floor levels and scale of the dwelling would ensure that it would have an acceptable relationship with existing properties with the amenities of any future occupant also being protected. As such the development would accord with Policy E3 of the Local Plan.

Although the dwelling would not be 'isolated' it is considered that it would be viewed as an 'individual' property and therefore a design approach has been adopted whereby the building is based on an 'agricultural' building given the historic use of the site with three distinct parts being created to reduce the visual mass. Whilst part of the open space associated with the conservation area would be lost to facilitate the dwelling this would be fairly minimal and overall it is considered that the development would not impact adversely on the character and appearance of the streetscape, or wider area, and would result in less than significant harm to the setting of heritage assets. As such the development would accord with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 as well as Policies E4 and H7 of the Local Plan.

No objections have been raised by the County Highways Authority and it is considered that an access with suitable visibility, along with off-street manoeuvring facilities, could be achieved which would not result in sufficient detriment to highway safety with the amount of vehicular movements associated with one dwelling also not being significant. An adequate amount of off-street parking would also be accommodated for the dwelling. Overall, therefore, the proposal would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

Subject to the imposition of relevant conditions to address the proximity of the site to a badger sett and access into the Breedon Hill SSSI it is considered that the scheme would not result in any adverse ecological impacts and would therefore accord with Paragraph 118 of the NPPF and Circular 06/05. The loss of four trees and part of the hedgerow to facilitate the access would also be adequately mitigated by the provision of additional landscaping secured as part of a condition and as such the scheme would accord with Policy E7 of the Local Plan. There are no airport safeguarding or archaeological concerns associated with the development and as such it would accord with Paragraph 141 of the NPPF and Policy T20 of the Local Plan.

It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to the following conditions;**

- 1 The development shall be begun before the expiration of three years from the date of this permission.

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

- 2 The proposed development shall be carried out strictly in accordance with the following drawing numbers: -

- 19998\_OGL Revision 0 (Topographical Survey), received by the Local Authority on the 25th March 2015;
- (08) 01 Revision C (Location and Context Plan), received by the Local Authority on the 5th May 2015;
- (08) 02 Revision C (Site Plan), received by the Local Authority on the 23rd May 2015;
- (08) 03 Revision C (Site Plans), received by the Local Authority on the 23rd May 2015;
- (08) 04 Revision B (Ground Floor Plan), received by the Local Authority on the 23rd May 2015;
- (08) 05 Revision C (First Floor Plan), received by the Local Authority on the 23rd May 2015;
- (08) 06 Revision C (Roof Plans), received by the Local Authority on the 23rd May 2015;
- (08) 07 Revision C (Elevations 1 of 2), received by the Local Authority on the 23rd May 2015;
- (08) 08 Revision C (Elevations 2 of 2), received by the Local Authority on the 23rd May 2015;
- (08) 09 Revision B (Street Elevation), received by the Local Authority on the 23rd May 2015;
- (08) 10 Revision B (Typical Section), received by the Local Authority on the 23rd May 2015;
- (08) 11 Revision A (Site Section), received by the Local Authority on the 23rd May 2015;

unless otherwise required by another condition of this permission.

*Reason - to determine the scope of the permission.*

3 Notwithstanding the details shown on the approved plans, no development shall commence until the following have been submitted to and agreed in writing by the Local Planning Authority: -

- Samples of the materials to be utilised in all external surfaces (including the construction material of windows and doors);
- The proposed colour/stain finish for all joinery and timber cladding;
- The proposed colour and finish of the render;
- Precise details, including sections, of the joinery;
- Details of the brick bond;
- Details of the rainwater goods;
- Proposed mortar methods for the stone wall/brickwork;
- Precise details of the chimney;
- Position and finish of the meter boxes;
- Precise details of the front entrance porch/canopy to be installed;

The development shall then be carried out in accordance with the approved details which shall thereafter be so retained.

*Reason - to enable the Local Planning Authority to retain control over the external appearance in the interests of the amenities of the area.*

4 Notwithstanding the provision of Part 1 (Classes A - E) of Schedule 2, Article 3 of the Town and County Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) the dwelling, hereby permitted, shall not be enlarged, improved or altered 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 maintaining the overall appearance of the scheme, given its setting within the Breedon on the Hill Conservation Area, and in the interests of preserving the amenities of neighbours.*

- 5 Notwithstanding the details shown on the approved plans before first occupation/use of the dwellings, hereby permitted, a scheme of soft and hard landscaping (including for the retention of any existing trees and hedgerows) shall be submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of the dwelling with the hard landscaping scheme being provided in full prior to the first occupation/use of any dwelling unless alternative implementation programmes are first agreed in writing with the Local Planning Authority.

*Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of visual amenity given the site's location within a Conservation Area.*

- 6 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

*Reason - to provide a reasonable period for the replacement of any trees.*

- 7 No development shall commence until all the existing trees to be retained have been securely fenced off by the erection, to coincide with the canopy of the tree where possible, of a 1.4 metre high protective barrier in accordance with BS5837:2012. In addition all hedgerows that are to be retained shall be protected by a 1.2 metre high protective barrier which shall be erected at least 1.0 metre from the hedgerow. Within the fenced off area there shall be no alteration to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand.

*Reason - to ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.*

- 8 Notwithstanding the details shown on the approved plans before occupation/use of the dwelling, hereby permitted, a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railing, other means of enclosure and the secure boundary treatment between the site and the Breedon Hill SSSI, which will ensure there will no direct access) and the relevant elevation details shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation/use of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

*Reason - to preserve the amenities of the locality, in the interests of highway safety, in the interests of the significance of heritage assets and to ensure the development does not impact on the features of special interest for which Breedon Hill SSSI is notified.*

- 9 Prior to the first occupation/use of any of the dwellings, hereby approved the following shall be provided: -
- The detached garages and parking and turning areas for the dwellings shall be provided in strict accordance with those shown on drawing numbers (08) 02 Revision C and (08) 03 Revision C and (08) 04 Revision B, received by the Local Authority on the 23rd May 2015;
  - Visibility splays in accordance with those shown on drawing number ADC1137/001, received by the Local Authority on the 25th March 2015;
  - An access gradient in accordance with that shown on drawing number (08) 03 Revision C, received by the Local Authority on the 23rd May 2015;
  - All areas to be used by vehicles shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and in accordance with the details agreed under Condition 5 of this permission;
  - Drainage shall be provided with the site such that surface water does not drain into the Public Highway, including private access drives;

Once provided the above shall thereafter be so maintained with the parking and turning areas kept available for use at all times.

*Reasons - 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; to ensure that vehicles can exit the site in a safe manner; to ensure that vehicles enter and exit the site in a slow and controlled manner; to reduce the possibilities of deleterious material being deposited in the highway (loose stones etc) and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.*

- 10 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to not open outwards.

*Reason - to enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.*

- 11 The proposed site levels and finished floor level of the dwelling shall be provided in strict accordance with those shown on drawing numbers (08) 03 Revision C and (08) 05 Revision C, received by the Local Authority on the 23rd May 2015, when read in conjunction with those shown on drawing number 19998\_OGL Revision 0, received by the Local Authority on the 25th March 2015.

*Reason - to determine the scope of the permission and in the interests of residential and visual amenities.*

- 12 No development shall commence on site until a 20 metre buffer zone around the badger sett, identified on Figure 3. Phase 1 Habitat Plan within the Ecology Report by JTEcology of March 2015, received by the Local Authority on the 25th March 2015, has been provided and appropriately fenced off. The buffer zone will remain in situ until such time as the development is completed. Any trenches left open overnight will also be provided



with a means of escape for any animal which may fall in as outlined in Paragraph 4.7 of Section 4.0 Discussion & Recommendations of the Ecology Report by JTEcology of March 2015, received by the Local Authority on the 25th March 2015.

*Reason - in the interests of the protection of badgers which are a protected species.*

- 13 The residential curtilage of the property shall be restricted to the area outlined in red on the attached plan number LPA/15/00204/FUL.

*Reason - for the avoidance of doubt and to prevent encroachment of the residential garden onto land designated as open space in the Breedon on the Hill Conservation Area Appraisal.*

### **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 the pre-application stage as well as 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 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 All works within the limits of the highway with regard to access shall be carried out to the satisfaction of the Highways Manager (telephone 0116 3050001).
- 4 Bats are a rare and declining group of species. Hence, all British species of bat and bat roosts are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 making it an offence to intentionally kill or injure or disturb these species whilst in a place of shelter or protection or disturb bat roosts. If bat or bat roosts are discovered during work on the development, the relevant work should be halted immediately and Natural England (Tel. 0115 929 1191) should be notified and further advice sought. Failure to comply with this advice may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both.
- 5 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.