

Erection of detached dwelling with detached single garage

Report Item No
A1

Land To The South Of 1 Zion Hill Peggs Green Coleorton
Coalville Leicestershire LE67 8JP

Application Reference
15/00881/FUL

Applicant:
Mr H. J Smith

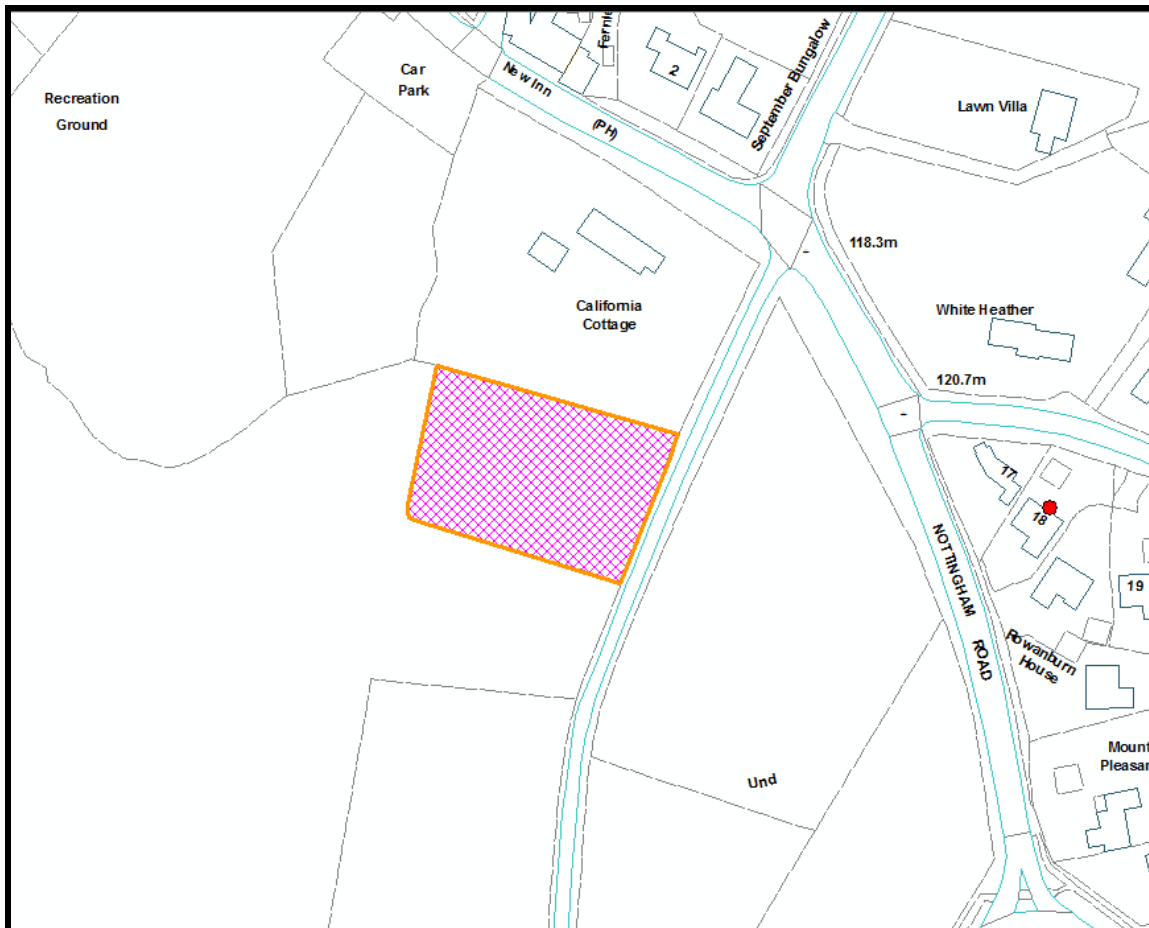
Date Registered
9 September 2015

Case Officer:
Adam Mellor

Target Decision Date
4 November 2015

Recommendation:
REF

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 as the agent for the application is related to a serving councillor (Cllr Richard Blunt).

Proposal

The application relates to the provision of a two-storey detached dwelling (with habitable accommodation in the roof slope with associated detached garage at land to the south of 1 Zion Hill, Peggs Green. It is noted that the application site is outside the defined Limits to Development; it is being proposed by the applicant that the dwelling would meet a 'local need.'

Consultations

Twelve no. representations in support of the application have been received although Coleorton Parish Council has objected to the application. Most statutory consultees have no objections and whilst the County Highways Authority initially objected to the application they are currently reviewing the information shown on the amended access plan. Any further comments will be brought to the attention of the Planning Committee via the Committee Update Sheet.

Planning Policy

It is considered that the development would result in conflict with the social and environmental strands of sustainability and Paragraphs 17, 55, 57, 61 and 64 of the National Planning Policy Framework as well as Policies S3, E4, H4/1 and H7 of the adopted North West Leicestershire Local Plan.

Conclusion

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

A heavy reliance on the private car, an unsustainable mode of transport, by any future occupants to undertake their daily duties would not support the move towards a low carbon economy, or seek to use natural resources prudently. In these circumstances, the proposed development of the site is unacceptable in principle and would conflict with the environmental strand of sustainability enshrined within the NPPF, as well as Policies S3 and H4/1 of the Local Plan.

In addition, the site would not be situated within an acceptable walking distance of local services available within the sustainable part of Coleorton (Lower Moor Road) or Swannington (Main Street) and as such the development of the site would not provide accessibility to an appropriate level of services for people's day to day needs. Therefore the development would also conflict with the social strand of sustainability enshrined within the NPPF.

It is also considered that the development of the site for residential purposes would result in a dwelling which would be prominent and isolated from other substantial built forms, given the separation distances. As such it would be detrimental to the visual and rural amenity of the

surrounding area to permit the urbanisation of the land. Therefore to permit the development would be contrary to the intentions of Paragraphs 57, 61 and 64 of the NPPF and Policies E4 and H7 of the adopted Local Plan.

As such it is recommended that the application be refused.

RECOMMENDATION – REFUSE:

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of a detached dwelling (with habitable accommodation in the roof slope) with detached single garage at land to the south of 1 Zion Hill, Peggs Green, Coleorton. The land is currently scrub grassland/allotments and lies to the south of a residential dwelling known as California Cottage (No. 1 Zion Hill). A road known as Tugbys Lane lies to the east, with open fields being located to the south and west. There are two public footpaths (M73 and M77) located outside the application site to the south which run from east to west. The site is situated outside the defined Limits to Development, as identified on the Proposals Map to the North West Leicestershire Local Plan.

The proposed three bedroomed dwelling would be situated 10.5 metres from Tugbys Lane and would have a ground area of 77.0 square metres and use of a pitched gable ended roof with an overall height of 7.5 metres. Vehicular access into the site would be achieved by the improvement to an existing access located within the south-eastern corner with a full width hard surfaced lay-by also being provided to the site frontage to act as a passing bay.

There would be appropriate off-street parking, one space of which would be within a detached single garage with a floor area of 23.8 square metres and ridge height of 4.4 metres. Turning facilities would also be provided within the curtilage.

A design and access statement along with a tree survey have been submitted in support of the application.

It is identified that the dwelling proposes to meet a local need, however, the particular need for the dwelling is not explicitly clear within the submission; there is reference made to the fact that the applicant visits the site twice a day to attend to his allotment and he has owned the land for 30 years. The application forms for application reference 14/00202/FUL identified that the applicant resides at 63 Brooks Lane, Whitwick.

The planning history of the site is as follows:

- 11/00339/FUL – Provision of a two-storey detached dwelling – Refused 28th June 2011;
- 12/00082/FUL – Provision of a two-storey detached dwelling – Refused 16th March 2012; Dismissed at Appeal 1st February 2013;
- 14/00202/FUL – Erection of three detached dwellings with associated garages – Refused 30th April 2014.

2. Publicity

16 no. neighbours notified 09 September 2015.

Site Notice posted 10 September 2015.

Press Notice published 16 September 2015.

3. Consultations

Coleorton Parish Council consulted 9 September 2015.

LCC Ecology consulted 9 September 2015.

LCC Footpaths consulted 9 September 2015.

LCC Highways Authority consulted 9 September 2015

NWLDC Environmental Protection consulted 9 September 2015.
NWLDC Footpaths Officer consulted 9 September 2015.
Severn Trent Water consulted 9 September 2015.

4. Summary of Representations Received

The following summary of representations is provided.

Coleorton Parish Council object to the application and state: *“we would like to object to this application on the same grounds as it has objected to previous applications on this site which were supported by the Planning Inspector at appeal. The site is outside the limits to development and is not sustainable. The access onto a narrow lane which itself exits onto the busy A512 so it is not a good place to increase traffic that is potentially turning.”*

Leicestershire County Council – Ecology has no objections.

Leicestershire County Council – Footpaths has no objections subject to notes to the applicant being imposed on any permission granted.

Leicestershire County Council – Highways initially objected to the application on the basis that the access did not have the appropriate visibility splays required for the speed of traffic on the road. They have been reconsulted on an amended access plan and any revised comments received will be reported to Members via the Committee Update Sheet.

NWLDC – Environmental Protection has no objections.

NWLDC – Environmental Protection (Contaminated Land) has no objections subject to the imposition of contaminated land conditions due to the historic use of the site, and neighbouring land, as a landfill site and railway land.

Severn Trent Water – has no objections.

Third Party Representations

12 no. representations have been received from occupants of The New Inn, Zion Hill, Peggs Green, Keepers Cottage, Rempstone Road, Coleorton, 179 The Moor, Coleorton, The Cottage, Gelsmoor, Coleorton, Nos. 90 and 100 Loughborough Road, Coleorton, 5 Ashby Road, Newbold, 26 School Lane, Newbold, Meadow View, Rempstone Road, Griffydham, 41 Springfield, Thringstone, 112 Hall Lane, Whitwick and 45 Wood Street, Ashby De La Zouch in support of the application whose comments are summarised as follows: -

- Development would allow a local person to be able to live locally where normally they would be priced out of the market;
- Development would support the local services;
- Development would relate well to existing dwellings;
- New passing bay will be to the benefit of highway users;
- Dwelling would be built to a high standard;
- Land in question is scrub land and formally used as a brickworks;
- Site is a brownfield site;
- Restricting the use to a local need would ensure that the house would remain affordable and available to people meeting this need;
- Development would enhance the area;
- Site is well connected to existing services;

- Smaller settlements should take their share of development not just the big towns.

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 75 (Promoting healthy communities);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 121 (Conserving and enhancing the natural environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 206 (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 F1 - General Policy;
Policy F2 - Tree Planting;

Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H4/1 - Housing Land Release;
Policy H6 – Housing Density;
Policy H7 - Housing Design;

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 – Presumption in Favour of Sustainable Development;
Policy S2 – Future Housing and Economic Development Needs;
Policy S3 – Settlement Hierarchy;
Policy S4 – Countryside;
Policy S5 – Design of New Development;
Policy H6 – House Types and Mix;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En6 – Land and Air Quality;
Policy Cc2 – Sustainable Design and Construction;
Policy Cc4 – Water – Sustainable Drainage Systems;
Policy IM1 – Implementation and Monitoring of the Local Plan;

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.

6. Assessment

Principle of the Development

In respect of this particular application it is noted that the dwelling is proposed to be provided to meet a 'local need' although the reasoning for the dwelling is based on the fact that the occupant owns an allotment on the site which he visits twice a day and that he has owned the land for 30 years. The supporting information also specifies that the 'need' for a dwelling of a similar scale cannot be met from the existing housing stock and in this regard it is stated that *"a search of local housing stock reveals 7 houses currently advertised for sale, 6 properties being applicable. The lowest asking price is £299,950 being a 3 bed detached house on New Road, Coleorton marketed by "Moving Made Cheaper" (source: Right Move Internet Search Engine Accessed on 4th September 2015)." An internet search on Right Move on the 14th October 2015 reveals that there are five 3 bed detached dwellings within one mile of the post code of the application site which range in price from £425,000 (Lower Moor Road, Coleorton) to £200,000 (Glebe Road, Thringstone). If the search area is reduced to 0.5 miles the only property applicable would cost £325,000 (Veleta Cottage, Coleorton).*

Using build cost figures of 2015 (www.homebuilding.co.uk) the District Council finds that build costs for a two-storey detached dwelling, with detached single garage, in the area using the most expensive build route (Main Contractor) and building to an Excellent specification, which would take into account better materials and improved building regulations standard (as well as VAT), would amount to £182,864. Using subcontractors would reduce the price to £166,882. Given these figures it would appear that the costs associated with building a new dwelling would be substantially less than any of the properties within the immediate area, which would meet the 'need' of the applicant.

Whilst a dwelling to suit the 'needs' of the applicant may not be available from the existing housing stock currently available in the area, this does not justify, on planning grounds, dwellings to be erected contrary to policy; particularly when the adopted local plan, the emerging local plan and the Paragraphs of the NPPF contain no policies relating to the provision of dwellings to meet a 'local need'. Although this is the case the agent for the application specifies that consideration should be given to the guidance on Starter Homes which is now incorporated into the National Planning Policy Guidance (NPPG).

The Starter Homes Exception Site Policy is aimed at young first time buyers, criteria which would not be met by the applicant, with such sites allocated for these purposes being proposed on *"under used or unviable industrial and commercial land that has not been currently identified for housing."* The agent specifies that the land is 'previously developed' given that it was formerly part of the 'California Colliery and Brickworks'. However, this view was not supported in the consideration of the previous applications on the site nor was it by the Planning Inspector in dismissing the planning appeal ref: APP/G2435/A/12/2183555 (planning application ref: 12/00082/FUL) where it was stated that *"the definition of Previously Developed Land given in the National Planning Policy Framework (the Framework) excludes "land that has been developed for mineral extraction" and "land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time." The appeal site, containing no obvious signs of industrial workings cannot, as a result, be regarded as previously developed land."* The applicant specifies that foundations to a former brick building still remain on the site but the visual physical evidence is that the land is predominately green and vegetated and therefore a view is taken that such remains have *"blended into the landscape in the process of time"* and as such the application site would not constitute previously developed land. In any event sites to meet the 'Starter

Homes Exception Site Policy' are likely to be allocated within the local plan, rather than being developed on an 'ad-hoc' basis, and thus no weight is attached to this particular argument.

Reference is also made to Paragraph 001, associated with Rural Housing, within the Planning Practice Guidance which identifies the following:-

- *"It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements;"*
- *"A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities;"*

The Planning Inspector, in dismissing an appeal for a detached dwelling at land adjacent to no. 1 Zion Hill (ref: APP/G2435/A/14/2221844) stated that: *"Like the Framework, LP Policies S3 and H4/1 do not prohibit development within countryside areas but rather set out the circumstances in which such proposals would be permitted. These policies do, however, differ to national guidance in that the Framework seeks to ensure that new housing is located where it will enhance or maintain the vitality of rural communities. Residential development in a rural area could contribute in this way and not necessarily fall into the categories of development deemed acceptable under LP Policies S3 and H4/1. As such, there is a tension between these LP Policies and the Framework in this regard. However, the board thrust of LP Policies S3 and H4/1 is broadly consistent with national guidance and I attach significant weight to them."*

Whilst acknowledging the sentiments of the Rural Housing guidance it is considered that although the future occupant of the dwelling could support some local businesses, services and facilities, as well as public transport, the likely contribution of the development to the vitality of the local community as a whole would be fairly limited given the modest scale of the development proposed. This conclusion was reached by the Planning Inspector in the above appeal (ref: APP/G2435/A/14/2221844).

In any event it is considered that the above Rural Housing Paragraphs do not set a principle that development in all rural areas should simply be accepted. Taking into account the above conclusions of the Planning Inspector in the decision associated with land adjacent to no. 1 Zion Hill (ref: APP/G2435/A/14/2221844) due regard still needs to be given to Policies S3 and H4/1 of the Local Plan as well as the overall sustainability credentials of the proposed site, be it for a market or 'local need' dwelling, given the presumption in favour of such as set out in the NPPF.

In terms of the sustainability credentials of the site, it is located at the following distances from a range of services:

- Griffydham County Primary School (Top Street, Griffydham) – 1133.0 metres;
- Recreation Ground (Zion Hill, Peggs Green) – 244.0 metres;
- Bus Stop (for Arriva Service 91 hourly between Burton on Trent and Loughborough via Ashby De La Zouch Monday – Sunday (limited service on a Sunday) on Loughborough Road, Coleorton) – 220.0 metres;
- Bus Stop (for Paul Winson Service 129 2 hourly between Ashby De La Zouch and Loughborough Monday – Saturday on Zion Hill, Peggs Green) – 120.0 metres;
- Bus Stop (for Robert Coaches Air Link Service 155 1 hourly between Coalville and East Midlands Airport Monday to Saturday on The Moor, Coleorton) – 1315.0 metres;
- Public House (The New Inn, Zion Hill, Peggs Green) – 174.0 metres;

- Shop/Post Office (Lower Moor Road, Coleorton) – 1443.0 metres;
- Church (St Georges Church, Church Hill, Swannington) – 495.0 metres;
- Social Centre (Beaumont Social Centre, Nottingham Road, Peggs Green) – 406.0 metres;

With regards to these distances to amenities, an Inspector in a appeal decision relating to Moira Road, Ashby De La Zouch (ref: APP/G2435/A/13/2192131) referred to Department of Transport (DoT) statistics which showed that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1km, cycling about 4.5km and by bus 8km. Given the above distances some services would be available within walking distance of the site, however, most services occupiers would rely upon to meet their day to day needs would not be within such a reasonable distance (i.e. a shop/post office and school). The walk to such services would also involve walking along rural roads, often with no footway provision; if this were to be after dark or during inclement weather this would not be an attractive proposition for any future occupant, even if they were meeting a 'local need' criterion. Public footpaths would also not be usable for people with mobility difficulties or with pushchairs as they are not surfaced.

This view was taken by the Planning Inspector in dismissing the appeal on the site planning application ref: 12/00082/FUL and appeal ref: APP/G2435/A/12/2183555 where it was stated that:

“there are bus services within walking distance of the appeal site but they supply limited public transport due to the timetables. Reaching bus stops would still, however, require pedestrians to walk along unlit, narrow country lanes so this would not be an attractive option for potential occupants of the new house. Access to private transport would still be necessary for future occupiers of the proposed development particularly in the evenings when the services stop or at other times when the service is inconvenient. Public transport is also subject to the vagaries of the providers who could change their timetables at will.” The appeal decision relating to the site adjacent to no. 1 Zion Hill (Ref: APP/G2435/A/14/2221844) also supported this assertion by indicating that: *“it cannot be reasonably assumed that future occupiers would regularly walk or cycle the considerable distance to any of these destinations, especially along unlit rural roads after dark or during inclement weather. For these reasons, the site is in an unsustainable location because future occupiers would be heavily reliant on the private car for most journeys to shops, schools, places of employment, health and other services.”*

In respect of social sustainability the benefit of the development is that it would provide a dwelling to meet a 'local need' (albeit the 'need' of the particular applicant is questioned) which would be more affordable to local residents and the completion of a Section 106 Agreement would secure such a dwelling be permanently made available for such purposes. The 'local need' criteria are (a) a person or persons and their dependents residing permanently in the parish or adjoining parish, for at least 5 years or more in the previous 20 years; or (b) a person or persons required to live close to another person who satisfies criterion (a) and is in essential need of frequent attention and/or care due to age, ill health, disability and/or infirmity.

However the social role, as defined in Paragraph 7 of the NPPF, requires the supply of housing to be linked to accessible local services which meet the needs of the community and support its health, social and cultural well-being. As concluded above although the site is located within walking distance of certain services, those which would meet the 'day to day needs' of the occupant would not be within a reasonable walking distance, the walk to any service being along predominately unlit rural roads. On this basis any future occupant would be heavily reliant on the private car for most journeys to services to meet their 'day to day' needs and as such the

development would conflict with the social strand of sustainability.

From an environmental sustainability point of view, it is considered that the development site is a greenfield site and would not constitute previously developed land, as assessed above. Due consideration has been given to Paragraph 55 of the NPPF which, whilst promoting sustainable development in rural areas, does indicate that isolated homes in the countryside should be avoided unless there are special circumstances. None of the special circumstances indicated within Paragraph 55 of the NPPF would be met in this particular instance.

In dismissing the appeal on the site (planning application ref: 12/00082/FUL and appeal ref: APP/G2435/A/12/2183555) the Planning Inspector stated that: *“the proposed development, by reason of its positioning some distance from other buildings, would present an isolated development and would fail to meet any of the special circumstances listed in the policy. As such the scheme would be contrary to policy S3 and the provisions of the Framework.”*

There has been no material change in the environment around the site since the consideration of the appeal in 2013, therefore the development proposal (differing slightly from the previous application in that this is a three bedroomed dwelling compared to a five bedroomed dwelling) would result in conflict with Paragraph 55 as well as Policy S3 which are policies designed to protect the countryside. Furthermore Paragraph 17 of the NPPF outlines that decisions should *“recognise the intrinsic character and beauty of the countryside,”* and as such the physical intrusion of the development into the countryside of this type of development would be unwarranted. It could potentially set a precedent for the further expansion of the settlement into the surrounding fields which would be to the further detriment of the rural environment. Taking all of this into account, the development would not be environmentally sustainable. The heavy reliance on the private car to access the most basic of services would also conflict with the environmental aims of the NPPF which seek to use natural resources prudently and move towards a low carbon economy. This was a view taken by the Planning Inspector in respect of an appeal decision at Tea Kettle Hall in Diseworth (APP/G2435/A/13/2208611).

The agent has specified that the dwelling (in order to improve its environment credentials) could be built to Code for Sustainable Homes Level 5, however the Code for Sustainable Homes has been abolished and replaced with core standards which would be applicable to building regulations. It is considered that any environmental benefits associated with a dwelling built to a more sustainable standard would not outweigh the environmental harm caused by the provision of an isolated dwelling in a rural environment; particularly as the Local Planning Authority has no control over the standard of dwelling which would be constructed in respect of the internal environmental benefits which may be provided.

In conclusion even if a ‘local need’ for the dwelling was justified, which may be of benefit to the social strand of sustainability, this ‘need’ would be heavily outweighed by the overall negative social and environmental impacts of the development and this would render the proposal unacceptable in principle as it would not represent sustainable development.

Density

The application site area is 0.05 hectares and the provision of one dwelling on the site would result in a density of 20 dwellings per hectare which would be below the minimum threshold of 30 dwellings per hectare advised by Policy H6 of the Local Plan in other locations (other than the main settlements and those well served by public transport and accessibility to services and facilities).

Although this density would fall below that advised in Policy H6, this policy also identifies that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority values good design in its approach to residential development and there would be a need to retain and reinforce the landscaping of the site it is considered that the density proposed would represent an efficient use of the land in this instance. On this basis the proposal would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

Residential Amenities

There are no residential properties located to the south, west and east of the application site. The closest residential property is California Cottage (No. 1 Zion Hill) which is located to the north of the site and is situated behind a substantial tree screen which exits to the southern (rear) boundary of this property.

The northern (side) elevation of the proposed dwelling, containing no windows, would be set 3.0 metres from the shared boundary with No. 1 Zion Hill and around 59.0 metres from its southern (rear) elevation. Given the distances involved, as well as the presence of vegetation to the site boundaries, it is considered that the development would result in no adverse overbearing, overshadowing or overlooking impacts on existing amenities.

It is also considered that the distance between the site boundaries and the southern (rear) elevation of No. 1 Zion Hill would ensure that the amenities of any future occupant would also be preserved.

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

Impact on the Character and Appearance of the Area and Streetscape

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also in Paragraphs 57, 60 and 61 of the NPPF. Paragraph 61 states 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.”*

The assessment made by the Planning Inspectorate in respect of ‘character and appearance’ in the planning application ref: 12/00082/FUL and appeal ref: APP/G2435/A/12/2183555 concluded the following: *“It is clear that the construction of a large 5-bedroom house on this isolated plot would have an urbanising effect upon the open countryside...The works required for the lay-by would entail the removal of the hedgerow at the boundary of the property and its replacement further back. This would significantly affect the character of the area by the removing the distinctive parallel hedging appearance and would urbanise the area...the proposal would result in a detrimental impact on the character and appearance of this open countryside area by the hedgerow removal and the introduction of the house and the full width tarmac lay-by.”*

Whilst it is now proposed that a three bedroomed property would be constructed, with associated detached garaging, it is considered that the conclusions reached by the Inspector in respect of the above appeal decision would still be applicable as the provision of this type of built form, along with its associated infrastructure, would result in the urbanisation of what is a rural site and is isolated from other built forms. Additional planting provided in the form of an

orchard would also not mitigate this impact; the development would be visually harmful to the rural environment and to its overall detriment.

In respect of the design of the property itself it is considered that it would accord with the design aspirations of the Local Authority by the inclusion of brick headers, eaves and verge detailing, a chimney and a timber framed canopy. Specific details of these design components, as well as the materials of construction, could be secured using an appropriately worded conditions on any consent granted.

Overall to permit the development would be contrary to the environmental strand of sustainability as well as the particular aims of Paragraphs 57, 61 and 64 of the NPPF and Policies E4 and H7 of the Local Plan.

Highway Safety

The County Highways Authority objected to the application on the basis the proposal would lead to an increase in traffic using an access onto a restricted (30mph) road where the horizontal alignment and proximity of adjacent boundaries are such that the access lacks appropriate visibility for the speed of traffic on the main road and the turning manoeuvres. This would be an additional source of danger to road users and not in the interests of highway safety. It was, however, identified that favourable consideration would be given to an amended plan that demonstrates that appropriate visibility will be provided at the access achieved by the access being positioned centrally.

An amended plan has been provided to show the new proposed access, along with a separate plan showing the visibility splays. The County Highways Authority has been re-consulted but is yet to provide a response on the suitability of this information. Any revised comments received by the County Highways Authority will be reported to Members via the Committee Update Sheet.

With regards to off-street parking it is considered that the internal dimensions of the garage would be sufficient for the parking of one vehicle and space would also exist within the site for additional off-street parking, the proposal would therefore accord with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

Ecology

The County Council Ecologist has raised no objections to the development as all hedgerows would be retained and a new orchard would be created to the rear of the site. Badger surveys previously carried out on the site have been negative and so protected species would not be a constraint on the development and it would remain compliant with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

The tree survey submitted in support of the application shows that the position of the proposed dwelling, as well as the single detached garage, would be outside the roof protection areas of the trees which are to be retained. It is also proposed that works would be undertaken to the hedgerow to the eastern (front) boundary of the site to facilitate the visibility splays, however, these works relate to the 'trimming back' of the hedge with a current gap where an access presently exists being closed and a new hedgerow provided.

A suitably worded condition(s) could be imposed on any permission granted for details of the soft landscaping, as well as any works to existing vegetation. This would be submitted to, and agreed with, the Local Planning Authority and as a result the development complies with Policies E7, F1, F2 and F3.

Other Matters

The Council's Environmental Protection team have raised no objections to the development, subject to conditions in respect of the submission of a land contamination assessment, with the application site not falling within a Coal Mining Referral Area. Subject to the imposition of the relevant condition it is considered that ground contamination and land stability would not be a constraint on the development which ensures compliance with Paragraphs 120 and 121 of the NPPF.

Conclusion

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

A heavy reliance on the private car, an unsustainable mode of transport, for any future occupants to undertake their daily duties would not support the move towards a low carbon economy or seek to use natural resources prudently. In these circumstances the proposed development of the site is unacceptable in principle and would conflict with the environmental strand of sustainability enshrined within the NPPF as well as Policies S3 and H4/1 of the Local Plan.

In addition, the site would not be situated within an acceptable walking distance of local services available within the sustainable part of Coleorton (Lower Moor Road) or Swannington (Main Street) and therefore the development of the site would not provide accessibility to an appropriate level of services. Consequently the development would also conflict with the social strand of sustainability enshrined within the NPPF.

It is considered that the development of the site for residential purposes would result in a dwelling which would be prominent and isolated from other substantial built forms, and as a result would be detrimental to the visual and rural amenity of the surrounding area from the urbanisation of the land. As such to permit the development would be contrary to the intentions of Paragraphs 57, 61 and 64 of the NPPF and Policies E4 and H7 of the adopted Local Plan.

As such it is recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reason(s):

1. The proposed dwelling would be situated in an area of Coleorton where access to appropriate services would be fairly limited and as a result the dwelling would not be situated within a sustainable settlement. The application site is also on unallocated Greenfield land located outside the Limits to Development of Coleorton, as defined on the Proposals Map to the North West Leicestershire Local Plan. Policy S3 of the adopted North West Leicestershire Local Plan (Local Plan) provides a presumption against non-essential residential development in the countryside. Policy H4/1 sets out a sequential approach to the release of land for residential development and seeks to direct new housing towards previously developed land in accessible locations, well served by,

amongst other things, public transport and services. Paragraph 17 of the National Planning Policy Framework (NPPF) indicates that planning should recognise the intrinsic character and beauty of the countryside and Paragraph 55 of the NPPF outlines that socially, development should provide the supply of housing required to meet the needs of present and future generations with accessible local services and the support of their health, social and cultural well-being; as well as the avoidance of isolated dwellings in the rural environment. Although the scheme would be considered acceptable in terms of the economic strand of sustainable development it would fail the environmental and social strands as it would physically intrude into the rural environment, by virtue of its isolation from other substantial built forms of development, whilst also creating a development whereby future occupants would be heavily reliant on the private car to access the most basic of services. This would lead to greater vehicle emissions and would not support the approach to a low carbon economy. Insufficient local services to serve the basic 'day to day' needs of future residents would also lead to such residents being socially isolated. An approval, therefore, would be contrary to the environmental and social strands of sustainability enshrined within the NPPF, as well as Paragraphs 17 and 55 of the NPPF and Policies S3 and H4/1 of the adopted Local Plan.

2. Paragraph 61 of the National Planning Policy Framework (NPPF) outlines that although the visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration. Therefore decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policies E4 and H7 of the adopted North West Leicestershire Local Plan (Local Plan) seek good quality design in all new housing development that respects the character of its surroundings. It is considered that the development of the site for residential purposes would result in a form of development which would be prominent and isolated from other substantial built forms and would be detrimental to the visual and rural amenity of the surrounding area by virtue of the urbanisation of the land. Therefore, to permit the development would be contrary to the intentions of Paragraphs 57, 61 and 64 of the NPPF and Policies E4 and H7 of the adopted Local Plan.

Notes to applicant

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. It is considered that the application is not acceptable in principle and as a result the Local Authority has not entered into dialogue to seek any amendments; although it was identified at the pre-application stage that the development would not be viewed favourably. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.