

Erection of detached dwelling with associated off-street parking

Report Item No
A5

Land Adjacent To 29 Main Street Osgathorpe Loughborough
Leicestershire LE12 9TA

Application Reference
16/00183/FUL

Applicant:
Mr & Mrs J & C Bramley

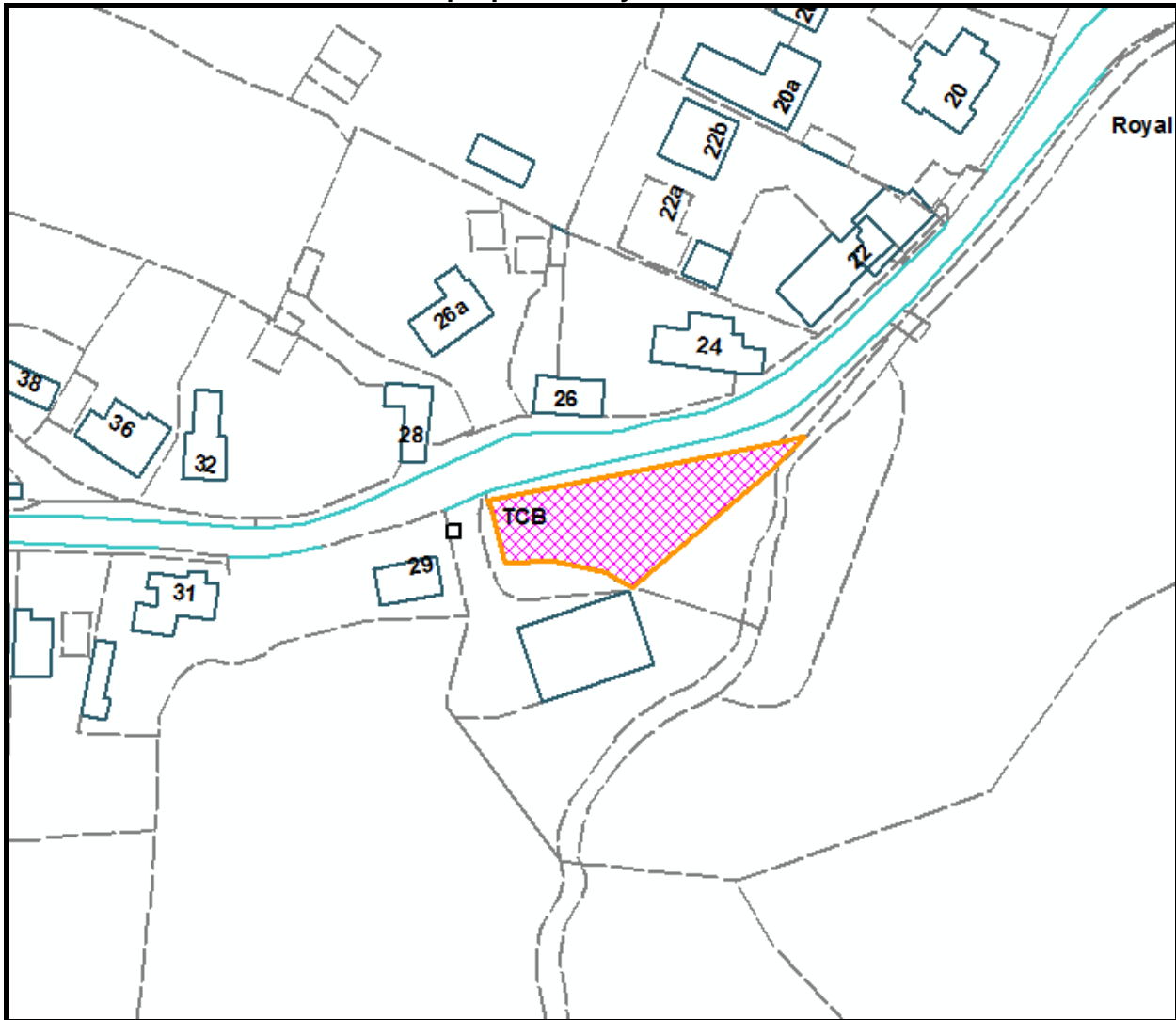
Date Registered
12 February 2016

Case Officer:
Adam Mellor

Target Decision Date
8 April 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

The application is brought to the Planning Committee as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation have been received.

Proposal

The application seeks permission for the erection of a two-storey detached dwelling with associated off-street parking at land adjacent to no. 29 Main Street, Osgathorpe. The application site is situated on the southern side of Main Street and is outside the defined Limits to Development as well as being within an Area of Particularly Attractive Countryside. It is recognised that land to the immediate south-east of the application site falls within Flood Zones 2 and 3. A new vehicular access into the site would be formed from Main Street.

Consultations

A total of 17 individual representations have been received with 13 of those representations opposed to the development and four in support of the development. Osgathorpe Parish Council have also raised concerns about the proposal. 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 consultation, North West Leicestershire Local Plan and other guidance.

Conclusion

The settlement of Osgathorpe does not contain a wide range of services and facilities. However, the proposal is for one dwelling which would include for renewable energy technologies which would assist in off-setting the carbon emissions caused by a heavy reliance on the private car. It is also noted that planning permission has recently been granted for other residential developments within Osgathorpe. Taking this point into account with the economic benefits and limited implications to the environment, due to the integration of the development with existing built forms, it is considered that the development would be sustainable and therefore the principle would be accepted.

The scale and position of the proposed dwelling would be acceptable in relation to its relationship with existing residential properties with the level of vehicular activity also not resulting in noise detriment to the amenities of neighbours. In these circumstances the proposal would accord with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

The design and position of the dwelling would ensure that it would not impact adversely on the character and appearance of the streetscape or surrounding area, given its association with existing built forms and the layout of neighbouring development, with the design of the dwelling also responding positively to the environment. On this basis the proposal would accord with Paragraphs 57, 60, 61 and 75 of the NPPF as well as Policies E4 and H7 of the adopted Local Plan.

As part of the consideration of the application the County Highways Authority have raised no

objections and it is considered that the formation of the vehicular access into the site would be sufficient to ensure that vehicular movements undertaken would not impact adversely on the safe usage of Main Street by pedestrians or vehicles. Sufficient off-street parking and turning facilities would also be accommodated within the site. On this basis the proposed development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

There are no ecological constraints associated with the development, subject to the retention of the Oak tree and imposition of conditions on any consent granted, with appropriate landscaping also being subject to a condition on any planning permission. In these circumstances the proposed development would accord with Paragraph 118 of the NPPF, Policy E7 of the adopted Local Plan and Circular 06/05.

It is considered that there would be no surface or foul drainage discharge concerns associated with the development subject to the imposition of conditions, as well as the fact that the details would also need to be agreed under separate legislation, and that the application site is within Flood Zone 1. As such the development accords with Paragraphs 103 and 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

Planning permission is sought for the erection of a detached dwelling with associated off-street parking at land adjacent to 29 Main Street, Osgathorpe. The application site is situated on the southern side of Main Street and covers an area of 0.04 hectares with it being identified that the land is agricultural scrub. The surrounding area consists of residential development to the north and west, agricultural land to the south and open grassland to the east with land to the immediate south-east of the application site falling within Flood Zones 2 and 3. The land in question is situated outside the defined Limits to Development and is also within an Area of Particularly Attractive Countryside as outlined on the Proposals Map to the adopted North West Leicestershire Local Plan.

The proposed dwelling would be a three bed two-storey detached type which would cover a ground area of 68.4 square metres and would utilise a pitched gable ended roof with a ridge height of 8.6 metres. As part of the associated works a new vehicular access would be formed onto Main Street with manoeuvring facilities and two off-street parking spaces also being supplied. In order to improve the environmental sustainability credentials of the development the plans also highlight that solar photovoltaic panels, solar hot water panels, an air source heat pump and a grey water harvesting system would be installed.

A design and access statement and tree inspection report have been submitted in support of the application.

No recent planning history was found.

2. Publicity

5 No neighbours have been notified. (date of last notification 18 February 2016)

Site Notice displayed 23 February 2016

Press Notice published 24 February 2016

3. Consultations

Osgathorpe Parish Council consulted 18 February 2016

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

NWLDC Tree Officer

County Archaeologist

LCC ecology

NWLDC Footpaths Officer

Environment Agency

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.

Environment Agency has no objections.

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

Leicestershire County Council - Ecology has no objections to the application subject to a ecological buffer strip of 5.0 metres in width being provided alongside the watercourse and the retention of an Oak tree.

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

Leicestershire County Council - Lead Local Flood Authority has outlined that their standing advice in respect of surface water flooding impacts should be taken into account.

NWLDC - Environmental Protection has no objections.

Osgathorpe Parish Council objects to the application on the following grounds: -

- Pond nearby may support great crested newts;
- Tawny owls and bats have been spotted on the site and may possibly be roosting in the coppice;
- Development will increase the probability of flooding due to its proximity to Westmeadow Brook and the recent flooding of this watercourse;
- Raising land levels on the site will increase the likelihood of flooding downstream;
- Application site is within Flood Zones 2 and 3;
- Loss of vegetation on the site, which soaked up water, increases surface water flows into the watercourse;
- There are inaccuracies on the application form;

Severn Trent Water no representation received.

Third Party Representations

13 no. representations objecting to the application have been received with the comments raised summarised as follows: -

- There are numerous inaccuracies on the application forms in respect of flooding and off-street parking as well as the applicant's details;
- The site has recently been subjected to flooding and the provision of the dwelling will reduce the area available for flood storage which will increase the probability of flooding elsewhere;
- The raising of the ground levels will lead to the property dominating the adjacent dwellings;
- An unattractive side elevation is presented to Main Street;
- Property should be constructed in render and not red brick to be in keeping with the characteristics of Osgathorpe;
- There would be highway safety implications given the lack of off-street parking provision;
- On-street car parking will make use of the access hazardous;
- Owner will build up the banks of the watercourse and re-direct flood waters elsewhere;
- Pedestrians will be put at risk due to the lack of pedestrian footway;
- Trees have been removed without permission;
- Solar panels will adversely impact on the visual amenity of the streetscape;
- Views across the land will be impacted on;
- Development not in accordance with the Osgathorpe Village Plan;

Four no. representations in support of the application have been received with the comments raised being summarised as follows: -

- The brook runs close to the site but the dwelling and parking are above the flood line;
- In my experience the brook rises fairly quickly to the edge of its banks, which are deep in many places, giving it a fairly high capacity to take storm water runoff from land and field drains. It then recedes equally quickly;
- There has been no maintenance carried out on the brook and if this was to be carried out its capacity would be improved;
- The setting of the house on the highest point of the site will blend with the village street scene and add to the village amenity;
- The District Council is desperate for new housing and this infill site is suitable;
- Adequate off-street parking will be provided;
- The land is unsightly scrub land so development will be of benefit to the streetscape.

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 64 (Requiring good design);
- Paragraph 75 (Promoting healthy communities);
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
- Paragraph 109 (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 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 S3 - Countryside;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E22 - Areas of Particularly Attractive Countryside;
Policy E7 - Landscaping;
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 Cc2 - Sustainable Design and Construction;
Policy Cc3 - Flood Risk;
Policy Cc4 - Water - Sustainable Drainage Systems;
Policy IM1 - Implementation and Monitoring of the Local Plan;

Other Policies

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied;

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development;

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and

Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

6. Assessment

Principle of 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 of Particularly Attractive Countryside, as highlighted under Policy E22 of the adopted Local Plan, which is considered to represent the most significant and important rural landscape locally.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Inspector's decision concerning the Greenhill Road appeal sets out that the Local Planning Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" Local Plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and the weight afforded to them when determining planning applications should be reduced accordingly. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicates 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 site borders the Limits to Development on its western and northern boundaries.

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.

Osgathorpe has a limited range of facilities and services with only a public house (Storey Arms), church and two-hourly bus service (closest stop on Main Street) being available for any future residents. Osgathorpe does also have premises for a village hall, although it is understood that its availability is restricted. As a consequence, in terms of the social role as defined by the NPPF, accessibility to a range of local services for residents of the proposed dwelling would be severely limited and they would be heavily reliant on the private car. Whilst a view is taken that

Osgathorpe is not a socially sustainable settlement due regard is given to the fact that planning permission has previously been granted for 16 dwellings at Dawsons Road (14/00574/OUTM) and 9 dwellings at Main Street (16/00043/OUT). In the context that this application relates to the provision of one dwelling it is concluded that any future resident(s) would be no worse off than residents of the permitted residential scheme elsewhere in the settlement in terms of the accessibility to services and facilities. The implementation of 14/00574/OUTM may also help to improve the sustainability credentials of the village as it includes a contribution towards the purchase of the Storey Arms Public House which would be adapted to provide other services.

It is also acknowledged that to assist in mitigating the heavy reliance on the private car to access basic services, thereby increasing carbon emissions, it is proposed that renewable energy technologies would be incorporated into the dwelling which would help off-set the vehicular manoeuvres.

From an environmental sustainability point of view it is noted that the site is located within an Area of Particularly Attractive Countryside (APAC) which the adopted Local Plan confirms is considered to represent the most significant and important rural landscape area locally. This designation is subject to saved Policy E22 which states the following:-

"Development will not be permitted which would adversely affect or diminish the present open character and attractive rural landscape and/or be detrimental to natural habitats and scientific interest of the following Areas of Particularly Countryside, identified on the Proposals Map:

- (a) *Land to the east of Greenhill, Thringstone, Whitwick and Worthington, including part of Charnwood Forest;*
- (b) *Land in the vicinity of Staunton Harold; and*
- (c) *Land at Gospall's Wharf, Snarestone.*

Built development will be permitted only where it is appropriate to the established character of the designated area in terms of scale, siting, detailed design and materials of construction.

In addition the District Council will seek to:

- (a) *Undertake or encourage measures to protect and enhance the landscape, wildlife, habitat, archaeological and scientific interest of the designated area, including planting, nature conservation measures and the provision of nature interpretation and appreciation facilities;*
- (b) *Secure the positive management of land within the designated areas to enhance and maintain its wildlife habitat and features of scientific and archaeological interest;*
- (c) *Protect and conserve particular features which contribute to the special character of the designated areas, such as dry stone walls in the Charnwood Forest."*

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.

The land slopes upwards from east to west as well as south to north with the dwelling being positioned towards the north-western corner. It is considered that the a dwelling in this position would be well related to the existing built infrastructure on the northern and southern sides of Main Street, with it also being noted that an agricultural building exists to the immediate south of the site, and on this basis it would not adversely affect or diminish the present open character and attractive rural landscape to a point whereby it would conflict with the overall aims of Policy

E22 of the adopted Local Plan. In any event Policy E22 would be considered 'out of date' due to the findings of the Greenhill Road appeal decision as well as a more recent Court of Appeal Judgement (*Richborough Estates v Cheshire East Borough Council & Secretary of State*). Whilst the Court of Appeal Judgement is the subject of a challenge to the Supreme Court it is also acknowledged that the current Draft Consultation North West Leicestershire Local Plan will designate the land as countryside which would be assessed against Policy S4.

Paragraph 17 of the NPPF highlights that planning decisions should seek to "*recognise the intrinsic character and beauty of the countryside.*" The environmental role should also contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, help to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

In terms of the built development being proposed the layout shows that the dwelling would be located in close proximity to Main Street and would be positioned in the north-western corner to ensure it is as close to the existing built infrastructure as possible.

Whilst the development would result in a limited physical intrusion into the rural environment, it is acknowledged that the site is bounded by built forms to the north and west and the dwelling would not extend as far out in a southern direction as other residential properties along this side of Main Street. In this context the development would not have a significantly adverse impact on the 'openness' of the rural environment nor would the dwelling be 'isolated' due to its integration with existing built forms. Any limited environmental impacts would also be off-set by the provision of the renewable energy technologies.

In conclusion it is considered that taking into account Planning Committee decisions on other residential applications within the settlement of Osgathorpe the lack of services and facilities available to the settlement would not render the development socially unsustainable with the provision of renewable energy technologies as part of the proposal assisting in off-setting the carbon emissions caused by a heavy reliance on the private car. Taking this into account with the limited economic benefits and limited implications to the environment, due to the integration of the development with existing built forms, it is considered that the development would be sustainable and therefore the principle would be accepted.

Residential Amenity

The application site is located on the southern side of Main Street with the proposed property being orientated so that its principle (front) elevation faces in an eastern direction and the rear elevation faces west. The closest residential property to the site is no. 26 Main Street (the Old Post Office) which is set 11.6 metres from the northern (side) elevation of the proposed dwelling. It is noted that the land levels slope downwards from north to south, as well as from west to east, and in the circumstances that no. 26 is at a higher land level it is considered that no adverse overbearing or overshadowing impacts would occur. With regards to overlooking impacts it is considered that the two windows to be installed in the northern (side) elevation are secondary windows to those in the principle (front) elevation and as a result would not lead to any adverse overlooking impacts on no. 26 particularly as Main Street itself dissects the sites.

With regards to future amenities it is considered that the dwelling has been positioned so as to ensure that it has an acceptable relationship with existing residential properties, in respect of overbearing and overshadowing impacts, and has a private amenity space which would not be impacted on by the shading cast by a mature tree on the southern boundary. Although views could be established from first floor habitable room windows in the southern (front) elevation of

no. 26 Main Street towards the private amenity area associated with the new dwelling these would not be considered sufficiently detrimental as to warrant a refusal of the application due to the separation of the sites by the presence of Main Street. Any future occupant would also be aware of this relationship prior to their purchase.

As the Council's Environmental Protection team have raised no objections to the application it is considered that the development would not lead to any adverse noise or smell impacts to neighbouring amenities.

Overall the development would be considered compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Impact on the Character and Appearance of the Rural Environment and Streetscape

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that *"although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, 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."*

From a topographical point of view the land on which the dwelling would be positioned is lower than that of Main Street with land levels decreasing from north to south and from west to east. Most properties within the immediate area are two-storey detached types which all predominately have principal elevations fronting towards the carriageway although there are exceptions to this including no. 28 Main Street (Frog Cottage) and no. 14 Main Street. The proximity of dwellings to the highway also varies with there being examples of backland development in the immediate area.

Whilst orientated to present a side elevation to Main Street it is considered that as no. 28 Main Street, to the immediate north-west of the site, addresses the highway in the same manner such a design approach would not be out of keeping with the character of the streetscape with the overall scale of the dwelling also being consistent with the scale of neighbouring properties. The visibility of the front and rear elevations of the dwelling from the public domain also provides interest to the appearance of the streetscape, given that these elevations contain the main external design features, and overcomes the weaknesses of the relatively blank northern (side) elevation. Although located on the southern side of Main Street, where less properties are situated, the dwelling would be closely related to no. 29 Main Street and would therefore appear as a natural progression of the streetscape.

With regards to the character and appearance of the wider area it is considered that the dwelling would be viewed in the context of its relationship with existing built forms, including residential properties and the agricultural building to the south, and as a consequence would not impact significantly on the visual amenities of the wider rural environment or adversely affect its character.

In terms of the design of the property itself it is considered that it would exhibit features which the Local Authority considers desirable (including a chimney, eaves and verge detailing and timber joinery) and would therefore respond positively to the appearance of the environment in which it would be set. The overall footprint of the dwelling would also be consistent with those in the immediate vicinity which maintains the character of the area. Whilst solar panels would form part of the development their impact on the streetscape would not be of such significance to

suggest permission should be refused given that other properties in the area could install such panels as a form of permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

Overall the layout, design and scale of the dwelling is considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60 and 61 of the NPPF and Policies E4 and H7 of the adopted Local Plan.

Highway Safety

The County Highways Authority has been consulted on the application and have raised no objections subject to consideration being given to their standing advice in respect of visibility splays, off-street car parking, access surfacing, access gradient and drainage.

In respect of the vehicular access it is considered that this has been located in a position whereby adequate visibility splays can be provided in both directions which would be sufficient for the speed of traffic on the carriageway. A suitable gradient on the access drive could be supplied, given that the drop from Main Street into the site is less than 1.0 metres, and as such vehicles could enter and exit the carriageway at a controlled speed. The surfacing of the access could be conditioned on any consent granted and water run-off from the access drive will be directed back into the site, given the topography, thereby ensuring that it would not discharge into the carriageway. Manoeuvring facilities to ensure vehicles can exit the site in a forward direction would also be supplied and which would be conditioned on any consent granted. In the circumstances that the County Highways Authority has raised no objections, and the level of vehicular movements associated with the development would not be significant, it is considered that the proposal would not impact severely on highway safety and as such would be compliant with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

It is indicated on the plans that two off-street parking spaces would be supplied which would be of adequate dimensions and which would be sufficient to serve the proposed three bed dwelling. Subject to a condition being imposed to secure these off-street parking spaces it is considered that the development would be compliant with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

Ecology

The County Council Ecologist has raised no objections to the development given the position of the dwelling would not impact on the watercourse and a five metre buffer strip to the watercourse would be maintained. It is, however, advised that no construction activity or development should occur within the buffer zone in order to protect the stream and its environment. The Ecologist also advises that a mature Oak tree should be retained and that the recommendations of the arboriculturalist should be conditioned on any consent granted.

A condition restricting the extent of the curtilage for the dwelling would ensure no development would occur within the buffer zone and an additional condition to highlight a construction exclusion zone would also be required. Subject to such conditions being imposed on any consent granted, as well as the recommendations of the arboriculturalist, it is considered that the scheme would accord with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

Mature vegetation in the form of a hedgerow is present to the roadside boundary of the site with mature trees being located towards the southern boundary but outside of the application site.

It is considered that the dwelling has been positioned outside the root protection areas of the Oak tree and boundary hedgerows and therefore their future integrity would not be affected. Further to this a condition could be imposed on any consent granted for retained vegetation to be adequately protected during the construction phase by the provision of fencing which coincides with the extent of the canopy of the tree. A condition could also be imposed for additional soft landscaping to be provided to mitigate against the vegetation removed prior to the submission of the application.

Subject to the imposition of such conditions it is considered that the development would accord with Policy E7 of the adopted Local Plan.

Whilst representations have been received in respect of trees being removed it is noted that the trees on the site are not protected by any Tree Preservation Order and as such permission would not have been required for their removal.

Development and Flood Risk

The application site, demarked by the red line on the submitted plan, falls within Flood Zone 1 as defined by the Environment Agency as having a low probability of flooding. Whilst this is the case it is acknowledged that land immediately to the east of the application site, which is also within the ownership of the applicant, falls within Flood Zones 2 and 3. As the application site area does not exceed 1 hectare in size, and is within Flood Zone 1, there is no formal requirement to provide a Flood Risk Assessment (FRA) or formally consult with the Environment Agency. Whilst that is generally the case given the representations which have been received the Local Authority have formally consulted with the EA, as well as the Lead Local Flood Authority (LLFA), who have raised no objections to the development.

Severn Trent Water have also been consulted on the application but no formal representation has been received from them outlining an objection to the development proposals. Members will be informed of the views of Severn Trent Water on the Committee Update Sheet should any representation be received.

Several of the objections received from third parties, as well as the Parish Council, have highlighted that the land is inappropriate for development due to it being subject to surface water flooding (images have been supplied to show such flooding) and that any built infrastructure on the site would exacerbate the surface water run-off to the Westmeadow Brook thereby increasing the probability of flooding either on the site or elsewhere in Osgathorpe.

Whilst accepting that parts of the site within the ownership of the applicants are within Flood Zones 2 and 3, the dwelling itself, its residential garden, vehicular access and off-street parking facilities are within Flood Zone 1 which is appropriate for development in the context of Paragraph 103 of the NPPF. Given the land levels at the point where the dwelling would be positioned, which are around 0.37 metres to 0.69 metres higher than the land levels within Flood Zone 2, it is considered that it would not be highly susceptible to flooding with it being the case that if water levels were to reach such levels they would transgress onto Main Street itself. The proposed dwelling would also not take up flood storage space given that the application site is within Flood Zone 1 and as such not designated to flood. In order to prevent any development within Flood Zones 2 and 3 the curtilage of the dwelling could be defined to a particular area thereby excluding this land from being considered 'garden' to the dwelling.

The applicant has also confirmed their acceptance to a condition being imposed on any consent granted for a maintenance scheme for clearing of Westmeadow Brook to be provided, which would need to be agreed in consultation with the LLFA, so that its capacity can be increased to assist in alleviating the flooding which has recently occurred on the eastern parts of the site.

Details of drainage would also be dealt with under separate legislation (Building Regulations and Severn Trent Water) and as such issues relating to how surface water run-off would be managed would be addressed at a time when specific information is submitted to these authorities for approval. In terms of surface water disposal, the plans

clearly highlight that a grey water harvesting scheme would be incorporated into the development with the imposition of a sustainable urban drainage scheme (SuDs) also being considered appropriate in this area. Whilst ordinarily it would not be entirely necessary to impose a surface water drainage condition on any consent granted, given that it has not been requested by any consultee, it is considered that in this particular instance, based on the evidence supplied demonstrating a localised flooding impact, such a condition would be reasonable. This would allow an appropriate review of the drainage information to be undertaken by Severn Trent Water and the LLFA (who whilst not a consultee on the application could assist in agreeing the details of a SuDs scheme) in order for them to ensure that the development would not further exacerbate a localised flooding impact.

In these circumstances the implications of the development to a localised flooding impact would not be sufficiently detrimental as to warrant a refusal of the application. The scheme would therefore accord 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 mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. In the circumstances that Severn Trent Water has raised no representation in respect of this approach it is considered that any additional demands for foul drainage discharge could be met by the existing sewerage system in place. Overall, therefore, the development would accord with Paragraph 120 of the NPPF.

Archaeology

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies in an area of archaeological interest, on the frontage of Main Street, within the medieval and post-medieval settlement core of Osgathorpe village. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

Given the opportunities which exist for archaeological remains to be present on the site the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a programme of archaeological work, which shall include a written scheme of investigation, and programme of archaeological mitigation to be provided, in advance of the development commencing, in order to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the possibility of archaeological remains being present on the site and their inclusion therefore ensures the development complies with Paragraph 141 of the NPPF.

Other Matters

The Osgathorpe Village Design Statement is not an adopted document by the District Council which would need to be taken into account as part of the assessment of the application.

Summary Reasons for Granting Planning Permission

The settlement of Osgathorpe does not contain a wide range of services and facilities. However, the proposal is for one dwelling which would include for renewable energy technologies which would assist in off-setting the carbon emissions caused by a heavy reliance on the private car. It is also noted that planning permission has recently been granted for other residential developments within Osgathorpe. Taking this point into account with the economic benefits and limited implications to the environment, due to the integration of the development with existing built forms, it is considered that the development would be sustainable and therefore the principle would be accepted.

The scale and position of the proposed dwelling would be acceptable in relation to its relationship with existing residential properties with the level of vehicular activity also not resulting in noise detriment to the amenities of neighbours. In these circumstances the proposal would accord with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

The design and position of the dwelling would ensure that it would not impact adversely on the character and appearance of the streetscape or surrounding area, given its association with existing built forms and the layout of neighbouring development, with the design of the dwelling also responding positively to the environment. On this basis the proposal would accord with Paragraphs 57, 60, 61 and 75 of the NPPF as well as Policies E4 and H7 of the adopted Local Plan.

As part of the consideration of the application the County Highways Authority have raised no objections and it is considered that the formation of the vehicular access into the site would be sufficient to ensure that vehicular movements undertaken would not impact adversely on the safe usage of Main Street by pedestrians or vehicles. Sufficient off-street parking and turning facilities would also be accommodated within the site. On this basis the proposed development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

There are no ecological constraints associated with the development, subject to the retention of the Oak tree and imposition of conditions on any consent granted, with appropriate landscaping also being subject to a condition on any planning permission. In these circumstances the proposed development would accord with Paragraph 118 of the NPPF, Policy E7 of the adopted Local Plan and Circular 06/05.

It is considered that there would be no surface or foul drainage discharge concerns associated with the development subject to the imposition of conditions, as well as the fact that the details would also need to be agreed under separate legislation, and that the application site is within Flood Zone 1. As such the development accords with Paragraphs 103 and 120 of the NPPF.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

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

- 2 The proposed development shall be carried out strictly in accordance with the Topographical Survey (1:200) and drawing numbers MSO.PRE.004 (Proposed Elevations) and MSO.PHP.003 (Proposed House Plan), received by the Local Authority on the 12th February 2016, and drawing number MSO.PRP.002 Revision A (Proposed Site - Block - Roof Plan), received by the Local Authority on the 19th April 2016, unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

- 3 Notwithstanding the details shown on the approved plans, the dwelling shall not be built above damp proof course level until the following have been submitted to and agreed in writing by the Local Planning Authority: -

- Details of the materials to be utilised in all external surfaces (including the construction material of windows and doors);
- The proposed colour/stain finish for all joinery;
- Details of the brick bond (which shall not be a stretcher bond);
- Details of the rainwater goods;
- Position and finish of the meter boxes (if external);
- Construction material of the cills and lintels;
- Precise details of the dentilation, corbelling and verge finish to the dwelling;

The development shall then be carried out in accordance with the approved details unless alternative materials are first submitted to and agreed in writing by the Local Planning Authority.

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

- 4 The dwelling, hereby permitted, shall not be built above damp proof course level until the precise details and appearance of the solar photovoltaic panels, solar hot water panels, air source heat pump and grey water harvesting system has first been submitted to and agreed in writing by the Local Planning Authority. The dwelling shall then be constructed in accordance with the approved details which shall thereafter be retained.

Reason - to ensure the environmental integrity of the scheme is secured.

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

otherwise agreed in writing by the Local Planning Authority and shall thereafter be so retained.

Reason - to ensure a satisfactory landscaping scheme provided within a reasonable period and in the interests of visual amenity.

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

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

- 7 Notwithstanding the provisions of Part 1 (Classes A - E) of 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) the dwelling hereby permitted shall not be enlarged, improved or altered unless planning permission has first been granted by the Local Planning Authority.

Reason - to enable the Local Planning Authority to retain control over future development in view of maintaining the overall appearance of the scheme and in the interests of preserving the amenities of neighbours.

- 8 Notwithstanding the details shown on the approved plans before first occupation/use of the dwelling, hereby approved, 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 of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Reason - to preserve the amenities of the locality, in the interests of highway safety and because insufficient information has been submitted as part of the application.

- 9 The development shall be carried out in strict accordance with Paragraphs 20, 21, 22 and 23 of the Conclusions and Recommendations section of the Tree Inspection Report by Peter Kenyon, received by the Local Authority on the 12th February 2016.

Reason - to ensure the protection and preservation of the Oak tree on the site.

- 10 No development shall commence until all hedgerows to be retained are protected by a 1.2 metre high protective barrier which shall be erected at least 1.0 metre from the hedgerow, where possible. Within the fenced off area there shall be no alterations to the ground levels, no compaction of the soil, no stacking or storing of materials and any service trenches shall be dug and back-filled by hand.

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

- 11 Before first occupation of the dwelling hereby permitted the following shall be provided: -

- The access drive and turning shall be surfaced in accordance with the details agreed under Condition 4 of this consent;
- The off-street parking and turning facilities as shown on drawing number MSO.PRP.002 Revision A (Proposed Site - Block - Roof Plan), received by the Local Authority on the 19th April 2016;
- Drainage shall be provided within the site such that surface water does not drain into the public highway;
- Vehicular visibility splays in accordance with those shown on drawing number MSO.PRP.002 Revision A, received by the Local Authority on the 19th April 2016;

Once provided the above shall thereafter be so maintained with nothing being positioned, or allowed to grow, above a height of 0.6 metres above the level of the adjacent footway within the visibility splays.

Reasons - to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.); 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 and 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 surface water from the site being deposited in the highway causing dangers to highway users; in the interests of highway safety.

- 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 No development shall commence on site until such time as details of the proposed finished floor level of the dwelling and finished ground levels of the development, which shall be related to a fixed datum point off the site, have first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to determine the scope of the permission and in the interests of residential amenity.

- 14 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has first been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Archaeologist.

Reason - to ensure satisfactory archaeological investigation and recording.

- 15 No development shall take place other than in accordance with the Written Scheme of Investigation agreed under Condition 14.

Reason - to ensure satisfactory archaeological investigation and recording.

- 16 No development shall commence on site until a method statement for the construction of the development has been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. The method statement shall have particular regard to the pollution control measures which will reduce the risk of pollution events within Westmeadow Brook, i.e. increased sediment load in surface water run-off. Once agreed the development shall thereafter be carried out in strict

accordance with the method statement.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

- 17 No development or construction activity shall occur within the 5.0 metre construction exclusion zone highlighted with black hatching on drawing number LPA/16/00183/FUL.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

- 18 The curtilage relating to the development shall be confined to the area outlined in red on the attached plan number LPA/16/00183/FUL.

Reason - to enable the Local Planning Authority to retain control over future development in view of the form of development proposed and its location in close proximity to flood zones.

- 19 No development shall commence on the site until such time as a scheme for the disposal of foul and surface water drainage has first been submitted to and agreed in writing by the Local Planning Authority. A sustainable urban drainage scheme (SuDS) shall be utilised for surface water drainage which shall ensure that the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and in the 1 in 100 year rainfall event does not exceed the peak greenfield runoff rate for the same event and that the runoff volume from the development in the 1 in 100 year, 6 hour rainfall event does not exceed the greenfield runoff volume for the same event.

Reason - to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem within the local area and to minimise the risk of pollution.

- 20 No development shall commence until such time as a scheme of maintenance to the Westmeadow brook, including timetable for implementation, adjoining the application site (outside the red line of the application site defined on drawing number MSO.PRP.002 Revision A, received by the Local Authority on the 19th April 2016) and contiguous land has first been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The development shall then be carried out in accordance with the approved details and timetable.

Reason - to reduce the risk of creating or exacerbating a flooding problem within the local area.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and 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 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 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 applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.
- 6 If there are works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process. Guidance on this process and a sample application form can be found via the following website: www.leics.gov.uk/watercourse. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
- 7 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.