

Erection of three detached dwellings with garages (Outline - Part access for approval)

Report Item No
A3

Land Adjacent To 67 Loughborough Road Coleorton Coalville
Leicestershire LE67 8HJ

Application Reference
16/00198/OUT

Applicant:
Mr M Specht

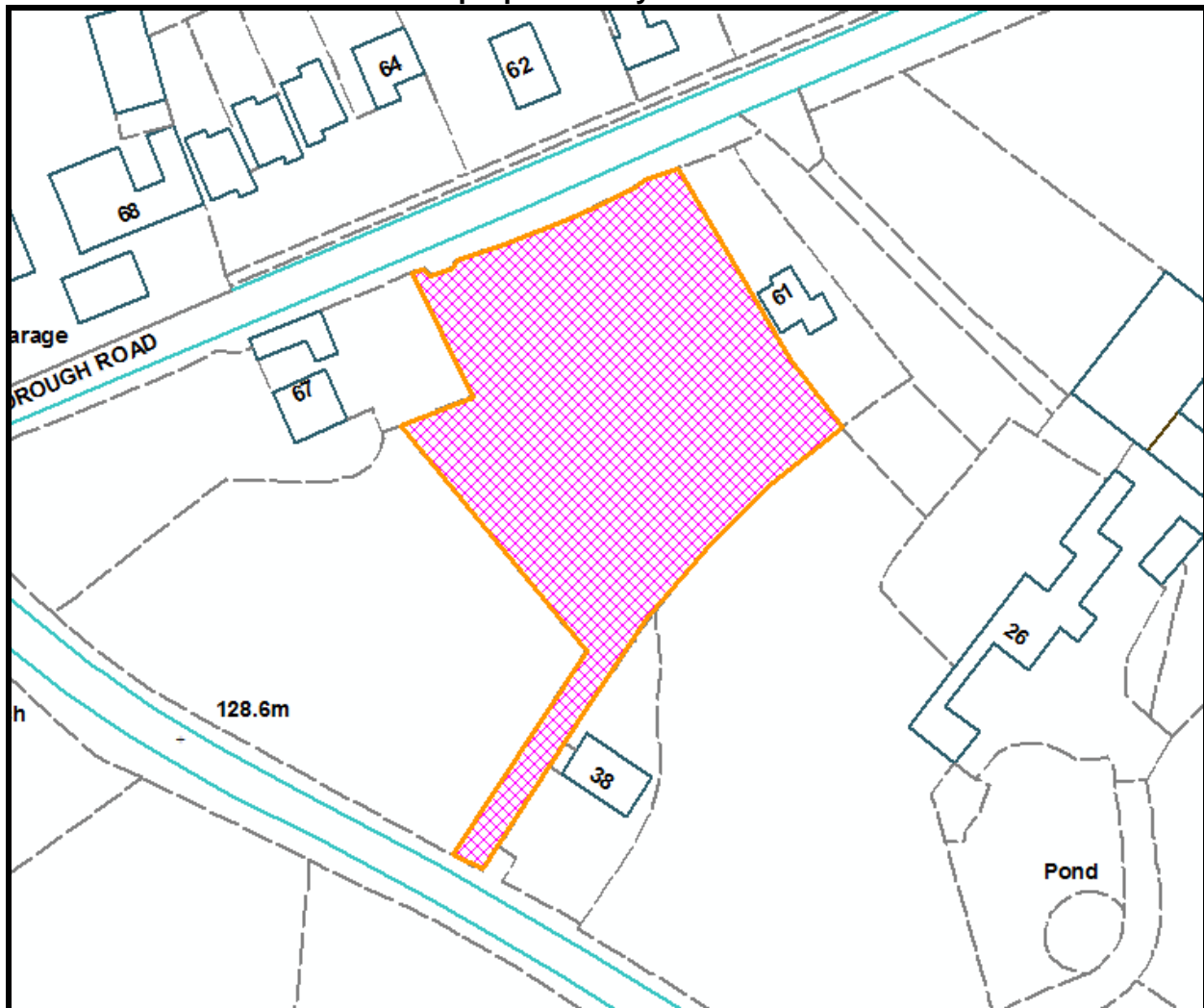
Date Registered
16 February 2016

Case Officer:
Adam Mellor

Target Decision Date
12 April 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 as the applicant (Councillor Specht) is a serving member.

Proposal

The application is in outline form and seeks approval for the erection of three detached dwellings on a rectangular piece of land on the south-eastern side of Loughborough Road between nos. 61 and 67 Loughborough Road. The 0.38 hectare site is on land outside the defined Limits to Development as well as upon land designated as Green Wedge under Policy E20 of the adopted North West Leicestershire Local Plan. At this stage the access point into the site off Loughborough Road is for approval with the supporting information also highlighting that the dwellings would be self build properties.

Consultations

A total of 15 no. individual representations have been received with five of those representations opposed to the development and ten in support of the development. Swannington 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

Whilst the principle of the development would conflict with the aims of Policy E20 of the adopted North West Leicestershire Local Plan, and in part the environmental strand of sustainability, the degree of conflict would not be significant and would be outweighed by other factors as well as the limited weight afforded to Policy E20 in the decision making process. Notwithstanding such conflict the development would remain compliant with all other relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the other policies of the current, and draft consultation, North West Leicestershire Local Plan and other guidance.

Conclusion

Although the application site is a greenfield site and part of the Green Wedge it is considered that the conflict with the environmental strand of sustainability, as well as Policy E20, would not be substantial due to the position of the dwellings on the edges of this designated area and the fact the dwellings would not be 'isolated'. The provision of renewable energy technologies into the scheme would also assist in providing some environmental benefits and when taking these factors into account with the positive social and economic benefits it is considered that these as a whole would outweigh the general concern over the location of the development particularly in the circumstances that the District Council does not have a five year housing land supply and the limited weight afforded to Policy E20. Overall the development would be compliant with the key principles of the NPPF as well as Paragraphs 28 and 55.

It is considered that a development of three dwellings could occur on the site without resulting in any adverse impacts on the amenities of existing residents, in terms of overbearing and overshadowing implications, with the most sensitive relationship being between plot 3 and no. 61 Loughborough Road. The amenities of any future occupants would also not be adversely affected. On this basis the development is considered compliant with Paragraph 123 of the

NPPF and Policy E3 of the adopted Local Plan.

Whilst only part access is for consideration at this stage the indicative layout drawing highlights that the site is capable of accommodating three dwellings which would respond to the characteristics of the area by fronting onto Loughborough Road and being consistent with the building line of nos. 61 and 67 Loughborough Road. Subject to the position of the detached garage serving plot 1 being agreed on the layout progressed under a reserved matters application, to ensure it is not to the site frontage, it is considered that the scheme would accord with Paragraphs 57, 60 and 61 of the NPPF and Policy E4 of the adopted Local Plan.

Subject to the imposition of conditions, and notes to the applicant, on any consent granted it is considered that the development proposal would not result in severe detriment to pedestrian or highway safety with additional facilities being provided to ease the movements of pedestrians across Loughborough Road. A sufficient level of off-street parking could also be secured at the reserved matters stage. In these circumstances the development would be compliant with Paragraphs 32 and 39 of the NPPF as well as Policies T3 and T8 of the adopted Local Plan.

In respect of all 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 to not cause harm to existing ecological species, as well as promoting biodiversity, would not result in adverse implications to archaeology and which would provide additional landscaping whilst maintaining existing landscaping. On this basis the development would be compliant with Paragraphs 118 and 141 of the NPPF, Policies E2, E7, E26, F1, F2 and F3 of the adopted Local Plan and Circular 06/05.

As the site lies within Flood Zone 1, and is also not in a critical surface water drainage area, it is considered that any surface water drainage solution would not exacerbate any localised flooding impact with the indicative plans highlighting that the individual dwellings would seek ways of recycling rainwater and grey water. As the surface water drainage solution would be subject to a separate legislative procedure, which would have to ensure flood risk is not increased elsewhere, it is considered the development would accord with Paragraph 103 of the NPPF. Foul drainage would be directed to the mains sewer with such a connection being agreed with Severn Trent Water under separate legislation. Such a proposal would be acceptable in the context of Paragraph 120 of the NPPF.

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 three detached dwellings with garages with all matters except part access reserved for subsequent approval at land adjacent to 67 Loughborough Road, Coleorton. The 0.38 hectare site lies on the south-eastern side of Loughborough Road between nos. 61 and 67 Loughborough Road and is mainly rectangular in shape although a strip of land extends from the south-western corner of the site to Church Hill. The site is located outside the defined Limits to Development and is also within a designated Green Wedge area. Members are advised that whilst the site has a postal address of Coleorton and is within the Parish of Swannington, it does not fall within the boundaries of these settlements and is more closely related to the settlement of Peggs Green.

The indicative site plan submitted in support of the application highlights that the three dwellings would be served by one vehicular access point which would be formed off Loughborough Road. Within the submitted design and access statement it is also specified that the three dwellings would be self build properties which would be sold with services (water, electricity, gas and drainage) and a base slab level, the individual purchaser would then be responsible for the design of the dwelling constructed.

A design and access statement, highways assessment, extended phase 1 (including protected species) survey, badger survey, great crested newts habitat survey and arboricultural survey have been submitted in support of the application.

In respect of the recent planning history of the site, this would be as follows: -

- 12/00153/OUT - Erection of five dwellings (outline - all matters reserved) - Withdrawn 3rd April 2012;
- 12/00347/OUT - Erection of five dwellings (outline - all matters reserved) - Refused 30th May 2012; Dismissed at Appeal 5th March 2013.

2. Publicity

12 no neighbours have been notified (date of last notification 19 February 2016)

Site Notice displayed 19 February 2016

Press Notice published 2 March 2016

3. Consultations

Swannington Parish Council consulted 19 February 2016

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

NWLDC Tree Officer

County Archaeologist

LCC ecology

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.

Leicestershire County Council - Archaeology has no objections and that no archaeological work is required.

Leicestershire County Council - Ecology has no objections subject to the imposition of conditions on any consent granted.

Leicestershire County Council - Highways Authority has no objections subject to the imposition of conditions on any consent granted.

NWLDC - Environmental Protection has no objections.

Severn Trent Water no representation received.

Swannington Parish Council object to the application on the following grounds: -

- The site is outside the Limits to Development;
- Nothing has changed on the site since the previous application refused in 2012 and dismissed in appeal apart from the number of dwellings proposed;
- The site is part of Swannington Parish and not Coleorton nor Peggs Green so the fact that Peggs Green would only remain sustainable should the development be approved is wrong;
- Development is not in accordance with Policy S3.

Third Party Representations

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

- The application site is within the Coalville Green Wedge, and as such is Green Belt, where development should be prohibited;
- There will be inadequate drainage which will cause flooding, adequate rain and grey water provisions should therefore be provided;
- Services and goods supplied by the location garages would not make the site sustainable;
- Future occupants would need to cross the A512 to access such services, as well as the bus stops, which would not be in the interests of highway safety;
- Proposed pedestrian island crossing is not wide enough and would likely be impacted on by the movement of heavy goods vehicles on the A512;
- Whilst the Inspector allowed an appeal at 85 Loughborough Road for residential development this land was within the Limits to Development and had convenient access to the bus stop so does not set a precedent;
- The land is outside the defined Limits to Development;
- Development of the site will result in ribbon development which will harm the character and appearance of the area and the Green Wedge given that the land in question slopes down to the farm to the rear;
- There have been no change in circumstances since the last application, and subsequent appeal were considered, and therefore this proposal should also be refused;
- The proposed vehicular access into the site would lead to highway safety implications given the limited visibility afforded when exiting the site;
- Vehicles often travel in excess of the speed limit thereby increasing the possibility of an accident occurring;
- Insufficient off-street parking would be provided for the dwellings;
- Development will impact on views established and neighbouring property values;
- The design of the dwellings is not in keeping with those in the area;

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

- Community will benefit from the occupants using local schools, bus services, other small businesses and local amenities;
- Properties will visually enhance the area and has good credentials given use of solar panels and air source heat pumps;
- In order for villages to be kept alive small schemes such as this should be welcomed;
- Government is trying to promote self build plots and this site would provide an opportunity for such a development to come forward;
- Site is currently under used and it is highly likely that this development would be 'built out' given the limited number of dwellings proposed;
- Incorporation of renewable technologies into the scheme should be supported.

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 14 (Presumption in favour of sustainable development);
Paragraph 17 (Core planning principles);
Paragraphs 18-20 (Building a strong, competitive economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 47 (Delivering a wide choice of high quality homes);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 50 (Delivering a wide choice of high quality homes);
Paragraph 54 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 56 (Requiring good design);
Paragraph 57 (Requiring good design);
Paragraph 59 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 109 (Conserving and enhancing the natural environment);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural environment);

Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (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 S1 sets out 13 criteria which form the strategy for the adopted Local Plan;
Policy S3 - Countryside;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy E20 - Green Wedge;
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 IF1 - Development and Infrastructure;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy Cc2 - Sustainable Design and Construction;
Policy Cc3 - Water - Flood Risk;
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

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 an area identified as Green Wedge with Policy E20 of the adopted Local Plan setting out that development which would adversely affect or diminish the present open and undeveloped character of the Green Wedge will not be permitted, and any built development should be limited to minor structures and facilities that are ancillary to identified purposes which, again, does not include housing.

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 in sustainable locations.

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 Limits to Development are located on the north-western side of Loughborough Road opposite the site.

In assessing and determining the application it 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 previous appeal decision on the site (ref: APP/G2435/A/12/2182880) the Inspector was of the view that the site was not in a sustainable location given the lack of accessibility to basic services (a bus stop, public house and recreation ground being identified as the only available services) with the convenience facilities available within the nearby garages not being sufficient to serve the 'day to day' needs of future residents. However, a more recent appeal decision relating to a site at 85 Loughborough Road (ref: APP/G2435/W/15/3133687) concluded the following: -

"The site lies over a kilometre away from the Post Office and convenience store in Coleorton and the nearby primary schools in Coleorton and Griffydam. As pointed out by the Council, these facilities are in a location beyond the distance of 800m which the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' considers to be the preferred maximum walking distance to a town centre. However, convenience goods can be brought in the shop attached to one of the two garages which are within walking distance of the site and can be reached by lit pavements. Similarly a recreation ground, village hall and public houses and restaurant are also within walking distance. Furthermore, there is a dedicated bus service to the local secondary school which stops right outside the house. This bus stop also provides an hourly bus service to the neighbouring towns of Coalville and Ashby De La Zouch where there are a wide range of shops, employment opportunities, local facilities and services.

Whilst I accept that it is likely that future occupiers of the proposed dwellings would need the use of a private motor vehicles to access some services, I believe that there are safe and suitable routes to access a number of local services on foot or by bicycle, and there is a convenient and regular bus service available to access a greater range of services located in neighbouring towns. The future occupants of the proposed development would not therefore need to be heavily reliant on the use of a motor vehicle. Furthermore, future occupiers could support some local businesses, services and facilities as well as public transport which add weight in support of the appellant's case."

The application site would be located 97.9 metres from the convenience goods at Redhall Garage, 176.57 metres from a church (St Georges Church, Church Hill), 508.49 metres from a public house (The New Inn, Zion Hill), 562.96 metres from a recreation ground (off Zion Hill), 693.40 metres from the convenience goods at Circle Garage and 744.81 metres from a social centre (Beaumont Social Centre, Nottingham Road). The same bus services referred to in the appeal decision at 85 Loughborough Road would also be only 423.35 metres from the site. In respect of the closest school this would be Swannington Church of England School on Main Street which would be 1,741.01 metres away, whilst this is the case the Inspector in the 85 Loughborough Road appeal acknowledged that a distance of over 1000.0 metres to the local schools was not unacceptable. It is also considered that the simple fact that the application site is outside the defined Limits to Development, and that future residents would have to cross the A512 to access such services, would also not be a reason to suggest that the site would not be socially sustainable given that future occupants of the 85 Loughborough Road site would be required to cross the same highway as well as the fact that such services are accessible on maintained footways which are well lit.

In conclusion on the social sustainability credentials of the development it is considered that

residents of the development would have access to services which would meet their day to day needs (i.e. a convenience store) with other facilities and employment opportunities being accessible by utilising the public transport options. In this circumstance it is considered that a scheme for three 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 environmentally sustainable point of view the site is outside the defined Limits to Development, and therefore assessed in the context of Policy S3 of the adopted Local Plan, with site also being on land designated as Green Wedge and assessed against Policy E20 of the adopted Local Plan. The application slopes downwards from north-west to south-east by around 3.0 metres, as well as from south-west to north-east by around 3.0 metres, and forms an open break between two existing residential dwellings (nos. 61 and 67 Loughborough Road).

Policy E20 of the adopted Local Plan provides that: -

"Development will not be permitted which would adversely affect or diminish the present open and undeveloped character of the Coalville-Whitwick-Swannington Green Wedge identified on the Proposals Map.

Appropriate uses in the Green Wedge are agriculture, forestry, minerals extraction and open sports and recreation uses.

Any built development permitted within the Green Wedge will be limited to minor structures and facilities which are strictly ancillary to the use of the land for these purposes."

In many respects this policy would be supported by the principles of Paragraph 17 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.

A residential development of the site would involve the formation of a new vehicular access and the erection of three residential units with the indicative site layout plan demonstrating how this may be achieved. In considering the appeal on the site the Inspector highlighted that:

"although in the vicinity of the site there is a frontage of ribbon development along the northern side of Loughborough Road, the southern side is characterised by sporadic buildings punctuating the rural landscape. The appeal site has a rural appearance and provides a wide gap between the only 2 houses on the southern side of the road, and slopes away from Loughborough Road towards a farm to the rear of the site. The illustrative plan shows a row of houses facing Loughborough Road, which would fill the gap between the 2 houses resulting in a block of development facing the ribbon development opposite. Due to the topography of the land the houses would be elevated and dominant in views from the south. Although the plans are illustrative only it is difficult to see how residential development consisting of a number of houses could be accommodated or designed which would not cause significant harm to the open nature of the appeal site which is an important element of the scattered nature of development on this side of the A512."

Since the determination of this appeal, however, it is noted that the weight afforded to Policy E20 may need to be reduced, given the conclusions made in the recent Court of Appeal Judgement (*Richborough Estates v Cheshire East Borough Council & Secretary of State*). This concluded that those environmental policies which seek to resist the delivery of housing should not be considered up-to-date if the Council cannot demonstrate a five-year supply of housing

sites (which on the basis of the Greenhill Road appeal decision the Council cannot at this present time) as they would be inconsistent with the aims of Paragraph 49 of the NPPF, it is however acknowledged that this decision is currently subject of a challenge to the Supreme Court. It should also be recognised that this part of the Green Wedge is removed under the current Draft Consultation North West Leicestershire Local Plan and designated as countryside which would be assessed against Policy S4.

With regards to the site in question it is located on the edge of the designated area and situated between two detached two-storey dwellings. It is considered that the indicative layout highlights that a development could be progressed which would respect the building line of existing properties with there also being a farmstead located to the south and a further detached residential property to the south west of the main part of the site. Should the development be approved it would lead to a small cluster of dwellings being established on the southern side of Loughborough Road which would impact on the existing sporadic nature of development. Whilst this is the case it is considered that the degree of harm to the environment would not be of such detriment as to warrant a refusal of the application given that less dwellings are proposed, which leads to greater spacing between plots, and when viewed in the wider context the southern side of Loughborough Road does include a small cluster of dwellings (nos. 85, 87, 89 Loughborough Road and no. 202 Moor Lane). The assessment of the Inspector in specifying that the elevated nature of the site would result in the development being dominant in views from the south would also appear unfounded given that subject to the scale and finished floor levels being carefully considered the dwellings would be no more dominant than nos. 61 and 67 Loughborough Road whose roof slopes are visible from the south-west, when viewed from the access to Mount Pleasant Farm on Church View. On this basis, therefore, it is considered that the close proximity of the site to the northern edge of the designated Green Wedge, as well as the Limits to Development on the northern side of Loughborough Road, and the pattern of development in the area as a whole would not have a significant impact on the open character of the landscape or Green Wedge as set out in Policy E20. The containment of the site between existing built forms would also likely preclude further development to the north-east or south-west of nos. 61 and 67 Loughborough Road.

Paragraph 4.81 of the Local Plan also states that in addition to the provisions of Policy E20 (Green Wedge), the planning authority will seek to secure the positive management of the Green Wedge in order to maintain or enhance both its wildlife and attractive landscape. Whilst the application is being considered for outline permission at this stage, it should be noted the indicative layout plan indicates that the south-eastern section of the site, to the rear of the dwellings, would be formed into a wetland area and the strip of land projecting to the south-west would be planted to encourage biodiversity which could be conditioned on any consent granted.

On the basis of the above it can also be determined that the development 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, and to assist in reducing the overall environmental impacts of the proposal, the indicative layout plan identifies that renewable technologies (such as solar photovoltaics, solar hot water heating, air source heat pumps and rainwater/grey water harvesting) could also be incorporated into the design of the dwellings which could be subject to a condition on any consent granted.

In conclusion whilst there would be conflict with the environmental strand of sustainability, given that the dwellings would be provided on a greenfield site identified as Green Wedge, such conflict would not be substantial due to the position of the dwellings in close proximity to the defined Limits to Development (on the opposite side of Loughborough Road) as well as the fact that the development is located to the edge of the Green Wedge. The scheme would also result

in environmental benefits associated with the provision of biodiversity enhancements and the installation of renewable energy technologies and taking these factors into account with the positive social and economic benefits it is considered that these as a whole would outweigh the general concern that the proposal would be on a greenfield site particularly in the circumstances that the District Council does not have a five year housing land supply and the limited weight afforded to Policy E20. As such the principle of the development would be acceptable.

Density and Housing Mix

With a site area of 0.38 hectares the proposed development would have a density of 7.89 dwellings per hectare which would fall below the 40 dwellings per hectare advised by Policy H6 of the adopted Local Plan in locations well served by public transport and accessibility to services.

Whilst this density is below that advised in Policy H6 this policy also advises that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. When considering the size of the site and the character of the surrounding area, as well as the retention and enhancement of vegetation due to the National Forest setting of the site and the provision of ecological enhancements, the proposed scheme for three dwellings would represent an efficient use of the land in this instance. On this basis the degree of conflict with Policy H6 of the adopted Local Plan would not justify a refusal of the application.

In respect of the housing mix it is proposed that all the dwellings would accommodate four or more bedrooms which given the scale of the development, being three dwellings, would be acceptable on the basis the affordable housing threshold in this part of the District would only apply on schemes of five or more dwellings. Overall the proposal would comply with Paragraph 50 of the NPPF.

Accessibility

The County Council Highways Authority have no objections to the development subject to the imposition of conditions on any consent granted. Whilst the new vehicular access would be formed onto a Class I highway (A512) the speed limit in force is 40 mph and as such this does not conflict with Section IN5 of the 6Cs Design Guide.

It is proposed that the vehicular access to serve the development would be provided via Loughborough Road with the access point slightly offset from the centre of the north-eastern (roadside) boundary. On the indicative layout plan it is highlighted that the visibility splays of 2.4 metres by 91.0 metres could be provided in both directions along with pedestrian visibility splays of 1.0 metre by 1.0 metre. Whilst the access would be formed onto a Class I highway (A512), and objections have been received in respect of additional movement of vehicles within the highway, the County Council Highways Authority considers that the visibility splays to be supplied would be sufficient for the speed of traffic on the carriageway. To aid pedestrian movements from the site to the maintained footway on the opposite side of Loughborough Road a 2.0 metre wide footway would be provided adjacent to the north-western (roadside) boundary with a pedestrian refuge within Loughborough Road itself. In respect of the pedestrian refuge the County Highways Authority have advised that such a proposal should be subject to a detailed planning condition to ensure an appropriate scheme is supplied. At the reserved matters stage it could also be ensured that appropriate manoeuvring facilities would be provided within the site to enable vehicles to do so in a forward direction. In conclusion it is considered that as Paragraph 32 advises that applications should only be refused on highway safety

grounds where the cumulative impacts are 'severe' the development would not conflict with the intentions of this policy nor Policy T3 of the adopted Local Plan.

Appropriate levels of off-street parking for the dwellings would be provided once the layout was finalised under any reserved matters submission and at that stage it would be ensured that the development accorded with the requirements of Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan. It is, however, acknowledged that the indicative layout highlights that each dwelling would have a minimum of three off-street parking spaces which would be sufficient for a four bed property.

With regards to the objection raised in respect of vehicles travelling in excess of the speed limit this would be a matter which should be addressed by the police.

Neighbours and Future Occupants' Amenities

The illustrative layout submitted in support of the development shows three dwellings between the south-western (side) elevation of no. 61 Loughborough Road and to the south-east of the detached triple garage serving no. 67 Loughborough Road.

Matters of scale, layout, appearance and landscaping are reserved for subsequent approval with it being noted that a first floor window exists in the south-western (side) elevation of no. 61 Loughborough Road. On the basis of the site area it is considered that it is of a sufficient size to provide three dwellings and that the indicative layout demonstrates these dwellings could be accommodated without adverse impacts arising to the amenities of neighbours. This is considered to be the case given the setting of no. 67 away from the shared boundary and the fact that the scale and position of a dwelling on plot 3 could take into account the first floor window on the south-western (side) elevation of no. 61 which would appear to serve a habitable room.

The Council's Environmental Protection team have raised no objections to the application and on this basis it is considered that the movement of vehicles associated with future tenants would not adversely impact on neighbouring amenities with regards to noise and smell implications. In these circumstances the development would be compliant with Paragraph 123 of the NPPF.

With regards to future amenities it is considered that an acceptable relationship with the adjacent neighbouring properties (nos. 61 and 67), as well as between the dwellings themselves, could be established on any layout progressed under a reserved matters application with the most critical assessment being potential overlooking from a first floor habitable room window in the south-eastern (side) elevation of no. 61. A suitable relationship with the TPO trees on the north-western boundary could also be provided and these trees would not be subject to any undue pressure for removal given their orientation to the plots.

Overall the proposal would be compliant with Policy E3 of the adopted Local Plan.

Impact on the Character and Appearance of the Wider Area and Streetscape

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7 but also Paragraphs 57 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 decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

It is noted that scale, appearance, landscaping and layout are all included as matters to be considered at a later stage. Properties on the south-eastern side of the A512 are two-storey detached types with those on the north-western side also being predominately two-storey detached types, the proximity of these dwellings to the highway varies.

The indicative layout plan submitted in support of the application shows a low density detached dwelling approach with the design and access statement setting out that two-storey dwellings would be accommodated on the site. It is also considered that the indicative layout would complement the building line of the properties on the adjacent plots, nos. 61 and 67 Loughborough Road, and would be considerate of the well established hedgerow and trees to the north-western roadside boundary with a setback of at least 25.0 metres from the highway boundary. This layout does, however, indicate that a garage would be positioned forward of the building line which is something which would be discouraged given that it offers little to the streetscene, a note to the applicant could advise that such a design approach should be revised.

During the site visit it was observed that the surrounding residential properties comprise a mix of periods, styles and forms, with two particularly distinctive properties opposite the site at nos. 60 and 62 Loughborough Road. The illustrative street scene does not demonstrate that the proposed dwellings would reflect a particular style or character exhibited in neighbouring dwellings (in particular nos. 60 and 62).

Under the terms of the Self-build and Custom Housebuilding (Register) Regulations 2016 the Local Planning Authority has a duty to provide a self build register with such a register being in place from the 1st April 2016, to date nineteen people have registered their interest in self build projects within the District. The application proposes that the three dwellings would be sold as 'self build' plots which may therefore lead to individual design options being submitted. If individual design options are pursued by future occupants it would be important to promote local distinctiveness but Paragraph 60 of the NPPF makes it clear that *"planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."* Although, at this stage, it is not considered necessary for the scheme to be secured as a 'self-build' project a condition could be imposed on any consent granted requiring the submission of a design code should such an approach be taken to developing the site. This would ensure that there would be some consistency between the dwellings designs which would promote local distinctiveness.

At this stage, therefore, whilst concerns have been raised in relation to the design and layout of the proposed development by third parties, given that the application is for outline consent with only part access for approval at this stage it is considered that such concerns could be addressed through the reserved matters stage of the application should outline planning permission be granted.

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

Landscaping

An arboricultural assessment has been submitted in support of the application which has

identified that there are a number of well established trees and hedgerows, especially towards the north-western (roadside) boundary including an Ash tree covered by a Tree Preservation Order (ref: T193).

On the basis of the indicative site layout plan it would appear that the proposal includes the removal of four trees (1 no. Hawthorn, 2 no. English Oak and 1 no. Wych Elm) two trees of which form part of the north-western (roadside) boundary. The loss of these trees is not considered to impact adversely on the visual amenities of the area given that their expected lifespan is under 10 years and more appropriate landscaping could be secured under any reserved matters submission. The other two trees to be removed are relatively small specimens contained within the site and therefore they do not contribute significantly to the visual amenities of the wider area to a degree whereby they should be retained. The removal of part of the hedgerow to facilitate the vehicular access would also not be of significant detriment to the visual amenities of the streetscape given that a replacement hedgerow would be provided to the south-west of the access, behind the vehicular visibility splays, to close off an existing field access.

Whilst the layout submitted is indicative only it is anticipated that the remaining vegetation on the site, other than that identified above, could be integrated into the development, given that it is generally confined to the site boundaries, and it would therefore be ensured at the reserved matters stage that any layout progressed seeks to retain this landscaping. Additional landscaping would also be secured on any layout progressed at the reserved matters stage given that it lies within the National Forest.

Subject to such matters being satisfactorily addressed at the reserved matters stage it is considered that the development would accord with Policies E2, E7, F1, F2 and F3 of the adopted Local Plan.

Ecology

The initial submission was accompanied by an extended phase 1 (including protected species survey) ecological report with later submissions of a badger survey and great crested newts habitat survey also being received.

As part of the consideration of the application these reports have been assessed by the County Council Ecologist who has raised no objections subject to the imposition of conditions on any consent granted. These conditions relate to precautionary mitigation for badgers and newts, the provision of wetland and native tree/shrub planting as well as that vegetation should only be removed outside the bird nesting season (August to February inclusive). The indicative layout as submitted would also be acceptable to the County Council Ecologist albeit this element of the scheme is not for approval at this stage. Subject to the imposition of the conditions as requested by the County Council Ecologist, or relevant informative, the scheme would be compliant with Paragraph 118 of the NPPF and Circular 06/05.

Whilst the site is also covered by Policy E26 of the adopted Local Plan the County Council Ecologist confirmed under the previous application on the site (ref: 12/00347/OUT) that the site was no longer deemed to be of ecological importance and that the creation of new habitats (including wetlands) would ensure compliance with this particular policy.

Drainage and Flood Risk

The site lies within flood zone 1 and is not identified as a site with a critical drainage issue on

the Environment Agency's Surface Water Flooding Maps. Details of drainage would be dealt with under separate legislation (Building Regulations and Severn Trent Water), with it being noted that no representation has been received from Severn Trent Water objecting to the application, and as such any issues relating to how surface water run-off would be managed would be addressed at that time. The application forms indicate that surface water run-off would be addressed by a sustainable drainage system with the indicative layout plan highlighting that each dwelling would be provided with a rainwater/grey water harvesting system. In the circumstances that the site is not within a Flood Zone, nor a critical drainage area, it is anticipated that the surface water run-off solution identified would not further exacerbate any localised flooding issue. On this basis the proposal would not conflict with Paragraph 103 of the NPPF.

Insofar as foul drainage is concerned it is indicated on the application forms that this would be discharged to the main sewer with such discharge being agreed with Severn Trent Water under separate legislation. Severn Trent Water have not raised an objection to the application and therefore this means of foul drainage is considered appropriate and would ensure compliance with Paragraph 120 of the NPPF.

Archaeology

The County Council Archaeologist has raised no objections and considers that no archaeological mitigation will be required in connection with the development. In the circumstances that archaeology would not act as a constraint on the development it would accord with the aims of Paragraph 141 of the NPPF.

Other Matters

In respect of the representations raised which have not been addressed above it is considered that the right to a view, as well as the loss of equity of neighbouring properties, would not constitute material planning considerations which could be taken into account in an assessment of the application.

Summary Reasons for Granting Outline Planning Permission

Although the application site is a greenfield site and part of the Green Wedge it is considered that the conflict with the environmental strand of sustainability, as well as Policy E20, would not be substantial due to the position of the dwellings on the edges of this designated area and the fact the dwellings would not be 'isolated'. The provision of renewable energy technologies into the scheme would also assist in providing some environmental benefits and when taking these factors into account with the positive social and economic benefits it is considered that these as a whole would outweigh the general concern over the location of the development particularly in the circumstances that the District Council does not have a five year housing land supply and the limited weight afforded to Policy E20. Overall the development would be compliant with the key principles of the NPPF as well as Paragraphs 28 and 55.

It is considered that a development of three dwellings could occur on the site without resulting in any adverse impacts on the amenities of existing residents, in terms of overbearing and overshadowing implications, with the most sensitive relationship being between plot 3 and no. 61 Loughborough Road. The amenities of any future occupants would also not be adversely affected. On this basis the development is considered compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Whilst only part access is for consideration at this stage the indicative layout drawing highlights that the site is capable of accommodating three dwellings which would respond to the characteristics of the area by fronting onto Loughborough Road and being consistent with the building line of nos. 61 and 67 Loughborough Road. Subject to the position of the detached garage serving plot 1 being agreed on the layout progressed under a reserved matters application, to ensure it is not to the site frontage, it is considered that the scheme would accord with Paragraphs 57, 60 and 61 of the NPPF and Policy E4 of the adopted Local Plan.

Subject to the imposition of conditions, and notes to the applicant, on any consent granted it is considered that the development proposal would not result in severe detriment to pedestrian or highway safety with additional facilities being provided to ease the movements of pedestrians across Loughborough Road. A sufficient level of off-street parking could also be secured at the reserved matters stage. In these circumstances the development would be compliant with Paragraphs 32 and 39 of the NPPF as well as Policies T3 and T8 of the adopted Local Plan.

In respect of all 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 to not cause harm to existing ecological species, as well as promoting biodiversity, would not result in adverse implications to archaeology and which would provide additional landscaping whilst maintaining existing landscaping. On this basis the development would be compliant with Paragraphs 118 and 141 of the NPPF, Policies E2, E7, E26, F1, F2 and F3 of the adopted Local Plan and Circular 06/05.

As the site lies within Flood Zone 1, and is also not in a critical surface water drainage area, it is considered that any surface water drainage solution would not exacerbate any localised flooding impact with the indicative plans highlighting that the individual dwellings would seek ways of recycling rainwater and grey water. As the surface water drainage solution would be subject to a separate legislative procedure, which would have to ensure flood risk is not increased elsewhere, it is considered the development would accord with Paragraph 103 of the NPPF. Foul drainage would be directed to the mains sewer with such a connection being agreed with Severn Trent Water under separate legislation. Such a proposal would be acceptable in the context of Paragraph 120 of the NPPF.

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 Save for the details of vehicular access into the site from Loughborough Road, details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins in respect of the relevant phase.

Reason - this permission is in outline only and to comply with the requirements of Section 91 of

the Town and Country Planning Act 1990 (as amended).

- 3 The development shall be implemented in accordance with the access arrangements shown on drawing number WED.SBR.001 Revision D, received by the Local Authority on the 22nd April 2016, and the site location plan (1:1250 - DGADL Job Ref: 11.2694), received by the Local Authority on the 16th February 2016, unless otherwise required by another condition of this permission.

Reason - for the avoidance of doubt and to determine the scope of the permission.

- 4 Prior to the submission of the first reserved matters application, a Design Brief shall be submitted to and agreed in writing by the Local Planning Authority. The brief shall include details of materials and parameters of scale and form as well as the precise details and means of achieving the environmentally sustainable benefits of the development highlighted on the illustrative site layout plan ref: WEB.SBR.001 Revision D, received by the Local Authority on the 22nd April 2016.

Reason - to secure the environmental sustainability benefits of the development and to influence the design approach for the individual plots.

- 5 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.

- 6 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.

- 7 No development shall commence until the details of design for off-site highway works being the provision of a suitable crossing facility on Loughborough Road at the frontage of the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the County Council Highways Authority. None of the dwellings shall be occupied until such time as the off-site highway works have been constructed in accordance with the approved details.

Reason - to enable pedestrians to safely access an existing footway on the north-western side of Loughborough Road.

- 8 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and off-street vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council 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.

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

- Visibility splays of 2.4 metres by 91.0 metres at the junction of the access with Loughborough Road. These shall be in accordance with the standards contained in the current County Council design guide and nothing shall be placed or allowed to grow above a height of 0.6 metres above ground level within the visibility splays;
- Pedestrian visibility splays of 1.0 metre by 1.0 metre on the highway boundary on both sides of the access. These shall be in accordance with the standards contained in the current County Council design guide and nothing shall be placed or allowed to grow above a height of 0.6 metres above the level of the adjacent footway/verge/highway within these splays;
- Drainage shall be provided within the site such that surface water does not drain into the Public Highway, which includes private drives;
- Any shared private drive serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5.0 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted 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.

Once provided the above shall thereafter be so permanently maintained.

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

- 10 Before first occupation/use of the dwellings, hereby permitted, the redundant existing vehicular access shall be closed permanently, and the redundant existing vehicular crossings reinstated, in accordance with a scheme that shall first have been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Highways Authority. The approved scheme shall then be provided before first occupation/use of the dwellings.

Reason - to protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

- 11 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5.0 metres behind the highway boundary and shall be hung so as not to open outwards.

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

- 12 The gradient of the access drive shall not exceed 1:12 for the first 5.0 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.

- 13 If no development has commenced on site prior to February 2018 then no development shall commence until an updated Great Crested Newts Habitat Suitability Survey, and any mitigation measures arising from this survey (including a timescale for their implementation), has first been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. The mitigation measures shall be undertaken in accordance with the agreed details and timescale.

Reason - to prevent an adverse impact on Great Crested Newts which are a protected species.

- 14 No development shall commence on site until a landscape/ecological management plan for the wetland areas to promote biodiversity and reinforced native planting to encourage biodiversity, as shown on drawing number WEB.SBR.001 Revision D received by the Local Authority on the 22nd April 2016, has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Council Ecologist. The supplied scheme shall include measures to accord with the recommendations highlighted in Paragraph 4.2 (Recommendations) of Section 4.0 (Conclusions and Recommendations) of the Great Crested Newts Habitat Suitability Index Survey by Rothen Ecology of February 2016 and Paragraph 3.2 (Recommendations) of Section 3.0 (Discussion and Recommendations) of the Badger Survey by Rothen Ecology of February 2016, received by the Local Authority on the 3rd March 2016. 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.

- 15 No development shall commence on site (or, in the case of phased development, on the relevant phase of the development) until such time as a site specific tree protection plan has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details. 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 trees are adequately protected during construction in the interests of the visual amenities of the area.

- 16 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive unless otherwise agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

Reason - to reduce the impact of the proposal on nesting birds, which are a protected species.

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 It is advised, from a design perspective that no detached garages should be provided to the frontage of any of the proposed plots given that such an approach would not satisfactorily address the streetscape.
- 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 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.