

Erection of four detached dwellings with associated off street parking (Outline - matters of access and layout for approval)

Report Item No
A3

Land Off Lower Moor Road Coleorton Coalville Leicestershire

Application Reference
15/01148/OUT

Applicant:
Mrs S And J Kenyon And Henson

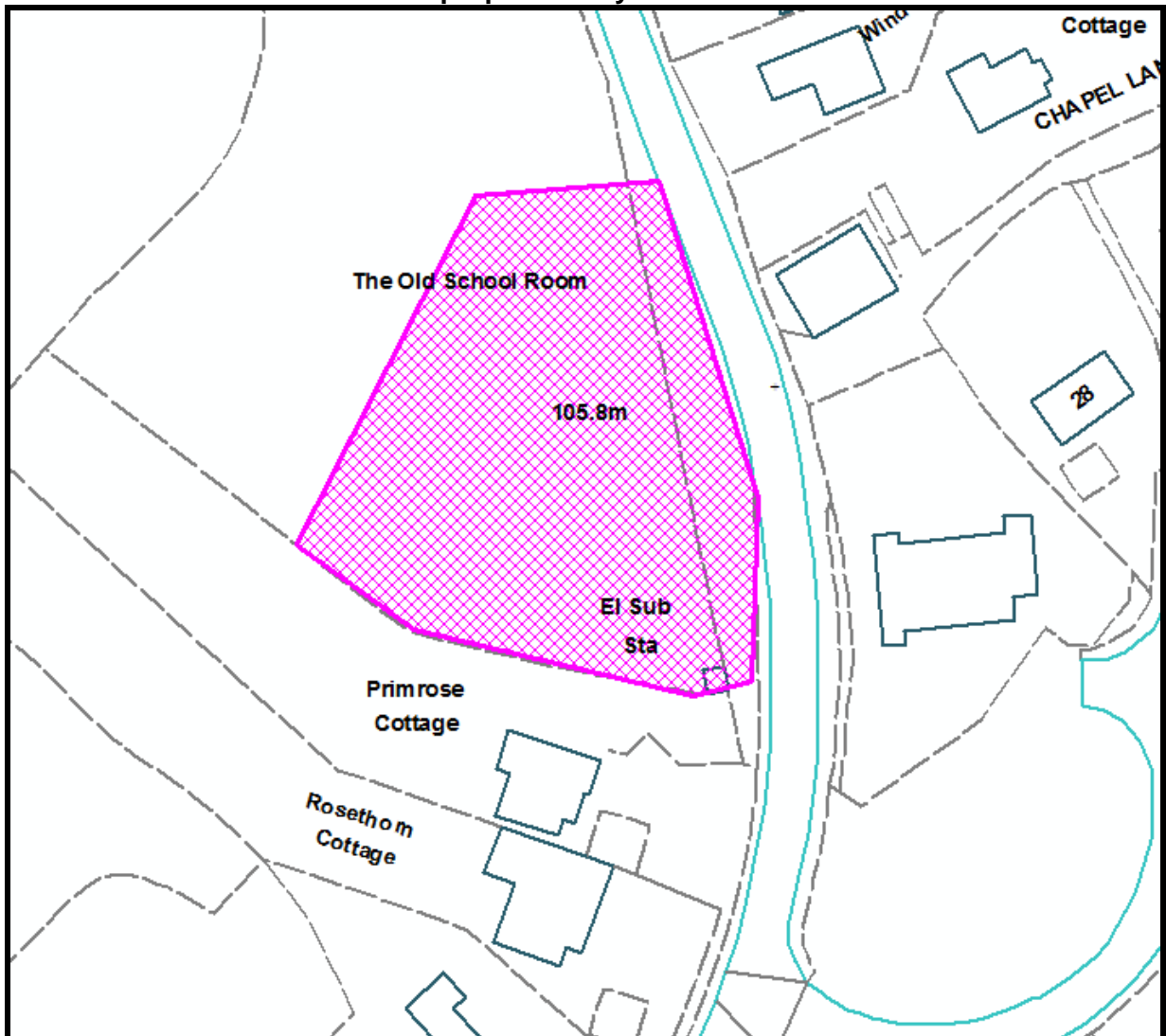
Date Registered
3 December 2015

Case Officer:
Adam Mellor

Target Decision Date
28 January 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee at the request of Councillor Boam due to concerns over highway safety and that the application site is outside the defined Limits to Development and upon land designated as a sensitive area.

Proposal

The application is in outline form and seeks approval for the erection of four detached dwellings on land to the west of Lower Moor Road, Coleorton. The 0.24 hectare site is on land outside the defined Limits to Development as well as upon land designated as a Sensitive Area under Policy E1. At this stage the access points into the site, a total of two separate access points serving two properties each, along with the layout are for approval.

Consultations

A total of 86 no. individual representations have been received with 40 of those representations opposed to the development and 46 in support of the development, Coleorton Parish Council have also objected to the development. All other statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

It is considered that the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the current, and draft emerging, North West Leicestershire Local Plan and other guidance.

Conclusion

Although the application site is a greenfield site and part of a sensitive area it is considered that the conflict with the environmental strand of sustainability, as well as Policy E1, would be outweighed by the positive social and economic sustainability credentials of the site particularly as the development would not be isolated from built forms and would not adversely impact on the openness of the rural environment. Consideration also needs to be given to the fact that the Local Authority is unable to demonstrate a five year housing land supply. Overall the development would be compliant with the key principles of the NPPF as well as Paragraphs 28 and 55.

The relationship between plot 1 and Primrose Cottage, to the south of the site, is considered to be acceptable and would ensure that there would be no undue overbearing or overshadowing impacts. It is also considered that the amenities of any future occupants would not be adversely affected and therefore the development is considered compliant with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

It is considered that the layout of development shown on the submitted plans shows that the site is capable of accommodating the four dwellings and would be in keeping with the characteristics of development in the surrounding area whereby properties front onto the highway. The proposed development is also considered to result in no harm to the significance of the setting

of heritage assets in the area (namely Coleorton Hall and its Associated Historic Gardens - Grade II* Listed) whilst also not adversely impacting on views to features of significance within the landscape from the public footpath network in the area. On this basis the development is considered to accord with Paragraphs 57, 60, 61, 75, 131, 132 and 134 of the NPPF, Section 66 of the 1990 Act as well as Policy E4 of the Local Plan.

In the circumstances that the County Highways Authority have raised no objections subject to the imposition of conditions, and notes to the applicant, on any consent granted it is considered that the proposed development would not result in severe detriment to pedestrian or highway safety. A sufficient level of off-street parking could also be secured at the reserved matter stage. In these circumstances the development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

In respect of other matters it is considered that subject to the imposition of relevant conditions, or notes to the applicant, the site could be developed so as not to cause harm to ecological species, would not lead to adverse implications to archaeology in the area, would result in the provision of additional landscaping whilst maintaining existing landscaping and would also not result in any implications to the legacy of coal mining in the area. On this basis the development would accord with Paragraphs 118, 120, 121 and 141 of the NPPF, Policies E7, E26, F1, F2 and F3 of the Local Plan and Circular 06/05.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions;

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for the erection of four detached dwellings with associated off-street parking with all matters except access and layout reserved for subsequent approval at land off Lower Moor Road, Coleorton. The 0.24 hectare site lies on the western side of Lower Moor Road directly to the north of Primrose Cottage and to the west of the former Methodist Chapel and former associated School Room. It is identified on the Proposals Map to the adopted North West Leicestershire Local Plan that the site is outside the defined Limits to Development with residential properties being to the east and south and open countryside to the direct north and west.

The land on which the dwellings would be located is identified as scrub land and the layout plan supplied shows that the proposed properties would be parallel to Lower Moor Road with plots 1 and 4 being in closer proximity to the highway than plots 2 and 3. Two separate vehicular accesses would be created off Lower Moor Road, with one being shared by plots 1 and 2 and the other shared by plots 3 and 4, with associated manoeuvring facilities and off-street parking also being supplied. An indicative elevation drawing supplied shows that the dwellings are proposed to be two-storey in nature.

A design and access statement, heritage statement and Coal Mining Report have been submitted in support of the application.

Following a site meeting with the County Council Ecologist the agent for the application has submitted a revised layout plan to highlight biodiversity enhancements which could be made to the land to the immediate north of the application site which is also within the ownership of the applicant. The County Council Ecologist has been reconsulted on this plan.

The planning history of the site is as follows: -

- 91/0312/P - Residential development (outline) - Refused 29th May 1991, Appeal Dismissed 4th February 1992.

2. Publicity

8 no neighbours have been notified (date last notified 24 December 2015)

Press Notice published 16 December 2015

Site Notice published 09 December 2015

3. Consultations

Coleorton Parish Council consulted 7 December 2015

County Highway Authority

LCC ecology

Severn Trent Water Limited

Head of Environmental Protection

County Archaeologist

NWLDC Conservation Officer

Historic England

LCC Flood Management

Coal Authority

The Gardens Trust

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 inclusion of a note to applicant on any permission granted.

Coleorton Parish Council objects to the application as it is outside the Limits to Development and there are highway safety concerns given the steepness of the bend.

Historic England advises that the application should be determined on the basis of the Council's specialist conservation advice.

Leicestershire County Council - Archaeology has no objections subject to the imposition of conditions in order to safeguard any important archaeological remains which may be present.

Leicestershire County Council - Ecology initially had no objections subject to conditions associated with the restoration and management of the adjacent site for nature conservation and natural informal open space. Following receipt of amended plan showing biodiversity enhancements of the neighbouring land the County Council Ecologist maintains that no objections are raised subject to the imposition of a condition on any consent granted.

Leicestershire County Council - Highways has raised no objections to any of the submitted plans subject to conditions and relevant notes to the applicant being imposed on any permission granted.

Leicestershire County Council - Lead Local Flood Authority has no comment to make on the application and advises that their standing advice should be considered.

NWLDC - Conservation Officer has no comments to make.

NWLDC - Environmental Protection has no observations.

Third Party Representations

40 no. of individual representations objecting to the application have been received and the concerns raised are summarised as follows: -

- The principle of the proposed development is not supported by the Development Plan and would set an undesirable precedent for development in the countryside;
- Houses are located in an area of local historical and archaeological interest, namely part of the 'Historic Gardens' of Coleorton Hall with the grounds also forming part of the Mining Heritage Trail;
- The site leads down to a stream which forms a flood plain;
- The development would impact adversely on the sustainability of the village;
- New vehicular accesses onto Lower Moor Road would be unsuitable and would present a severe hazard to traffic and pedestrians alike;
- The proposed accesses would lack appropriate visibility given the nature of the highway, proximity to a bend and parking of vehicles in the highway visiting the Post Office/Shop;
- Proposal would adversely affect the beautiful, unspoilt rolling landscape which is

- synonymous with the village of Coleorton;
- Protected species would be adversely affected by the development given that foxes, badgers and deer have been present in the area as well as bats;
- Vehicles utilising the highway travel in excess of the speed limits in force;
- Consideration should be given to traffic calming measures such as speed humps, traffic islands or any other measure to slow traffic and avoid a serious accident;
- Views from our property would be adversely affected;
- The value of our property would be adversely impacted on;
- Development may result in implications to the integrity of the hedgerow retained to our boundary;
- Proposed development will impact on the residential amenities of neighbouring properties;
- Proposed development is on land identified as a Sensitive Area in the Development Plan;
- Approval of the development will compromise the aspirations of National Forest planting being provided in the area and conflict with the "Forest for the Nation" aims of the District Council;
- The site is not big enough to support the development proposal and therefore a more modest form of development should be sought with single storey properties provided;
- Development would be contrary to several policies within the Development Plan as well as PPG guidance;
- An orangery/sun room on the northern side elevation of Primrose Cottage is not highlighted on the plans and therefore Plot 1 would be closer to this property than anticipated on the supplied plans;
- The application site is a Coal Mining Risk Area;

46 no. of representations offering support to the development have also been received and the comments raised are summarised as follows: -

- A small number of well sited houses such as these would be welcomed;
- The site is at the centre of the village, very close to the Post Office and is on a bus route. Also it is less than half a mile from the school;
- The indicative designs show a high quality scheme in this sought after location;
- Could something proactive be done with the retained land;
- Inhabitants would contribute and help maintain the services in the village;
- The proposed design and layout matches that which exists elsewhere locally;
- I am a regularly user of Coleorton Post Office and it is important that such services are retained given the closure of Post Office's in Normanton Le Heath and Packington;
- The development would provide much needed family homes in the settlement;
- The land is currently an untidy field and small, well designed developments of this nature are acceptable additions to a rural village;
- Many rural villages in the area need to accept additional housing due to the very low numbers that are currently being constructed nationwide;
- Access to the site is fine at this point with low prevailing speeds and good visibility from both access points.

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 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 131 (Conserving and enhancing the historic environment);
Paragraph 132 (Conserving and enhancing the historic environment);
Paragraph 134 (Conserving and enhancing the historic 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 E1 - Sensitive Areas;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy E26 - Sites of County or District Ecological or Geological Interest;
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 En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
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;

Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

With regards to the application site it is noted that it lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan. The site is also within a sensitive area, as highlighted under Policy E1 of the adopted Local Plan, where development should be resisted if it would adversely affect or diminish the present open character of such areas and the contribution they make to the character, form and setting of settlements, the streetscene generally or the relationship with the adjoining countryside.

The Inspector's decision concerning the recent Greenhill Road appeal (ref: APP/G2435/W/15/3005052) sets out that the Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" adopted Local Plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and accordingly 'weight' should not be afforded to them when determining planning applications. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicate that planning permission for new homes should normally be granted.

It is also important to bear in mind that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006). It is therefore considered inevitable that greenfield land will need to be released to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan. In this respect it is acknowledged that the site borders the Limits to Development on the western side of Lower Moor Road with the defined Limits extending further north on the eastern side of the highway (Brooklyn Cottage being the final property within the 'Limits').

In assessing and determining the application it is also needs to be accepted that the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development given the presumption in favour of such as set out in the NPPF.

With regards to the sustainability credentials of the site, it is noted that in previous assessments in applications reference has been given to the Department of Transport (DoT) statistics which outlined that the average trip length undertaken by foot would be 1000.0 metres. However, in a recent appeal decision relating to a residential development on Willesley Road in Ashby De La Zouch (ref: APP/G2435/W/15/3027396) the Inspector concluded 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. In the aforementioned appeal, reference was made to the Institute of Highways and Transportation document *'Providing for Journeys on Foot'* and in respect of a rural environment the acceptable walking distance to services would be 800 metres and 1000 metres for a school. On the basis of these distances a shop/post office (Lower Moor Road - 141.41 metres) and bus stops for two services (Robert Coaches Air Link Service 155 1 hourly between Coalville and East Midlands Airport Monday to Saturday - 359.50 metres on Lower Moor Road and Arriva Service 9 1 hourly between Burton on Trent to Loughborough via Ashby

De La Zouch Monday to Sunday (limited service on a Sunday) - 527.78 metres on Loughborough Road) would be within an acceptable walking distance with the Viscount Beaumont Church of England School on Ashby Road, Coleorton just being in excess of the threshold of 1000 metres (1095.29 metres). Walking to these services would also be carried out along maintained footpaths which are well lit.

Having regard to the location of the site it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a shop) with other facilities and employment opportunities being accessible by utilising the public transport options. In this circumstance it is considered that a scheme for four dwellings would score well against the social sustainability advice contained within the NPPF with occupants of the property also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

From an environmental sustainability point of view the land is recognised as agricultural scrub land, a greenfield site, with it being acknowledged above that the site borders the defined Limits to Development. For the avoidance of doubt the land is not greenbelt, as would be defined by the NPPF, as no such land exists within North West Leicestershire. The application site is also situated on land designated within the adopted Local Plan under Policy E1 as a Sensitive Area. Paragraph 4.7 of the adopted Local Plan states that:

"The need to protect open areas within or closely related to urban areas is widely recognised. There are many instances of important open areas within or adjoining settlements which contribute positively to the character of the settlement concerned, its streetscene or its setting or approaches. It is important that such areas are kept free from development in view of the contribution they make to local environmental quality."

As such sensitive areas of open land can include the following, as defined in Paragraph 4.8 of the adopted Local Plan:

- (a) Important open breaks in street frontages;
- (b) Important amenity or other open areas within settlements;
- (c) Important settings and approaches to settlements; and
- (d) Ends of sporadic or ribbon development.

In many respects this policy would be supported by the principles of Paragraphs 17 and 109 of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

Although this is the case it is unclear from the characteristics of the site precisely why this land has been designated as a Sensitive Area, as it does not appear to significantly differ from other open land in the immediate area, and an assumption is therefore made that its designation is to accord with criteria (d) of Paragraph 4.8 of Policy E1 of the adopted Local Plan (to prevent sporadic ribbon development). Whilst accepting that the development in itself would be a 'ribbon' form of development its implications to the character and appearance of the wider area and streetscape, as discussed in more detail below, would not be significantly adverse particularly as the scheme could be designed to act as a natural 'bookend' in terminating future development along the western side of Lower Moor Road (something which was not achieved when Primrose Cottage and Rosethorn Cottage were constructed in the 1990s) as well as the fact that biodiversity enhancements would be carried out on the remainder of the designated area to the north of the site. Therefore whilst the contribution of the designated site to the character of the area would change, as views across the site and out of the village would be

reduced, they would not be lost completely given that views could be gained across the northern parts of the designated site as well as the remaining open countryside beyond the application site boundaries (which is not designated as a sensitive area).

It is also important to note that even if the view is taken that the proposal would impact upon the Sensitive Area, Policy E1 of the Local Plan is a policy which restricts the development of housing. Paragraph 49 of the NPPF is clear that these policies will not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites (which on the basis of the Greenhill Road appeal decision it cannot at this present time).

In conclusion on this point it is considered that the application should not be refused in relation to Policy E1 of the adopted Local Plan, or the advice in Paragraphs 17 and 109 of the NPPF, given the status of the saved policy and the characteristics of the proposed development.

The particular site is also bounded by housing and garden land to the east and south with the layout proposing a development form which would not extend or encroach any further to the west of the settlement than existing housing on the western side of Lower Moor Road nor would it extend any further north than the existing housing on the eastern side of the highway. In this context it is considered that the provision of the dwellings would not have a significant impact on the 'openness' of the rural environment, given that it is sited in close proximity to the highway and the existing dwellings which comprise the 'built up' part of Lower Moor Road, and would not result in the provision of 'isolated' dwellings in the countryside given that any views established from the public domain would see the dwellings in association with existing built forms.

Overall whilst there would be some conflict with the environmental strand of sustainability, given the setting of the dwellings, this conflict would not be substantial given the proximity of the site to the defined Limits to Development and would be outweighed by the positive social and economic aspects of the proposal. As such the principle of the development would be acceptable.

Density

Policy H6 of the adopted Local Plan seeks to permit housing development which is of a type and design to achieve as high a net of 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 and a minimum of 30 dwellings per hectare elsewhere.

With a site area of 0.24 hectares, the proposed development would have a density of 16.67 dwellings per hectare. Whilst this density would fall significantly 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. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

Accessibility

Objections have been received on the basis of the on-street parking of vehicles associated with the Post Office/shop, the speed vehicles travel along Lower Moor Road and the unsuitability of

the carriageway to provide adequate accesses for the development with necessary visibility splays.

The County Highways Authority has been consulted on the application and has raised no objections subject to the imposition of conditions on any consent granted, as well as relevant notes to the applicant, which will secure adequate visibility at the site accesses, sufficient off-street parking, manoeuvring space within the site to allow vehicles to exit in a forward direction and hard surfacing of the access drives. In terms of the objections received relating to vehicle speeds it is considered that this is a matter for the police to address should vehicles exceed an enforced speed. There are also no restrictions in place in the highway to prevent the existing on-street parking situation and should this be considered a particular issue it would be the duty of the County Highways Authority to address such a matter by potentially providing restrictions such as double yellow lines.

Paragraph 32 of the NPPF identifies that applications should only be refused on highway grounds where the cumulative impacts of the development are severe and as no objections are raised by the County Highways Authority, subject to conditions, it is considered that the development is compliant with the aims of this Paragraph as well as Policy T3 of the Local Plan.

The amount of off-street parking required for each dwelling would be dictated by the overall amount of bedrooms proposed and as such this matter would be addressed and assessed during the consideration of any subsequent reserved matters application submission. Whilst this is the case it is considered that the proposed layout shows each dwelling could be served by an appropriate level of off-street parking and as such the scheme would be compliant with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

Although it has been suggested that the development should provide speed restrictions on Lower Moor Road the County Highways Authority do not consider this to be necessary and in any event it is considered that it would be unreasonable for a small scale development, such as this, to fund highway improvements which would be to benefit of all highway users. Such improvements should be funded and undertaken by the County Highways Authority should they be considered necessary.

Neighbours and Future Occupants' Amenities

The proposed layout is for approval at this stage and it is considered that the property most immediately affected by the proposed works would be Primrose Cottage, a two-storey detached dwelling, located to the south of the site.

It is shown on the layout plan that the northern side elevation of Primrose Cottage is set around 6.0 metres from the shared boundary (including single storey porch on northern (side) elevation) with plot 1 of the development being set around 11.0 metres from this elevation. The indicative street elevation drawing identifies that the dwellings are likely to be two-storey in height, although the scale of the dwellings would be agreed under a subsequent reserved matters permission should outline permission be gained, and given the distance from the northern (side) elevation of Primrose Cottage which contains no habitable room windows as well as the orientation of the plot 1 to Primrose Cottage it is considered that no significantly adverse overbearing or overshadowing impacts would arise. With regards to overlooking impacts it is considered that the position of habitable room windows on plot 1 are not known at this stage, these are a matter which would be agreed at reserved matters stage, but in the event that plot 1 was a two-storey dwelling and habitable room windows were proposed in the south-western (rear) elevation of this plot it is considered that no significantly adverse overlooking impacts

would arise given that direct views would be towards the latter part of the rear amenity area.

In respect of the amenities of any future occupants it is considered that any views from the windows on the northern (side) elevation of Primrose Cottage would not result in a direct overlooking impact onto the immediate rear amenity area to plot 1 particularly given the scale of the first floor window. The relationship between the plots themselves would also be adequately protected by the layout shown subject to the position of windows being carefully considered at the reserved matters stage.

The Council's Environmental Protection team have raised no objections and as such no adverse noise implications are considered to be associated with the proposed development.

Overall, therefore, the development is considered compliant with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

Impact on the Historic Environment, Character and Appearance of the Wider 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."*

The application site slopes downwards from south to north as well as from east to west with low level vegetation currently defining the roadside boundary of the site. Residential properties lie to the immediate south and east on Lower Moor Road with land to the west and north being predominately open countryside although to the north this countryside is occasionally punctuated by individual residential properties on Lower Moor Road as well as Outwoods Lane. Properties within the surrounding area are predominately a mix of single and two-storey detached types.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later stage although the layout is for approval under this application. Properties on both the eastern and western sides of Lower Moor Road largely front onto the principle highway, the exception being White Gables, although their proximity to the road varies. The layout and indicative street elevation highlight that the proposed dwellings would front onto Lower Moor Road although their proximity to this highway would vary due to the provision of manoeuvring facilities and off-street parking to the frontage of plots 2 and 3. Whilst plots 2 and 3 would be set further back than plots 1 and 4 it is considered that such a relationship with the highway is not uncommon in the immediate area and therefore the layout is considered acceptable and would not detract from the character of the area. It is also considered that a layout which proposes a detached garage to the frontage of plot 1 would not detract from the character of the streetscape given that both Primrose Cottage and Rosethorn Cottage, to the immediate south of plot 1, have detached structures to their frontages.

Whilst concerns have been raised that allowing this development would lead to further development along the western side of Lower Moor Road it is considered that the layout has tried to address such an issue by the positioning of plot 4 which would act as a natural terminus and define the built and natural environments. In agreeing the appearance and scale of the dwelling on plot 4 under any subsequent reserved matters scheme it could be ensured that this

ideal is realised with the design characteristics and position of windows attempting to preclude further development to the north (i.e. the provision of habitable room windows which face onto this land). In any case further development would likely be resisted by a need to comply with the requests of the County Council Ecologist, as discussed in more detail in the Ecology section of this report, who has identified that biodiversity enhancements should be made on the land to the immediate north of the application site.

In respect of the implications to the significance of the setting of heritage assets (namely Coleorton Hall a Grade II* Listed Building and associated Grade II* Registered Park and Gardens to the west) both the Council's Conservation Officer and Historic England have raised no objections and as such it is considered that the development would result in no harm to the significance of these setting's given the intervening vegetation and topography of the land as well as the relationship these setting's have with existing residential properties bordering the site.

Public footpaths M47 (to the north-west), M72 (to the south-west) and M73 (to the east) are in close proximity to the application site and whilst views of the development would be gained from these footpaths it is considered that the development would not impact significantly on any established view to features of significance beyond the site given that built forms would already be present in such views as well as the landscaping and topography of the land to the west.

The appearance of the dwellings would be agreed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with the Council's current design agenda by responding to the positive characteristics of the dwellings within the immediate area as well as having a National Forest identity. The indicative street elevation drawing submitted shows dwellings with design characteristics which the Local Authority would likely be supportive of.

Overall the development is considered to be compliant with Paragraphs 57, 60, 61, 75, 131, 132 and 134 of the NPPF, Section 66 of the 1990 Act as well as Policy E4 of the Local Plan. The specific requirements of Policies F1 and H7 of the Local Plan would be met under any subsequent reserved matters application.

Landscaping

As the application site is situated within the National Forest a strong landscaping scheme would be a necessity for the development with Policies E7 and F2 of the Local Plan seeking to ensure that existing vegetation is retained and enhanced. The vast majority of the existing vegetation is located to the boundaries of the site, in the form of hedgerows and trees, and it is considered that the proposed layout demonstrates that the dwellings would be situated a sufficient distance from the mature vegetation which contributes positively to the visual amenity of the area which is mainly outside the confines of the application site boundary. Additional landscaping to supplement the existing vegetation would be secured under any subsequent reserved matters application.

Overall the development would accord with the aims of Policies E7, F1, F2 and F3 of the Local Plan.

Ecology

The County Council Ecologist has raised no objections and advises that the application site once had value as species rich grassland although this value has been lost through lack of

management. It is, however, identified that the adjacent site of unimproved grassland has the potential to be enhanced and improved for the benefit of nature conservation and biodiversity. This could be achieved by hedgerow planting (locally native species), hedgerow restoration, management of former species-rich grassland, creation of wetland habitats and management of willows along the brook. An amended plan has been supplied to identify how this could be provided, with the land in question being in the ownership of the applicant, and the County Council Ecologist accepts the principles identified and advises that these be conditioned accordingly should permission be granted.

Subject to such a scheme being secured it is considered that the development would be compliant with Paragraph 118 of the NPPF and Circular 06/05 and would not result in any conflict with Policy E26 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has advised that the application site lies within the projected extent of the medieval and post-medieval historic settlement of Coleorton with it being immediately to the east of the Designated Grade II* Registered Gardens of Coleorton Hall, to the west of designated earthworks and crop marks associated with medieval and post-medieval coal workings and to the south-west of a large dam and bypass channel which represent the site of a medieval mill. Given the proximity to such sites the County Council Archaeologist considers it to be important that the developer records and advances the understanding of the significance of any heritage assets to potentially be lost should development occur on the land. Subject to the imposition of conditions to ensure that suitable archaeological investigations are carried out on the site it is considered that the development would accord with Paragraph 141 of the NPPF.

Other Matters

The Coal Authority has commented on the application and has advised that the siting of the dwellings would be outside the Development High Risk Area where it would be necessary for intrusive site investigations to be undertaken. In these circumstances the Coal Authority has no objections subject to the inclusion of a note to applicant on any permission granted. Given this position it is considered that the development of the site would not result in any land stability issues and therefore it would comply with the aims of Paragraphs 120 and 121 of the NPPF.

The impacts of development on property values and the loss of a view are not a material planning consideration which could be taken into account in the assessment of the application.

Numerous objections have been raised objecting to the application on the basis of guidance contained within Planning Policy Statements/Guidance 7 and 15 as well as Local Plan policies E18 and H2 of the adopted Local Plan. It is noted, however, that none of these policies would have any weight in the decision making process given that Planning Policy Statements and Guidance were superseded by the NPPF as well as the fact that policies E18 and H2 are not saved policies of the adopted Local Plan.

Summary Reasons for Granting Outline Planning Permission

Although the application site is a greenfield site and part of a sensitive area it is considered that the conflict with the environmental strand of sustainability, as well as Policy E1, would be outweighed by the positive social and economic sustainability credentials of the site particularly as the development would not be isolated from built forms and would not adversely impact on

the openness of the rural environment. Consideration also needs to be given to the fact that the Local Authority is unable to demonstrate a five year housing land supply. Overall the development would be compliant with the key principles of the NPPF as well as Paragraphs 28 and 55.

The relationship between plot 1 and Primrose Cottage, to the south of the site, is considered to be acceptable and would ensure that there would be no undue overbearing or overshadowing impacts. It is also considered that the amenities of any future occupants would not be adversely affected and therefore the development is considered compliant with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

It is considered that the layout of development shown on the submitted plans shows that the site is capable of accommodating the four dwellings and would be in keeping with the characteristics of development in the surrounding area whereby properties front onto the highway. The proposed development is also considered to result in no harm to the significance of the setting of heritage assets in the area (namely Coleorton Hall and its Associated Historic Gardens - Grade II* Listed) whilst also not adversely impacting on views to features of significance within the landscape from the public footpath network in the area. On this basis the development is considered to accord with Paragraphs 57, 60, 61, 75, 131, 132 and 134 of the NPPF, Section 66 of the 1990 Act as well as Policy E4 of the Local Plan.

In the circumstances that the County Highways Authority have raised no objections subject to the imposition of conditions, and notes to the applicant, on any consent granted it is considered that the proposed development would not result in severe detriment to pedestrian or highway safety. A sufficient level of off-street parking could also be secured at the reserved matter stage. In these circumstances the development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

In respect of other matters it is considered that subject to the imposition of relevant conditions, or notes to the applicant, the site could be developed so as not to cause harm to ecological species, would not lead to adverse implications to archaeology in the area, would result in the provision of additional landscaping whilst maintaining existing landscaping and would also not result in any implications to the legacy of coal mining in the area. On this basis the development would accord with Paragraphs 118, 120, 121 and 141 of the NPPF, Policies E7, E26, F1, F2 and F3 of the Local Plan and Circular 06/05.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

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

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

- site location plan (1:1250) deposited with the Local Planning Authority on 3rd December 2015;
- drawing no. LRC.LAY.002 Revision D (Indicative Site Layout) deposited with the Local Authority on 21st January 2016;

unless otherwise required by another condition of this permission.

Reason - to determine the scope of this permission.

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

Reason - this permission is in outline only.

- 4 The reserved matters application shall include details of existing and finished ground levels and the proposed floor levels of the dwellings which shall relate to an existing fixed datum point off the site.

Reason - to enable the Local Planning Authority to fully assess the development in light of the topography of the site.

- 5 Notwithstanding the details shown on the approved plans before occupation/use of the dwellings, hereby permitted, a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings, and other means of enclosure) shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation/use of the dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Notwithstanding the provisions of Class A, of Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gate, wall or fence shall be erected on land forward of any wall of the dwelling(s) which front onto a highway (which shall include any private highway) other than any that are agreed under this Condition or other then in accordance with a comprehensive and unified scheme of enclosure which has first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to preserve the visual amenities of the locality and in the interests of highway safety.

- 6 Prior to the occupation of the first dwelling, the Applicant shall at no expense to the Highway Authority carry out the off-site highway works on Lower Moor Road being the provision of a 2.0 metre wide footway from the proposed access to serve plots 3 and 4, to the south of the site frontage, as shown on drawing number LRC.LAY.002 Revision D, received by the Local Authority on the 21st January 2016, shall be completed.

Reason - to enable pedestrians to safely access an existing footway on the west side of Lower Moor Road.

- 7 Before first occupation/use of the dwellings, hereby permitted, the following shall be provided: -

- Visibility splays of 2.4 metres by 47.0 metres shall be provided at the junction of the accesses with Lower Moor Road. These shall be in accordance with the standards contained in the current Highway Authority design guide and shall thereafter be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.6 metres within the visibility splays;
- 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of each access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway, in accordance with the current standards of the Highway Authority;
- Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway;
NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides;
- Off-street car parking shall be provided, hard surfaced and made available for use to serve the dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with up to four bedrooms and 4 spaces for dwelling with up to five bedrooms;
- Turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction;
- The access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary;
- Drainage shall be provided within the site such that surface water does not drain into the public highway;

Once provided the above shall thereafter be so permanently maintained (including internal car parking spaces within garages should these be provided at the reserved matters stage) with any relevant turning area also not being obstructed.

Reasons - to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety; in the interests of pedestrian safety; to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway; to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area; to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 8 The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the highway boundary.

Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 9 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking

facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason - to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 10 No development shall commence until all the existing trees to be retained have been securely fenced off by the erection, to coincide with canopy of the tree where possible, of a 1.4 metre high protective barrier in accordance with BS 5837:2012. In addition all hedgerows that are to be retained shall be protected by a 1.2 metre high protective barrier which shall be erected at least 1.0 metre from the hedgerow. Within the fenced off areas there shall be no alteration to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand.

Reason - to ensure that existing landscaping is adequately protected during construction in the interests of the visual amenities of the area.

- 11 Prior to the occupation of any dwelling a landscape/ecological management plan for the land identified in blue on the site location plan, received by the Local Authority on the 3rd December 2015, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the County Council Ecologist. The supplied scheme shall provide biodiversity enhancements in accordance with the principles highlighted on drawing number LRC.LAY.002 Revision D, received by the Local Planning Authority on the 21st January 2016, notably hedgerow planting with locally native species, hedgerow restoration, management of former species-rich grassland, creation of wetland habitat and management of willows along the brook. The supplied scheme shall also include a timetable for implementation, management responsibilities and maintenance schedules. Once approved the landscape/ecological management plan shall be implemented in accordance with the approved details and timetable, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

Reason - to secure opportunities for the enhancement of nature conservation in the area and to ensure the protection of wildlife.

- 12 No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in consultation with the County Council Archaeologist. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording;
 - The programme for post investigation assessment;
 - Provision to be made for analysis of the site investigation and recording;
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - Provision to be made for archive deposition of the analysis and records of the site investigation;

- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

No development shall take place other than in accordance with the Written Scheme of Investigation.

Reason - to ensure a satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss.

- 13 No development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 12.

Reason - to ensure a satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss.

- 14 The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 12 (above) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - to ensure satisfactory completion of the archaeological investigation and recording, including submission of reports and deposition of the project archive.

Notes to applicant

- 1 Outline planning permission has been granted for this proposal. The Local Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 On the basis of the submitted plans, the details of visibility splays, and the width and radii of the accesses are not in accordance with the guidance contained in the 6Cs Design Guide - www.leics.gov.uk/6csdg. Before development commences, an amended plan should be submitted to and approved by the Local Planning Authority in consultation with the County Highways Authority.
- 4 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
- 5 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 6 On the basis of available records, the proposed hedge at the site frontage is partly positioned in the highway. Before development commences an amended plan should be

submitted to and approved by the Local Planning Authority in consultation with the County Highways Authority showing that no part of the development will be positioned in the highway. For information regarding the extent of the highway, please contact the County Council's 'Highway Records and Searches' team at hre@leics.gov.uk. This is to avoid any legal problems in the future associated with establishing vegetation on land owned by the County Highways Authority.

- 7 You will be required to enter into a suitable legal agreement with the County Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted to and approved in writing by the County Highways Authority. The agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 8 C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to the development commencing in order to ascertain road construction requirements. No works shall commence on site without prior notice being given to the County Highways Manager.
- 9 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor. The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.
- 10 1The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com.