

Erection of a detached dwelling with associated detached single garage

Report Item No
A4

Land At Bakewells Lane Coleorton Leicestershire

Application Reference
15/00958/FUL

Applicant:
Mr J Heathcote

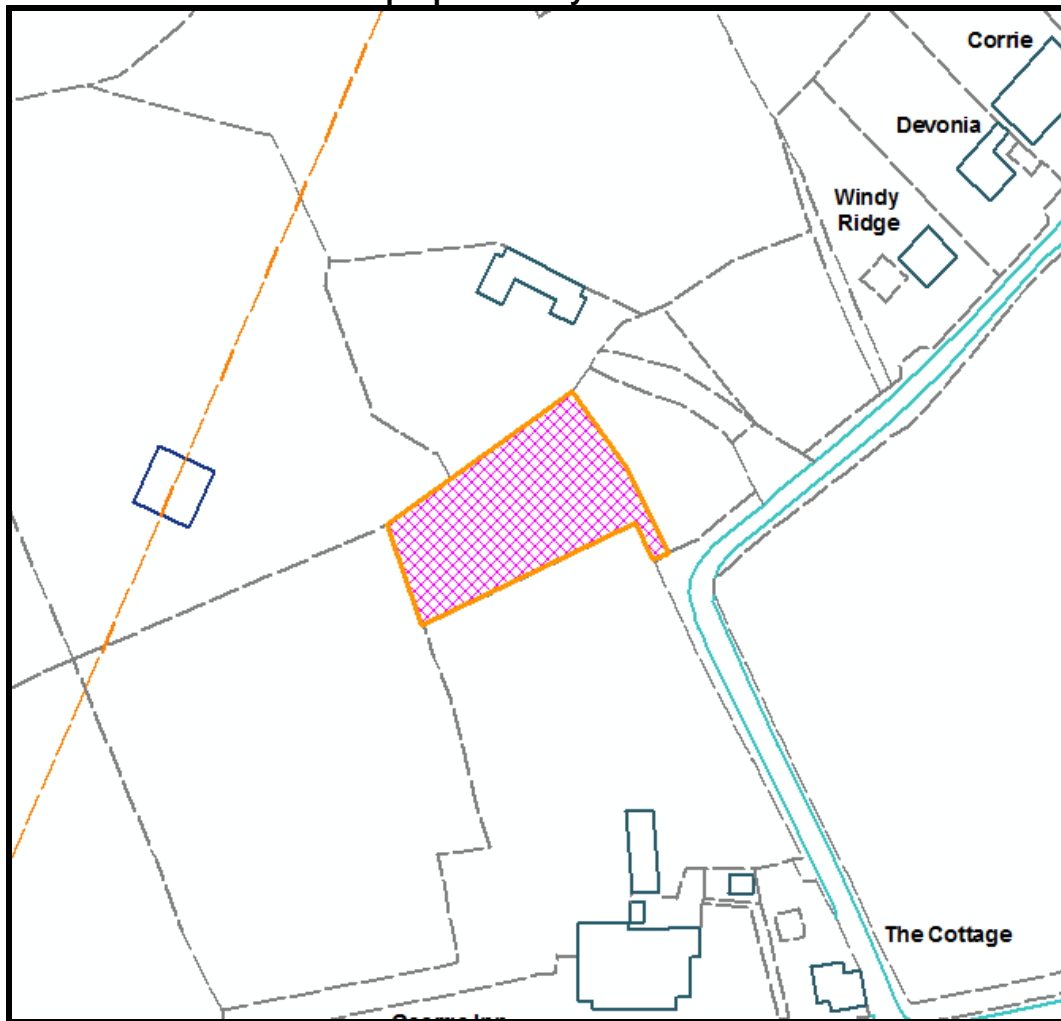
Date Registered
7 October 2015

Case Officer:
Adam Mellor

Target Decision Date
2 December 2015

Recommendation:
REFUSE

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 Boam to allow the Planning Committee to assess the local need for the dwelling as well as the sustainability of the site location.

Proposal

The application relates to the provision of a two-storey detached dwelling with associated detached garage at land off Bakewells Lane, Coleorton. It is noted that the application site is outside the defined Limits to Development; it is proposed by the applicant that the dwelling would meet a 'local need.'

Consultations

Sixteen no. representations in support of the application have been received although Coleorton Parish Council and the County Highways Authority object to the application. All other statutory consultees have no objections subject to the imposition of conditions, or notes to the applicant, should permission be granted.

Planning Policy

It is considered that the development would result in conflict with the social and environmental strands of sustainability and Paragraphs 17, 32, 55, 57, 61 and 64 of the National Planning Policy Framework as well as Policies S3, E4, T3, H4/1 and H7 of the adopted North West Leicestershire Local Plan.

Conclusion

The report above indicates that this is a Greenfield site outside the Limits to Development of the nearest settlement being Coleorton.

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 adopted Local Plan.

In addition, the site would not be situated within an acceptable walking distance of local services which would meet the day to day needs of the occupants 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 also considered that the development of the site for residential purposes would result in a form of development which would be prominent and isolated from other substantial forms, and therefore would be detrimental to the visual and rural amenity of the surrounding area through 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 National Planning Policy Framework (NPPF) and Policies E4 and H7 of the adopted North West Leicestershire Local Plan.

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

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE;

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of a detached dwelling at land off Bakewells Lane, Coleorton. The 0.09 hectare site is located 60.0 metres to the north of the George Inn and 13.0 metres to the south-west of existing stables. The site is situated outside the defined Limits to Development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately open countryside with a group of three detached dwellings being situated to the north-east of the site on Bakewells Lane.

An outline application for the erection of a detached dwelling was refused at the Planning Committee meeting of the 10th March 2015 under application reference 15/00072/OUT on four grounds relating to the social and environmental sustainability of the site location, the isolated position of the dwelling and highway safety grounds.

The proposed four bedroom two-storey dwelling would be situated 32.0 metres from Bakewells Lane and would have a ground area of 83.2 square metres and use of a pitched gable ended roof with an overall height of 9.3 metres. Vehicular access into the site would be achieved via an existing access located on a bend in Bakewells Lane at a distance of 87.0 metres from the junction of Bakewells Lane with Loughborough Road (A512).

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, as well as turning facilities, would be provided within the curtilage.

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

It is proposed that the dwelling would meet a local need with the design and access statement stating the following in respect of the applicants:-

"They have three dependent children; ages 14 years, 11 years and 7 years. The oldest pair attended Griffydham School and the youngest still does. The family dates back many generations to this area; maternal Grandparents having been born in The Woolrooms, Coleorton. Concentrating on Bethan. She moved in to live with me and her mother when aged 7 years back in 1977. At that time we, as a family lived at 60 Loughborough Road, Coleorton. We then moved, as a family to our present address - 'Renira' Aqueduct Road Coleorton in 1984. Upon marriage Bethan and Jason purchased 'The Cottage' Loughborough Road Coleorton in circa 2000. That house came with the plot now in issue. They sold that house in 2008 and then moved to 'Amber Cottage' Lower Moor Road Coleorton; next to the Post Office. Unfortunately their financial circumstances dictated that they sold that house in 2011. They then moved into rented accommodation at 'Lavender Walk' in the grounds of Coleorton Hall staying there until 2013 before moving into another rented house in Marlborough Way in Ashby.

Her husband is a builder and the intention is (should permission be granted) that he construct the property.

They have access to funds via Bethan's natural father of the order of £150K and it is that sum they will use to do the build."

Following the receipt of the comments of the County Highways Authority additional information has been supplied by the agent to try and address the concerns raised and the County

Highways Authority have been reconsulted accordingly.

Other planning history relevant to the site includes an outline application for the erection of a bungalow which was refused on the 10th February 1988.

2. Publicity

5 no neighbours have been notified. (Date of notification 08 October 2015)

Site Notice displayed 14 October 2015

Press Notice published 14 October 2015

3. Consultations

Coleorton Parish Council consulted 8 October 2015

County Highway Authority

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

NWLDC Tree Officer

LCC ecology

LCC/Footpaths

NWLDC Footpaths Officer

Coal Authority

4. Summary of Representations Received

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

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

Coleorton Parish Council objects to the application on the basis that it is outside the limits to development in the current adopted local plan and those proposed in the draft local plan, which, could lead to unacceptable infill development in an area of open landscape and that problems could arise around the access to the A512 for vehicles and pedestrians.

Leicestershire County Council - Archaeology no representation received.

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

Leicestershire County Council - Footpaths Officer no representation received but they previously advised on application reference 15/00072/OUT that they had no objections subject to the proposal not affecting the public's use and enjoyment of footpath M82.

Leicestershire County Council - Highways Authority initially objected to the application on the basis that the proposal would lead to significant increases in vehicular traffic using a junction off the A512 which is unsuitable to accommodate additional movements with Bakewells Lane itself being inadequate in its width and design, as well as lacking pedestrian footways and street lighting, to accommodate additional movements. Following the receipt of revised information the County Highways Authority have verbally reiterated that in their view the application should be refused on highway safety grounds.

NWLDC - Environmental Protection has no objections.

NWLDC - Footpaths Officer has no objections but advises that if public footpath M82 needs to be diverted then an application would need to be submitted for approval.

NWLDC - Tree Officer initially advised that information needed to be provided in respect of the impact of the driveway on retained vegetation due to the proximity to the root protection areas. Following receipt of revised information no objections are raised subject to the imposition of conditions on any consent granted.

Severn Trent Water no representation received.

Third Party Representations

16 no. of representations have been received from the occupants of Tall Timbers, Aqueduct Road; Honeysuckle Cottage, Lower Moor Road; White House, Gelsmoor Road; Circle Garage, Redhall Garage (No. 68) and 126 Loughborough Road; The Gelsmoor, Rempstone Road (x2); 2 Main Street, Swannington; Highbank Cottage, Farm Town Lane, Farm Town; 25 Elder Lane, Griffydam; Lountwood Farm, Nottingham Road, Lount; 10 Francis Road, Newton Burgoland and nos. 3, 14 and 16 Lavender Walk who support the development and whose comments are summarised as follows: -

- I have known the applicant for six years and understand that for unforeseen circumstances they were forced to move around and relocate and wish to return to the village;
- I understand the new build property would be of 'Local Needs' as the family have been priced out of any opportunity to buy in the immediate area;
- I would fully support the provision of this low cost housing as Coleorton is a thriving working community and needs new housing to maintain this;
- The location is well placed to access bus routes, public footpaths and other local amenities;
- The development proposed would have no detrimental impact to the surrounding area;
- The proposed development would be of great benefit to the family who have lived most of their lives in the village of Coleorton;
- I understand that the new build would be of a high quality design and of modest size; built to high specification - Code 5, thus offsetting any sustainable concerns;
- The village of Coleorton is characterised by sporadic development, nonetheless it is still a vibrant working community and requires some new housing to maintain this;
- It will have no adverse impact on the surrounding area as it will be screened by foliage and there are other properties on Bakewells Lane;
- The average price of a four bedroom house in Coleorton is circa £300,000 - £700,000 therefore they have been priced out of today's market in their home town;
- Accidents have occurred on Loughborough Road but not at the junction with Bakewells Lane.

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

Adopted North West Leicestershire Local Plan (2002)

The application site is 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;

Draft Consultation 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 En3 - National Forest;
Policy En6 - Land and Air Quality;
Policy Cc2 - Sustainable Design and Construction;
Policy Cc4 - Water - Sustainable Drainage Systems;

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' with the need in this circumstance being outlined in the Proposals and Background section of this report. 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 by the agent that *"a search of local housing stock reveals 6 houses currently advertised for sale, 5 properties being applicable. The lowest asking price is £315,500 being a 4 bed detached house on Loughborough Road, Coleorton marketed by "Your Move" (source: Right Move Internet search engine accessed on 15th September 2015)."* An internet search on Right Move on the 5th November 2015 reveals that there are three 4 bed detached dwellings within one mile of the post code of the application site which range in price from £650,000 (Lower Moor Road, Coleorton) to £300,000 (Loughborough Road, Coleorton). The same properties are also applicable if the search area is reduced to 0.5 miles.

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 an improved building regulations standard (as well as VAT), would amount to £208,834. Using subcontractors would reduce the price to £199,212. 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

'needs' of the applicants.

Whilst a dwelling to suit the 'needs' of the applicant may not be available from the existing housing stock in the area this is not a justification to simply allow dwellings of this nature to be erected anywhere 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 Practice Guidance (NPPG).

The Starter Homes Exception Site Policy is aimed at young first time buyers, criteria which would not be met by the applicants, 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."* It is noted that the application site is a Greenfield site and as such would not be accepted for development under the terms of this policy. In these circumstances no weight is attached to this particular argument.

Reference is also made, by the agent, 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."*

In a dismissed appeal decision relating to land adjacent to no. 1 Zion Hill (ref: APP/G2435/A/14/2221844), which also related to the provision of a detached dwelling on a site outside the defined limits to development within the immediate area, the above Paragraph was considered, the Planning Inspector 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 occupants 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.

In any event it is considered that the above Rural Housing NPPG paragraphs do not set a principle that development in all rural areas should simply be accepted. Given the above conclusions of the Planning Inspector in the decision associated with land adjacent to no. 1 Zion Hill 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 housing or a dwelling

stated to meet a 'local need') considering the presumption in favour of sustainable development contained in the NPPF.

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

- Griffydham County Primary School (Top Street, Griffydham) - 1,873.58 metres;
- Viscount Beaumont Church of England School (Ashby Road, Coleorton) - 1,317.18 metres;
- Recreation Ground (Zion Hill, Peggs Green) - 970.87 metres;
- Bus Stop on Loughborough Road, Coleorton (for Arriva Service 9 1 hourly between Burton on Trent and Loughborough via Ashby De La Zouch Monday - Sunday (limited service on a Sunday)) - 125.42 metres;
- Bus Stop on The Moor, Coleorton (for Robert Coaches Air Link Service 155 1 hourly between Coalville and East Midlands Airport Monday to Saturday) - 642.25 metres;
- Public House (The George Inn, Loughborough Road, Coleorton) - 168.40 metres;
- Shop/Post Office (Lower Moor Road, Coleorton) - 937.42 metres;
- Church (St Georges Church, Church Hill, Swannington) - 916.06 metres;
- Social Centre (Beaumont Social Centre, Nottingham Road, Peggs Green) - 1,169.36 metres;

In a recent appeal decision relating to a residential development on Willesley Road in Ashby De La Zouch (ref: APP/G2435/W/15/3027396), which was dismissed, reference was made to the Institute of Highways and Transportation document '*Providing for Journeys on Foot*' which outlines that the preferred maximum walking distance to local services would be 800 metres. Previous assessments have been based around the Department of Transport (DoT) statistics which show that the average trip length undertaken by foot would be 1km, however the Inspector in the above appeal outlined that such a statistic does not take into account those people who would walk but are put off by such distances and choose to travel by alternative means. The '*Providing for Journeys on Foot*' document indicates that only the bus stops and public house would be within the preferred maximum walking distance and therefore most services which the applicant would rely on to meet their 'day to day' needs (i.e. school and shop) would not be within a reasonable walking distance. The walk to such services would also involve walking along rural roads, often with no surfaced footpath provision. If this were to be after dark or during inclement weather this would not be an attractive proposition for any future resident, even if the dwelling were meeting a local need criterion. Public footpaths within the area which might provide a more convenient access to local services would also be difficult to use by those with mobility difficulties or using pushchairs given that they are not hard surfaced. It is therefore considered that the occupants of the dwelling are likely to use their personal vehicles for most journeys that they will undertake.

It is considered that this planning judgement is a reasonable one particularly in light of the decision of the Planning Inspector in respect of the appeal decision at land adjacent to no. 1 Zion Hill (ref: APP/G2435/A/14/2221844), which is not too dissimilar to the context of this application site, where it was stated 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 scheme is that it would provide a dwelling

stated to meet a 'local need'. Relevant supporting information has been supplied to justify the connections of the applicants with the settlement, which would be more affordable to local residents and the completion of a Section 106 Agreement would secure such a dwelling being permanently made available for such purposes (i.e. meeting a local need criteria - (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 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 a few services those which would meet the 'day to day needs' of the occupant would not all be within a reasonable walking distance with the walk to some services being along predominately unlit rural roads which would not be an attractive proposition for any future occupant. On this basis any future occupants would be heavily reliant on the private car for most journeys to services that 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 the land is identified as paddock land and the development would result in the loss of greenfield land. Such land is identified in the adopted Local Plan as being countryside and therefore the development would fail to protect or enhance the natural environment, contrary to the intentions of Paragraph 17 of the NPPF, Policy S3 and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside. The proposed development of the site would also result in the provision of an isolated dwelling in the countryside, due to its detachment from built forms and the Limits to Development of Coleorton, for which no special circumstances exist for the allowance of the scheme, as such the development would also conflict with the intentions of Paragraph 55 of the NPPF.

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

It should be noted that whilst the agent has specified that the dwelling could be built to Code for Sustainable Homes Level 5, the Code for Sustainable Homes has been abolished and replaced with core standards which would be applicable to building regulations. However, 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, whilst sympathetic to the personal needs of the applicants such circumstances do not outweigh planning policy considerations. Therefore whilst there may be some benefit to the social strand of sustainability by the provision of an affordable local need dwelling, this need would be heavily outweighed by the overall negative social and environmental impacts of the

development. Therefore the proposal is unacceptable in principle and would not represent sustainable development.

Density

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

With a site area of 0.09 hectares, the proposed development would have a density of 11.1 dwellings per hectare which would fall significantly below that advised in Policy H6. Whilst the density is significantly below that advised in Policy H6, it is considered important to factor into any assessment the principles of good design; as well as green space and landscaping requirements. In the circumstances that the Local Authority would wish for the development to incorporate a strong landscaping scheme, given the site's location, and the provision of additional dwellings would have a more substantial impact on the rural environment, it is considered that the density proposed is considered to represent an efficient use of the land in this instance. This takes into account the need for good design and the potential size of the amenity area to the dwelling. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 so as to warrant a refusal of the planning permission.

Residential Amenity

Three detached residential properties lie to the north-east of the site with the George Inn Public House and The Cottage (both on Loughborough Road) lying to the south-east of the site.

The plot of land itself lies adjacent to the residential/pub garden of the George Inn as well as some stables with public footpath M82 running in close proximity to the north-eastern boundary. The closest residential elements to the site are those associated with the George Inn at a distance of 44.0 metres from the south-eastern boundary which is defined by mature vegetation in the form of trees and hedgerows. It is proposed that the side elevation of the dwelling would face towards the shared boundary and given the distances involved there would be no adverse overbearing or overshadowing impacts.

No windows would be proposed in the elevation facing towards the George Inn and as such there would be no adverse overlooking impacts or loss of privacy from the use of the residential/pub garden of the George Inn.

With regards to the amenities of any future occupants of the proposed dwelling it is considered that the relationship with surrounding built forms would ensure that there would be no adverse overbearing or overshadowing impacts or any loss of privacy from the use of the residential/pub garden of the George Inn if mitigated by the provision of relevant boundary treatments and retention of the vegetation. In respect of noise generated by the use of the public house, it is noted that the Council's Environmental Protection team have raised no objections, however given that the public house is an existing building, any future occupant would be aware of this relationship prior to their purchase.

It is noted that trees of a mature stature exist to the north-eastern boundary of the site, which are proposed to be retained as part of the development. Whilst it is inevitable that some overshadowing would occur this would be limited to the morning hours and would be onto the front driveway of the dwelling; thereby meaning the private rear amenity area would not be

adversely affected. It is therefore considered that the extent of shadowing would not be of sufficient detriment to the occupants' amenities as to warrant a refusal of the application.

Overall the development is considered to accord with the principles of Paragraph 123 of the NPPF and Policy E3 of the adopted 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 Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that *"although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

Existing properties on Bakewells Lane, as well as on Loughborough Road, are largely set in close proximity to the highway and have their principal elevations fronting onto the road. The proposed dwelling would be substantially detached from other substantial built forms, 40.0 metres from the George Inn and over 50.0 metres from Windy Ridge, and as such would be viewed as an isolated and disconnected form of development which would be detrimental to the visual and rural amenity of the area. It is also considered that the orientation and position of the dwelling would not respect the characteristics of residential properties on Bakewells Lane given its detachment from the highway.

Public footpath M82 runs to the north-east and north-west of the site and at present built development forms would be peripheral in views established from the footpath. The provision of a dwelling on the application site would be viewed directly from footpath M82, by virtue of gaps in the vegetation, and as such this would further compound the isolated nature of the development. Whilst the isolation of the dwelling would be emphasised on views established from the public footpath, the development itself would not impact sufficiently on the enjoyment of the public right of way.

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 eaves and verge detailing, mid-course detail, timber framed canopy and chimneys the specific details of which could be secured using appropriately worded conditions on any consent granted.

Overall, a residential development on this site would result in a form of development which would be prominent and isolated from other substantial built forms and as such would be contrary to the 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 adopted Local Plan.

Highway Safety

In initially commenting on the application, the County Highways Authority outlined that there is an existing accident record at the junction of Bakewells Lane with the restricted (50 mph) Class I (A512) Loughborough Road. As such the introduction of a dwelling on Bakewells Lane would result in a significant increase in turning traffic utilising this junction, when taken cumulatively with existing users of the highway, which is substandard in width. It would not be possible to increase the width of the access at the junction due to its relationship with private boundaries. Therefore the increase in turning manoeuvres onto and off Loughborough Road at its junction with Bakewells Lane would be severely detrimental to the free and safe movement of vehicles on Loughborough Road, as well as causing additional dangers to road users. Such a situation would not be in the best interests of highway safety and would conflict with Paragraph 32 of the

NPPF and Policy T3 of the adopted Local Plan.

The County Highways Authority are also of the view that the introduction of a dwelling on Bakewells Lane would result in additional vehicular, pedestrian and cycling movements on a highway which is unsuitable in its width and design to cater for this increase. It is also identified that Bakewells Lane lacks a pedestrian footway and street lighting. Such an increase in movements would result in additional dangers to pedestrians, as well as vehicles, which would conflict with the intentions of Policy T3 of the adopted Local Plan.

Following the receipt of these comments the agent for the application has submitted additional information to address these concerns which outlines the following: -

"1. I accept there would be an increase in vehicular movements onto Loughborough Road, however, the extent of which would be shared with the junction with Gelsmoor Road to the east which would be a natural route when driving to destinations in this direction, and to the north, and notably Ashby as this route would avoid the A42 (M) junction 13 roundabout;

2. Reference is made to an existing accident record. It would be helpful if comments are given to the response received from Leicestershire County Council Accident and Prevention Team whom stated no injury accidents have been reported at the junction since September 2009;

3. Within the substantive response number 2 it is stated that no highways improvement have been offered. In this regard the applicant would be willing to put in place, at no expense to LCC, a passing place along Bakewells Lane within the extent of highway maintainable at the public expense, through widening of the highway to allow for two passing vehicles."

The County Highways Authority were reconsulted on the basis of these matters but have reiterated that their comments above would still apply and as such the development would be considered contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the Local Plan and detrimental to highway safety.

It is considered that the plans show a sufficient level of off-street parking could be provided within the site boundaries, one space of which would be within a detached single garage. This would ensure that the proposal would not create any on-street parking problems on Bakewells Lane. On this basis there would be no conflict with Paragraph 39 of the NPPF or Policy T8 of the adopted Local Plan.

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

Ecology

The County Council Ecologist has concluded that although the habitat survey was undertaken at the wrong time of the year (January 2015), the habitats on site are such that an adequate assessment of their value could be done at that time of the year. The County Council Ecologist therefore has no objections subject to the imposition of relevant conditions on any consent granted to ensure that existing hedgerows are retained and managed, or suitable replacement hedgerows provided, and that site clearance is done outside of the bird nesting season. Should site clearance not be carried out within a year of the date of the 2015 survey than a revised

badger survey would also be required. Subject to the imposition of these conditions on any consent granted it is considered that the development would not conflict with the principles of Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

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

The proposed layout shows that three trees (two Elms and one Cherry Laurel) would be removed to facilitate the development and these are the trees recognised as being dead or in poor condition. It is noted that the dwelling and detached garage have been positioned outside the root protection areas of the trees and hedges to ensure that their integrity would not be impacted on and as part of the proposal, management of the hedgerows would be undertaken. Further information has been supplied to show that a 'no dig drive' would be utilised to provide an access route and driveway into the site due to this passing over the root protection areas of the trees and hedges; this could be conditioned accordingly on any consent granted.

A group of four trees situated to the north-eastern boundary are substantial in size, however, their orientation would result in any overshadowing impacts being limited to the morning hours with it being noted that BS5837 (2012) outlines that *"NOTE The presence of large species trees is increasingly being seen as advantageous, since it contributes to climate change resilience, amongst other benefits;"* and *"NOTE 1 Shading can be desirable to reduce glare or excessive solar heating, or to provide for comfort during hot weather. The combination of shading, wind speed/turbulence reduction and evapo-transpiration effects of trees can be utilised in conjunction with the design of buildings and spaces to provide local microclimate benefits."* Any overshadowing impacts would be limited, with the dwelling being positioned around 9.2 metres from the extent of the canopy spread, and so it is considered that such a shading impact would not be significantly detrimental and as such the trees would not be under any undue pressure to be removed.

An appropriate condition could be imposed on any consent granted for a landscaping scheme and proposed schedule of works to the vegetation to be approved by the Local Authority; on this basis the proposal would accord with the intentions of Policies E7, F1, F2 and F3 of the adopted Local Plan.

Other Matters

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

Conclusion

The report above indicates that this is a Greenfield site outside the Limits to Development of the nearest settlement being Coleorton.

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 adopted Local Plan.

In addition, the site would not be situated within an acceptable walking distance of local services which would meet the day to day needs of the occupants 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 also considered that the development of the site for residential purposes would result in a form of development which would be prominent and isolated from other substantial forms, and therefore would be detrimental to the visual and rural amenity of the surrounding area through 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 National Planning Policy Framework (NPPF) and Policies E4 and H7 of the adopted North West Leicestershire Local Plan.

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

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 The proposed dwelling would be situated in an area of Coleorton 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 (Local Plan). Policy S3 of the 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 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 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 vehicular emissions and would not support the NPPF 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 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 forms of development, given its distance from neighbouring built forms and relationship with a public right of way. As such it 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.
 - 3 Paragraph 32 of the National Planning Policy Framework (NPPF) outlines, amongst other things, that development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe. Policy T3 of the North West Leicestershire Local Plan (Local Plan) identifies that development will be permitted only where its highway design and layout make adequate provision for vehicular access and circulation, and servicing arrangements. It is concluded that the proposal would lead to a significant increase, when viewed cumulatively with existing movements, in turning traffic using a junction onto a restricted (50mph) Class I (A512) road where there is an existing accident record and where the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety. There would also be a material increase in vehicular traffic at the junction of Bakewells Lane and the Class I Loughborough Road (A512), where the proximity of adjacent private boundaries are such that Bakewells Lane is substandard in its width and the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety. In these circumstances the development would be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the Local Plan.
 - 4 The proposal, if permitted, would also lead to additional traffic using Bakewells Lane, which is unsuitable in its width and design to cater for this increase which would not be in the best interests of highway safety. Bakewells Lane also lacks both footways and street lighting in the vicinity of the site and as such the development will introduce additional vehicular, pedestrian and possibly cycle movements via Bakewells Lane, including in the winter months in the hours of darkness, which would introduce additional dangers to road users. In these circumstances the development would be contrary to the aims of Policy T3 of the Local Plan.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. It is considered that the application is not acceptable in principle and as such the Local Authority has not entered into dialogue to seek any amendments. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.