

Erection of three dwellings with associated off-street parking and garages

Report Item No
A2

Land At Lower Moor Road Coleorton Coalville Leicestershire
LE67 8FN

Application Reference
16/00352/FUL

Applicant:
Mr Paul Harrington

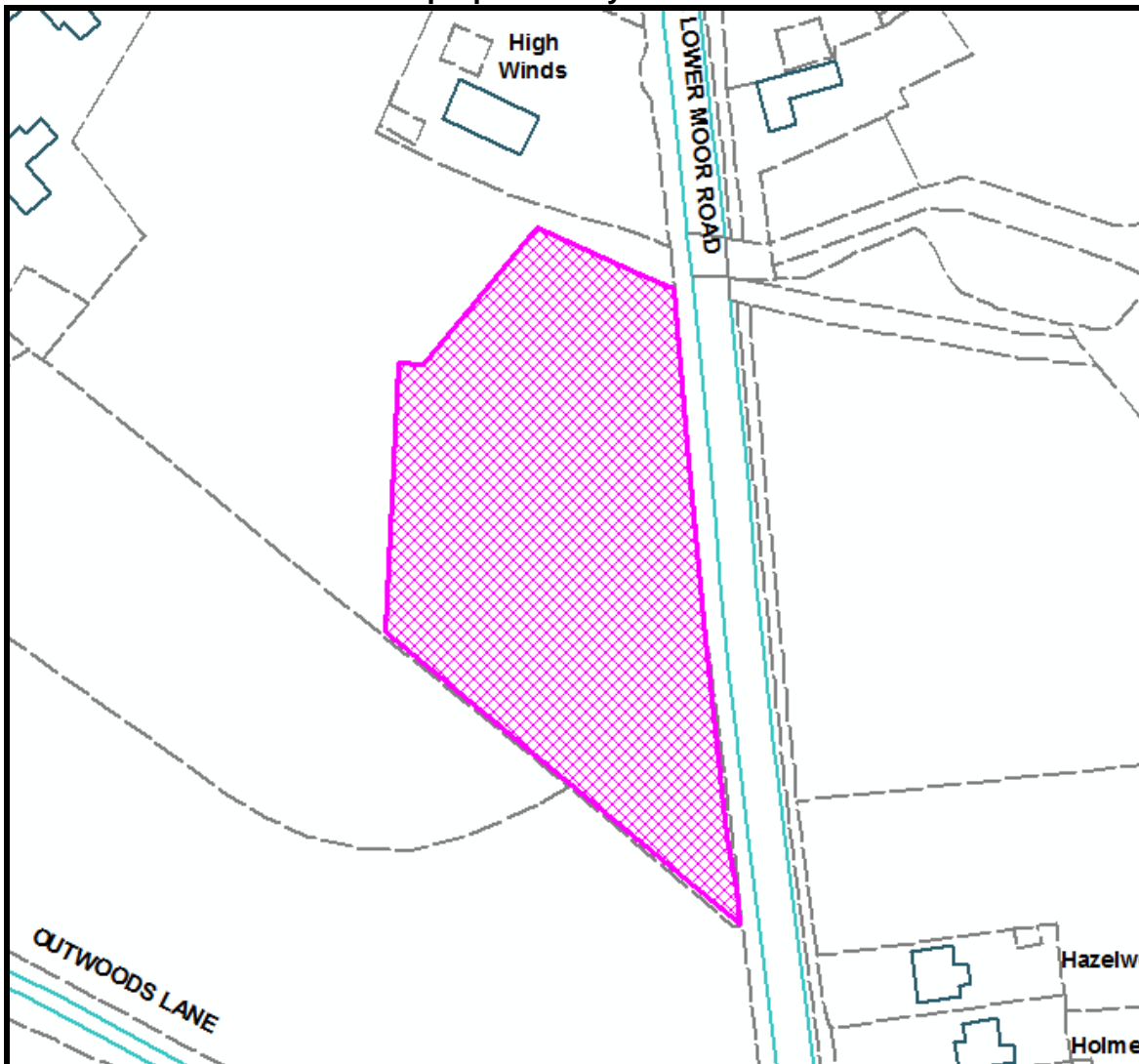
Date Registered
8 April 2016

Case Officer:
Adam Mellor

Target Decision Date
3 June 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 planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Planning permission is sought for the erection of three two-storey detached dwellings with associated off-street parking and vehicular accesses at land off Lower Moor Road, Coleorton. The application site is situated on the western side of the highway to the immediate south of Highwinds and is outside the defined Limits to Development.

Consultations

A total of 15 representations have been received with 7 of those representations opposed to the development and 8 in support of the development. A consultation response from Worthington Parish Council, the Coal Authority and the County Council Ecologist are currently outstanding and will be reported to Members on the Update Sheet. 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

Although the application site is a greenfield site outside the defined Limits to Development it is considered that the conflict with the environmental strand of sustainability would be outweighed by the positive social and economic sustainability credentials of the site particularly as the development would not be isolated from built forms and would not adversely impact on the openness of the rural environment. Consideration also needs to be given to the fact that the Local Authority is unable to demonstrate a five year housing land supply. Overall the development would be compliant with the key principles of the NPPF as well as Paragraphs 28 and 55. The agricultural land upon which the development would be constructed is also grade 4 land which is not the best or most versatile agricultural land, as per the Agricultural Land Classification, and as such the development would not conflict with Paragraph 112 of the NPPF.

Whilst the density of development would be below the 30 dwellings per hectare threshold outlined in Policy H6 of the adopted Local Plan, taking into account the need to achieve a good standard of design and landscaping, the proposed density would be an efficient use of the land in this instance and therefore would not conflict with Policy H6 of the adopted Local Plan.

The dwellings have been positioned so as to ensure an acceptable level of amenity is maintained for Highwinds, the existing residential dwelling to the north, with the position and orientation of this dwelling also ensuring future amenities would be adequately protected. Given

the nature of the development there would also be no adverse noise impacts. Overall, therefore, the proposal accords with Paragraph 123 of the NPPF as well as Policy E3 of the adopted Local Plan.

Given the concentration of development at the northern end of Lower Moor Road, it is considered that a development of three dwellings would integrate into the character of the streetscape whilst respecting the linear nature of development consistent with the settlement of Coleorton as a whole. The close association of the dwellings with other properties would also ensure that the development would not impact adversely on the openness of the rural environment with the design of the dwellings being acceptable given the differing design characteristics prevalent in the area. On this basis the development is compliant with Paragraphs 59, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the adopted Local Plan.

As part of the consideration of the application it has been determined that the formation of three vehicular access points would be acceptable with appropriate levels of off-street parking and manoeuvring facilities being accommodated within the site. On this basis the scheme would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

Subject to the imposition of conditions, archaeology would not act as a constraint on the development and therefore compliance with Paragraph 141 of the NPPF would be met. Should no objections be received from the County Council Ecologist and Coal Authority to the application it is also considered that the proposal would accord with Paragraphs 118, 120 and 121 of the NPPF as well as Circular 06/05.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions.

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of three detached dwellings with associated off-street parking and garages at land at Lower Moor Road, Coleorton. The 0.37 hectare site is located on the western side of Lower Moor Road to the immediate south of Highwinds and is outside the defined Limits to Development as identified on the Proposals Map to the adopted North West Leicestershire Local Plan. The surrounding area is predominately open countryside with residential properties being clustered and concentrated on the eastern side of the highway opposite the site.

In respect of the scale of the properties these would be as follows: -

Plot 1 - four bed detached dwelling covering a ground area of 158.8 square metres and use of a pitched gable ended roof with a ridge height of 8.6 metres.

Plot 2 - four bed detached dwelling covering a ground area of 141.34 square metres and use of a pitched gable ended roof with a ridge height of 8.6 metres.

Plot 3 - four bed detached dwelling covering a ground area of 150.87 square metres and use of a pitched gable ended roof with a ridge height of 8.6 metres.

Three new vehicular accesses onto Lower Moor Road would be formed which each plot being served by a detached double garage covering a ground area of 40.96 square metres and utilising a pitched gable ended roof with a ridge height of 5.9 metres. The plans also highlight that air source heat pumps, rainwater/grey water harvesting systems and solar hot water panels would be integrated into each plot.

A design and access statement, coal mining risk assessment and ecological survey have been submitted in support of the application.

No recent planning history was found.

2. Publicity

10 No neighbours have been notified (date of last notification 12 April 2016)

Site Notice displayed 18 April 2016

Press Notice published 20 April 2016

3. Consultations

Clerk To Worthington Parish Council consulted 12 April 2016

Coal Authority

LCC ecology

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

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.

Coal Authority no representation received to date, any consultation comment received will be reported to Members on the Update Sheet.

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

Leicestershire County Council - Ecology has advised that protected species would not be adversely impacted by the development but a Phase 1 Habitat Survey is required in support of the application given the existing agricultural use of the land.

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 to date, any consultation comment received will be reported to Members on the Update Sheet.

Worthington Parish Council no representation received to date, any consultation comment received will be reported to Members on the Update Sheet.

Third Party Representations

Seven representations objecting to the application have been received with the comments raised being summarised as follows: -

- Coleorton is a dispersed settlement and infilling development such as this would ruin the character of the village;
- Design of dwellings are out of character with neighbouring properties in terms of appearance and scale;
- Design does not improve the quality of the area;
- Increase in traffic is detrimental to highway safety;
- Traffic increases leads to noise and disturbance;
- Development would be on a greenfield site;
- Proposal represents ribbon development which should be resisted;
- Proposals do not address the need for affordable houses in the settlement;
- No guarantee that service provision in settlement will survive;
- Proposal will impact on rural amenity enjoyed by the residents;
- Development impacts on the archaeological and historic significance of the greenfield site;
- In determining application reference 15/01148/OUT it was clearly highlighted that this would act as a 'bookend' in terminating development on the western side of Lower Moor Road, as such this proposal goes against that statement;

Eight representations in support of the application have been received with the comments raised being summarised as follows: -

- Proposals provide a very attractive high quality scheme that fits with the surrounding

- area;
- Dwellings are in a sustainable location;
- Residents will help support local services;
- Scheme has good environmental credentials with the inclusion of rainwater harvesting and air source heat pumps;
- Local employment in the building trade to construct the dwellings should be supported;
- There is a shortage of houses in the district and a small scale scheme such as this 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 adopted North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraph 10 (Achieving sustainable development);
- Paragraph 14 (Presumption in favour of sustainable development);
- Paragraph 17 (Core planning principles);
- Paragraph 28 (Supporting a prosperous rural economy);
- Paragraph 32 (Promoting sustainable transport);
- Paragraph 39 (Promoting sustainable transport);
- Paragraph 49 (Delivering a wide choice of high quality homes);
- Paragraph 53 (Delivering a wide choice of high quality homes);
- Paragraph 55 (Delivering a wide choice of high quality homes);
- Paragraph 57 (Requiring good design);
- Paragraph 60 (Requiring good design);
- Paragraph 61 (Requiring good design);
- Paragraph 75 (Promoting healthy communities);
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
- Paragraph 112 (Conserving and enhancing the natural environment);
- 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 141 (Conserving and enhancing the historic environment);
- Paragraph 203 (Planning conditions and obligations);
- Paragraph 206 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

The application site is outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy F1 - General Policy;
Policy F2 - Tree Planting;
Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;

Draft Consultation North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, as the proposed publication version of the Local Plan is to be considered by Council on 28th June with a view to its submission for examination in September, more weight can now be attributed to its policies at this stage.

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

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 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, 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 Limits to Development terminate at Hazelwood on the eastern side of Lower Moor Road to the south-east of 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 sustainability credentials of the site, it is noted that in previous assessments of applications reference has been given to the Department of Transport (DoT) statistics which outlined that the average trip length undertaken by foot would be 1000.0 metres. However, in a recent appeal decision relating to a residential development on Willesley Road in Ashby De La Zouch (ref: APP/G2435/W/15/3027396) the Inspector concluded that such a statistic does not take into account those people who would walk but are put off by such distances and choose to travel by alternative means. In the aforementioned appeal, reference was made to the Institute of Highways and Transportation document '*Providing for Journeys on Foot*' and in respect of a rural environment the acceptable walking distance to services would be 800 metres and 1000 metres for a school. On the basis of these distances a shop/post office (Lower Moor Road - 624.0 metres), bus stop for one service (Robert Coaches Air Link Service 155 one hourly between Coalville and East Midlands Airport Monday to Saturday - 149.43 metres on Lower Moor Road), public house (Gelsmoor Inn, Rempstone Road - 499.34 metres) and school (Newbold Church of England Primary School, School Lane - 846.41 metres) would be within an acceptable walking distance. A recreation ground (School Lane, Newbold) would also only be

slightly in excess of the 800 metre threshold being 923.31 metres from the site. The walk to these services could largely be carried out along maintained footpaths which are well lit.

Having regard to the location of the site it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a shop) with other facilities and employment opportunities being accessible by utilising the public transport option. 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, assessed in the context of Policy S3 of the adopted Local Plan, with it being acknowledged that the site is slightly detached from the Limits to Development which terminates at Hazelwood. In terms of the site topography it slopes gently downwards from north to south.

As identified above no weight can be afforded to Policy S3 in the determination of the application, given the absence of a five year housing land supply, and therefore a determination would need to be made as to whether the proposed development would be 'isolated' or impact adversely on the 'openness' of the rural environment in the context of Paragraph 55 of the NPPF. The proposed development is positioned in close proximity to the highway and would be closely associated with Highwinds and would be visually integrated with the single storey properties fronting onto Lower Moor Road and Wordsworth Cottage. In this context it is considered that the dwellings would not be 'isolated.' Although having some impact on the 'openness' of the rural environment, due to a greenfield site being built upon, it is proposed that the dwellings would be constructed in close proximity to the highway and when viewed from the public domain, in both close and distant views, they would be viewed in connection with existing built forms. The linear nature of the development avoids the development projecting significantly into the open field, with it being noted that the dwellings are closer to Lower Moor Road than Highwinds, and their associated gardens would be consistent with that of Highwinds.

Whilst accepting that in the determination of application reference 15/01148/OUT (land at Lower Moor Road, Coleorton, opposite Chapel Lane) it was highlighted that an approval of that development would act as bookend in terminating development on the western side of Lower Moor Road, it is considered that when reviewing the context and character of Lower Moor Road as a whole, as outlined in the 'Impact on the Character and Appearance of the Rural Environment and Streetscape' section of this report, such a form of development now proposed would not have such an adverse impact as to conclude that it would be detrimental to the rural amenity of Coleorton, given the settlement as a whole is linear in nature with development sited in close association to the highway and existing built forms. The 'bookend' in many respects was seen as a way of preventing further development between the site opposite Chapel Lane (15/01148/OUT) and the junction with Outwoods Lane as the land between these points is more sparse and less developed, and sits on higher ground which would lead to any development being more prominent. As the character changes at the northern part of Lower Moor Road, with development and dwellings becoming more concentrated, the proposal would not detract from the visual amenity of the wider area. In conclusion it is a fundamental principle of the planning system that each application should be assessed on its own merits, and on balance the impact on the 'openness' of the rural environment would not be significantly detrimental as to suggest that the development should be resisted. In order to try and assist in screening the dwellings, the plans have been amended to highlight that a tree screen would be provided to the southern boundary of the site.

Although the development would be constructed on agricultural land this land is Grade 4 Agricultural Land and as such would not be considered the best and most versatile agricultural land (defined as Grades 1, 2 and 3a of the Agricultural Land Classification) in the context of Paragraph 112 of the NPPF.

Overall, whilst there would be some conflict with the environmental strand of sustainability given the setting of the dwellings, this conflict would not be of such consequence as to suggest that the development should be resisted given that the dwellings have been positioned so that they are closely associated with existing built forms and follow a pattern of development consistent with the settlement. It is also of relevance that the Council does not have a five year housing land supply. This conflict would also be outweighed by the positive economic and social benefits associated with the development and as such the principle of the development would be acceptable.

Density

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

With a site area of 0.37 hectares, the proposed development would have a density of 8.11 dwellings per hectare. Whilst this density would fall significantly below that advised in Policy H6, this policy also identifies that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority values good design in its approach to residential development and there would be a need to retain and reinforce the landscaping of the site it is considered that the density proposed would represent an efficient use of the land in this instance. In these circumstances whilst there is conflict with Policy H6, it is not considered a suitable reason, in itself, to warrant a refusal of the application.

Impact on Existing and Future Residential Amenities

It is considered that the property most immediately affected by the proposed development would be Highwinds a two-storey detached dwelling situated to the north of the site.

Highwinds would be set 10.5 metres from plot 1 with the proposed dwellings being set closer to Lower Moor Road than this property. It is also noted that Highwinds is orientated so that its rear elevation faces in a south-western direction and therefore 'turns away' from the proposed dwellings. Given the separation distance and orientation of Highwinds it is considered that no adverse overbearing or overshadowing impacts would arise. With regards to overlooking impacts it is considered that no direct view would be established into or onto the private amenity space associated with Highwinds and as such the occupants' amenities in this respect would also be preserved.

An acceptable separation distance between each of the plots within the site would be established, in order to avoid any adverse overbearing or overshadowing impacts, with the positioning of windows also ensuring that no adverse overlooking impacts would arise. In terms of plot 1 it is considered that the relationship with Highwinds would be acceptable due to the position of habitable room windows on this property, as well as its orientation and the separation distance.

In respect of noise implications to neighbouring properties it is considered that the level of vehicular activity associated with each plot would be no different to that associated with existing residential properties in the area, which do not result in adverse impacts to neighbours. As a consequence such an impact would not be sufficiently detrimental as to suggest permission should be resisted. It is also noted that Lower Moor Road is not subject to any restrictions on the amount of vehicular movements which could occur and the Council's Environmental Protection team has not raised any concerns on noise grounds.

Overall the development is 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 design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

The application site slopes marginally upwards from south to north with the western side of Lower Moor Road being largely undeveloped with Highwinds being the only property between Outwoods Lane and Rempstone Road. A total of nine properties (taking into account permissions granted), however, do exist on the eastern side of Lower Moor Road between Aqueduct Road and Rempstone Road which are located at differing distances, and which have differing orientations, to the highway. Taking the character of Lower Moor Road as a whole into account, it is considered that it is highly concentrated at its southern end before becoming more sparse between the brook and the crossroad junction of Lower Moor Road, Outwoods Lane and Aqueduct Road and then re-concentrating at its northern end, although not to the same density level as the southern part. Having regard to this context, it is considered that the low density of the scheme proposed, being less than 10 dwellings per hectare, and its linear nature in addressing the highway, would ensure that it would be closely associated with existing and proposed built forms on this part of Lower Moor Road, and as a consequence would be consistent with the character of the streetscape. The close association and visual integration with existing built forms would also ensure that the development would not be detrimental to the amenity of the wider rural landscape, with the provision of a tree barrier to the southern boundary providing a defensible barrier in resisting further ribbon forms of development.

There is no set design character prevalent in the area with all dwellings exhibiting differing features, given this context it is considered that the design of dwellings proposed would be acceptable and would include features which the Local Authority consider desirable (chimneys, eaves and verge detailing, dentil courses and timber framed canopies). Such features would be consistent and in keeping with properties in the immediate area which make a positive contribution to the visual amenity of the area (such as Highwinds and The Firs on Lower Moor Road, Wordsworth Cottage and The Cottage on Rempstone Road and Glenesk on Aqueduct Road). Concerns have also been raised about the scale of the dwellings. However, whilst smaller single storey properties do exist to the south-east the majority of the dwellings in the area have footprints consistent with those dwellings within the street scene drawing which show that the overall heights of the dwellings would not be significantly greater than Highwinds which is located adjacent to the site. On this basis the design and scale of the properties would not have a significantly adverse impact on the character of the area as to warrant a refusal of the

application.

It is highlighted on the plans that the dwellings would be constructed from bricks and clay tiles, however, given that the prevalent material used in the immediate area is render it is considered reasonable to impose a condition on any consent granted for the external materials to be agreed. This would allow for consideration to be given to the use of render in the discharge of condition process.

Overall the layout, design and scale of the dwellings are considered to be appropriate and as such the development would accord with Paragraphs 57, 60 and 61 of the NPPF as well as Policies E4, F1 and H7 of the adopted Local Plan.

Highway Safety

The County Highways Authority have been consulted on the application and have raised no objections subject to the imposition of conditions on any consent granted.

It is proposed that each property will be served by its own vehicular access onto Lower Moor Road which is subject to a 40mph speed limit at this point. Whilst the submitted plans do not highlight the visibility splays at the site accesses, the County Highways Authority identify that visibility splays of 2.4 metres by 120.0 metres would be sufficient and that a condition on any consent granted could secure such splays. It is considered that the formation of additional vehicular accesses onto this part of Lower Moor Road has been deemed to be acceptable due to the approval of an access to serve a dwelling to the immediate south-east of the site (land at Cherry Tree Cottage - 15/00316/FUL) as well as an access serving Moor End Cottage and its associated stables (15/01024/FUL and 15/01026/FUL), on this basis the movement of vehicles onto and off Lower Moor Road would not be severely detrimental to highway safety as to suggest the development should be resisted. Within each site it would also be possible for an area to be provided to allow vehicles to manoeuvre so that they exit in a forward direction, which again would be conditioned on any consent granted, and overall the proposals would be compliant with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

The plans highlight that each property would be served by a detached double garage which would have sufficient internal dimensions to be utilised for the parking of two vehicles, with external space also being available for additional off-street parking. On the basis that a planning condition could secure the provision of this car parking, as well as its future retention, it is considered that the scheme would accord with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

Ecology

The County Council Ecologist has identified that the land is currently grassland in agricultural use and therefore a potentially species-rich habitat which requires the submission of a Phase 1 Habitat Survey. Whilst a Phase 1 Habitat Survey is required, the County Council Ecologist has advised that protected species would not act as a constraint on the development.

A Phase 1 Habitat Survey has been received and the County Council Ecologist consulted accordingly. Any comments received from the County Council Ecologist, as well as any suggested conditions, will be reported to Members on the Update Sheet and subject to no objections being raised it is considered that the development would be compliant with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

The site is bounded by mature hedgerows with the majority of trees situated off the site, although one tree does exist in the south-eastern corner of the site which would be set away from plot 3. Whilst the existing roadside hedge would be punctured by the formation of individual access points, the relevant gaps to be created would be kept to the minimum necessary to accord with highway standards and could be mitigated by the provision of replacement planting as part of a landscaping scheme. It could also be secured on the landscaping scheme that tree planting be provided along the southern boundary of the site, in order to frame the end of the development and provide some natural screening, as well as within the gardens of the individual plots. Subject to such a condition being imposed on any consent granted it is considered that the proposal would accord with Policies E7, F1, F2 and F3 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has stated that in 1992 a series of earthworks were surveyed within the parcel of land contained by Outwoods Lane and Lower Moor Road which related to the coal and iron ore works undertaken around 1300 by Isabella de Hastings. Such earthworks did not have any particular complexity or coherence in their distribution pattern and therefore there is a strong likelihood that on the application site evidence may be found in relation to activity conducted in the area during the medieval period. On this basis it is considered important that the developer records and advances the understanding of the significance of any heritage assets which may potentially be lost should development proceed on the land. It is therefore recommended that conditions be imposed on any consent granted for archaeological investigations to be carried out in order to ensure the development accords with Paragraph 141 of the NPPF.

Other Matters

Although a consultation response from the Coal Authority is outstanding, it is considered that on several applications within the immediate area no objections have been raised by the Coal Authority in respect of land instability issues subject to the imposition of conditions on any consent granted. On this basis it can be reasonably assumed that no objections will be raised to this application, given the conclusions of the Coal Mining Risk Assessment, although any comments which are received, along with any suggested conditions, will be reported to Members on the Update Sheet. Subject to no adverse comments being received it is considered that the development would accord with Paragraphs 120 and 121 of the NPPF.

The development would not meet a threshold whereby affordable properties would be a requirement of the development in the context of National Guidance or Policy H8 of the adopted Local Plan.

Summary Reasons for Granting Planning Permission

Although the application site is a greenfield site outside the defined Limits to Development it is considered that the conflict with the environmental strand of sustainability would be outweighed by the positive social and economic sustainability credentials of the site particularly as the development would not be isolated from built forms and would not adversely impact on the openness of the rural environment. Consideration also needs to be given to the fact that the Local Authority is unable to demonstrate a five year housing land supply. Overall the development would be compliant with the key principles of the NPPF as well as Paragraphs 28 and 55. The agricultural land upon which the development would be constructed is also grade 4

land which is not the best or most versatile agricultural land, as per the Agricultural Land Classification, and as such the development would not conflict with Paragraph 112 of the NPPF.

Whilst the density of development would be below the 30 dwellings per hectare threshold outlined in Policy H6 of the adopted Local Plan, taking into account the need to achieve a good standard of design and landscaping, the proposed density would be an efficient use of the land in this instance and therefore would not conflict with Policy H6 of the adopted Local Plan.

The dwellings have been positioned so as to ensure an acceptable level of amenity is maintained for Highwinds, the existing residential dwelling to the north, with the position and orientation of this dwelling also ensuring future amenities would be adequately protected. Given the nature of the development there would also be no adverse noise impacts. Overall, therefore, the proposal accords with Paragraph 123 of the NPPF as well as Policy E3 of the adopted Local Plan.

Given the concentration of development at the northern end of Lower Moor Road, it is considered that a development of three dwellings would integrate into the character of the streetscape whilst respecting the linear nature of development consistent with the settlement of Coleorton as a whole. The close association of the dwellings with other properties would also ensure that the development would not impact adversely on the openness of the rural environment with the design of the dwellings being acceptable given the differing design characteristics prevalent in the area. On this basis the development is compliant with Paragraphs 59, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the adopted Local Plan.

As part of the consideration of the application it has been determined that the formation of three vehicular access points would be acceptable with appropriate levels of off-street parking and manoeuvring facilities being accommodated within the site. On this basis the scheme would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

Subject to the imposition of conditions, archaeology would not act as a constraint on the development and therefore compliance with Paragraph 141 of the NPPF would be met. Should no objections be received from the County Council Ecologist and Coal Authority to the application it is also considered that the proposal would accord with Paragraphs 118, 120 and 121 of the NPPF as well as Circular 06/05.

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 drawing numbers HAR.SCP.011 (Site Context Plan Lower Moor Road), HAR.P3P.003 Revision A (Proposed Floor Plans Plot 3), HAR.P3E.004 Revision A (Proposed Elevations Plot 3), HAR.P2P.005 Revision B (Proposed Floor Plans Plot 2), HAR.P2E.006 Revision B (Proposed Elevations Plot 2), HAR.P1P.007 Revision A (Proposed Floor Plans Plot 1),

HAR.P1E.008 Revision A (Proposed Elevations Plot 1) and HAR.GAR.010 (Proposed Garage), received by the Local Authority on the 8th April 2016, as well as drawing number HAR.SBR.002 Revision E (Proposed Site-Block-Roof Plan), received by the Local Authority on the 25th May 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, none of the dwellings shall 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 dwellings;

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 dwellings, 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 dwellings 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 any of the dwellings, 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 any of the dwellings 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 be removed 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 dwellings 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 as well as the visual amenity of the rural environment.

- 8 Notwithstanding the details shown on the approved plans before first occupation/use of any of the dwellings, 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 of the dwellings 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 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.

- 10 Before first occupation of any of the dwellings, hereby permitted, the following shall be provided: -
- Visibility splays of 2.4 metres by 120.0 metres shall be provided at each vehicular access with Lower Moor Road. These shall be in accordance with the standards contained in the current County Council design guide;
 - The off-street parking and turning facilities as shown on drawing numbers HAR.SBR.002 Revision E, received by the Local Authority on the 25th May 2016, and HAR.GAR.010, received by the Local Authority on the 8th April 2016;
 - The access drive and turning areas shall be surfaced in accordance with the details agreed under Condition 5 of this consent;

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 afford adequate visibility at each access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety; 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 deleterious material being deposited in the highway (loose stones etc.).

- 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 vehicles 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 No development shall commence on site until such time as details of the proposed finished floor levels of the dwellings 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.

- 13 No development shall commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, which shall first be submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Archaeologist. The scheme shall include an assessment of significance and research questions; and: -

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
- The programme for post-investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason - to ensure satisfactory archaeological investigation and recording.

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

Reason - to ensure satisfactory archaeological investigation and recording.

- 15 No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under conditions 13 and 14 and the provision

made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - to ensure satisfactory archaeological investigation and recording.

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 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 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.