

Erection of four detached dwellings with associated off-street parking and new vehicular access off Manor Drive

Report Item No
A4

Land Off Manor Drive Worthington Leicestershire

Application Reference
16/00450/FUL

Applicant:
IJA Property Ltd And Adam Page

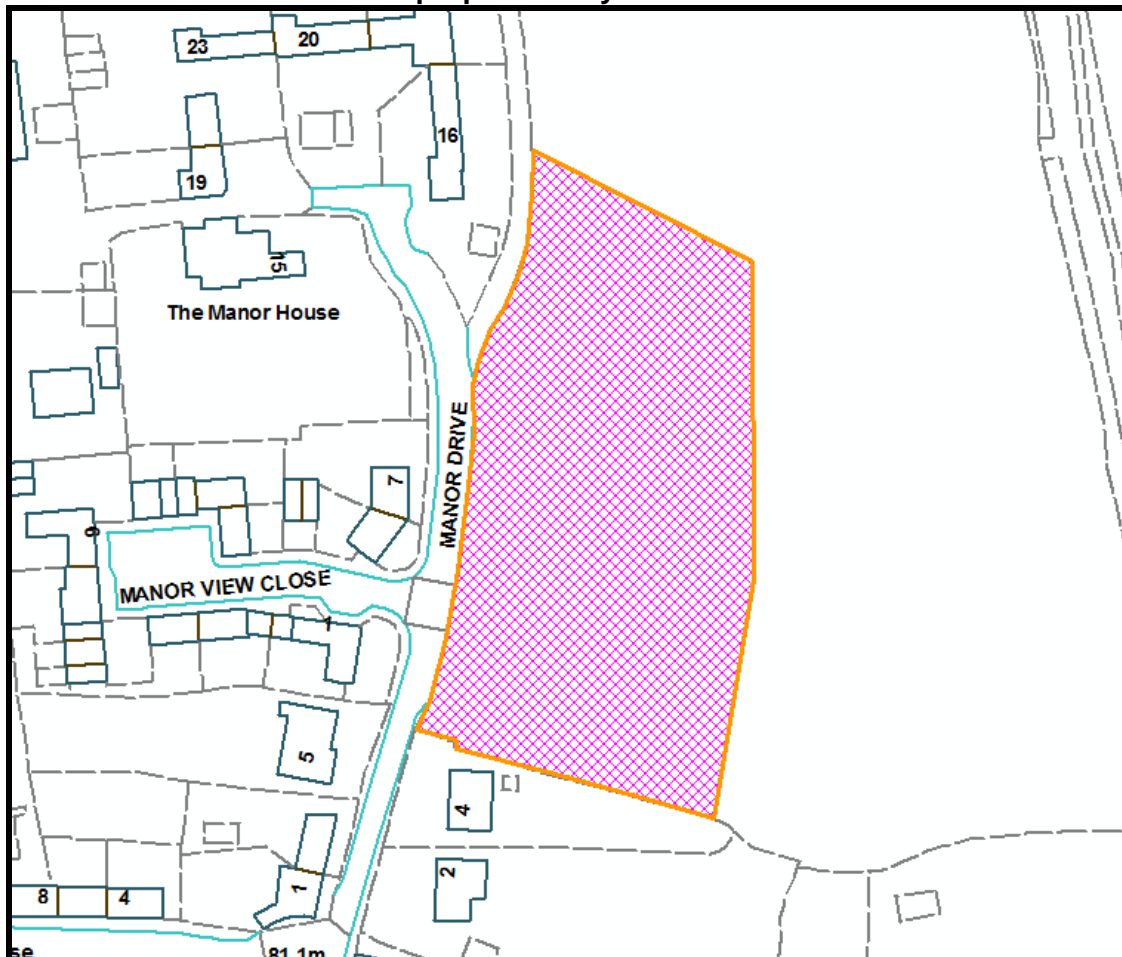
Date Registered
3 May 2016

Case Officer:
Adam Mellor

Target Decision Date
28 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 four detached dwellings with associated off-street parking and vehicular accesses at land off Manor Drive, Worthington. The application site is situated on the eastern side of the highway and is outside the defined Limits to Development with residential properties being situated to the west and south.

Consultations

A total of 9 representations have been received with 5 of those representations opposed to the development and 4 in support of the development. Consultation responses from Worthington Parish Council, County Council Highways, Environmental Protection and Severn Trent Water are 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. No significant impacts upon best and most versatile agricultural land (defined as Grades 1, 2 and 3a of the Agricultural Land Classification) have been established and, as such the development would not conflict with Paragraph 112 of the NPPF.

It is considered that the density proposed whilst lower than what would be considered appropriate under Policy H6 of the adopted Local Plan is an acceptable use of the land in this instance considering the importance in ensuring that the development is of an appropriate design and that a landscape buffer is supplied.

The dwellings have been positioned so as to ensure an acceptable level of amenity is maintained with existing residential dwellings on Manor Drive and Manor View Close, with the position and orientation of the dwellings also ensuring future amenities would be adequately protected. Overall, therefore, the proposal accords with Paragraph 123 of the NPPF as well as

Policy E3 of the adopted Local Plan.

It is considered that the development would act as a 'natural' completion of the 'cul-de-sac' which would be created on Manor Drive and would respect the linear nature of development progressed along the eastern side of Manor Drive and Main Street, as such it would integrate into the existing built environment. The proposed scale and heights of the dwellings would also be consistent with those which exist on Manor Drive, particularly those of the new development at Manor View Close, and would include design detailing which the Local Authority considers desirable. On this basis the development is considered compliant with Paragraphs 59, 60 and 61 of the NPPF and Policies E4 and H7 of the adopted Local Plan.

The final comments of the County Highways Authority will be reported to Members on the Update Sheet but given that the proposed development would not add considerably to the total number of vehicular movements which occur on Manor Drive, particularly given the recent construction of 12 dwellings, it is considered that the relative width of the highway and visibility available at the junction would be sufficient and would ensure that the vehicular movements associated with four additional properties would not severely impact on pedestrian or highway safety. Adequate manoeuvring facilities would also be provided within the individual plots to enable vehicles to exit in a forward direction and assess the movement of vehicles on Manor Drive before exiting the plot. On this basis the proposal would be compliant with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan. Each dwelling would also be provided with a sufficient level of off-street parking so as to reduce the possibilities of the proposal creating, or contributing to, any off-street parking problem. On this basis the proposal is compliant with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan. Pedestrians utilising the public byway would also not be compromised by the additional vehicular movements associated with the dwellings given the speed of traffic on Manor Drive and clear visibility available.

Subject to the imposition of a landscaping condition on any consent granted, to secure native species planting, it is considered the proposal would accord with Policy E7 of the adopted Local Plan.

There are no ecological or archaeological constraints associated with the site and therefore the development would be compliant with Paragraphs 118 and 141 of the NPPF and Circular 06/05.

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

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 four detached dwellings with associated off-street parking and new vehicular access off Manor Drive, Worthington. The 0.39 hectare site is currently used for agricultural purposes and is located on the eastern side of Manor Drive to the north of no. 4 and south-east of no. 16. It is identified on the Proposals Map to the adopted Local Plan that the site is outside the defined Limits to Development with the surrounding area comprising residential dwellings of differing design and scales to the north-west, west, south-west and south along with open agricultural land to the north and east.

The dwellings to be constructed on the site would be of the following scales and types: -

Plot 1 - 4 bed two-storey detached dwelling with a floor area of 158.0 square metres and use of a gable ended pitched roof with a ridge height of 8.8 metres.

Plot 2 - 4 bed three-storey (habitable accommodation in the roof slope) detached dwelling with a floor area of 155.0 square metres and use of a gable ended pitched roof with a ridge height of 9.7 metres.

Plot 3 - 4 bed two-storey detached dwelling with a floor area of 168.0 square metres and use of a gable ended pitched roof with a ridge height of 9.0 metres.

Plot 4 - 4 bed two-storey detached dwelling with a floor area of 298.0 square metres and use of a gable ended pitched roof with a ridge height of 8.8 metres.

Each plot would be served by its own vehicular access onto Manor Drive with double garages being supplied to each plot which would cover ground areas of 43.56 square metres and utilise gable ended pitched roofs of 5.5 metres. The exception to this being the garage to plot 4 which would have a first floor studio accessed by an external staircase which would lead to the ridge height being 6.2 metres.

A design and access statement has been submitted in support of the application.

No recent planning history was found.

2. Publicity

23 no.neighbours have been notified (Date of last notification 4 May 2016)

Site Notice displayed 6 May 2016

Press Notice published 18 May 2016

3. Consultations

Clerk To Worthington Parish Council consulted 4 May 2016

County Highway Authority consulted 1 June 2016

Severn Trent Water Limited consulted 4 May 2016

Head of Environmental Protection consulted 4 May 2016

County Archaeologist consulted 4 May 2016

LCC ecology consulted 4 May 2016

LCC/Footpaths consulted 4 May 2016
NWLDC Footpaths Officer consulted 4 May 2016

4. Summary of Representations Received

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

Leicestershire County Council - Archaeology has no objections and considers that no archaeological mitigation is required as part of the development.

Leicestershire County Council - Ecology has no objections subject to locally native species of planting being provided as part of a landscaping scheme to the northern and eastern boundaries.

Leicestershire County Council - Footpaths has no objections subject to the provision of notes to the applicant on any consent granted.

Leicestershire County Council - Highways Authority provided initial advice in respect of the proposed development removing the turning head off Manor Drive and that the visibility splays provided to plot 1 were inadequate. An amended plan has been received to address these matters and a revised response is awaited, this will be reported to Members on the Update Sheet.

NWLDC - Environmental Protection no representation received to date, any response received will be reported to Members on the Update Sheet.

Severn Trent Water no representation received to date, any response received will be reported to Members on the Update Sheet.

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

Third Party Representations

Five letters of representation have been received objecting to the development with the comments raised being summarised as follows: -

- Manor Drive is not of a sufficient width to allow two vehicles to pass each other and additional dwellings will only add to this problem;
- Junction of Manor Drive with Church Street/Main Street is not suitable for additional vehicular movements due to the sharpness of any right turn and level of visibility;
- Vehicles associated with new development at Manor View Close impact on the safe usage of the carriageway;
- Building of dwellings on the land will result in the loss of a view;
- Surface water drainage from Manor Drive continues to be an issue during heavy rainfall;
- Garage to plot 1 could be relocated and reduced in height to lessen impact on the view;
- Bedroom window in side gable of plot 1 should be relocated to avoid overlooking impacts;
- The local bus service is under threat and does not run at convenient times for shift workers at the airport;
- Three-storey dwelling may prove difficult to sell given that other such dwellings in the settlement have failed to sell;

- Stock proof fencing is not necessary as agricultural land is arable;
- Buffer planting will not be provided given that this failed to be provided on Manor View Close and simply became garden land;
- Difficult to support the view that development enhances the visual appearance of the land given that this and the development on Manor View Close terminates all views of Cloud Hill Wood;
- School would not be able to deal with additional influx of pupils;
- Sewerage system will not be able to accommodate additional drainage from these four dwellings;
- Flood Zone 3 is within close proximity to the site;
- Plot 3 would result in overshadowing and overlooking impacts to those dwellings opposite on Manor View Close;
- Development will prevent access to our off-street parking spaces;
- Users of the public byway will be impacted on by the development along with the width of the public footpath;
- Application site is a greenfield site and therefore should not be built upon;
- If constructed the highway should be kept clear of debris and mud given a field would be built upon;

Four letters of representation have been received supporting the development with the comments raised being summarised as follows: -

- Development being limited to four dwellings will minimise the increase in traffic;
- Design is in keeping with existing properties on Manor Drive with houses spaced in a non-regimented fashion;
- Provision of gardens and shrubs which improves appearance;
- Houses have individual garages and driveways to remove parking of vehicles on Manor Drive;
- Four dwellings more suitable infill than estate created at Manor View Close.

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 saved policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

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

- Paragraph 10 (Achieving sustainable development);
- Paragraph 14 (Presumption in favour of sustainable development);
- Paragraph 17 (Core planning principles);
- Paragraph 28 (Supporting a prosperous rural economy);
- Paragraph 32 (Promoting sustainable transport);
- Paragraph 39 (Promoting sustainable transport);

Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 75 (Promoting healthy communities);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 123 (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 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 site borders the Limits to Development on its southern boundary.

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 made 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 was considered to be 800 metres or 1000 metres for a school. On the basis of these distances a shop/post office (St Matthews Avenue - 260.0 metres), recreation ground (St Matthews Avenue - 278.0 metres); public house (The Malt Shovel, 29 Main Street - 362.0 metres), church (St Matthews Church, Church Street - 359.0 metres), bus stop for one service (Robert Coaches Air Link Service 155 1 hourly between Coalville and East Midlands Airport Monday to Saturday - 359.0 metres on Church Street) and school (Worthington Primary School, Main Street - 181.0 metres) would be within an acceptable walking distance. 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 four dwellings would score well against the social sustainability advice contained within the NPPF with occupants of the property also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

From an environmentally sustainable point of view the site is outside the defined Limits to Development and therefore assessed in the context of Policy S3 of the adopted Local Plan with the site adjoining the Limits to Development on its northern and southern boundaries. The topography of the site sees land levels falling from west to east and 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 would impact adversely on the 'openness' of the rural environment in the context of Paragraph 55 of the NPPF. The site is bordered by existing residential development to the west, south and north-west and in this context it is difficult to determine that the dwellings would be 'isolated'. Although the proposal would result in 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 Manor Drive and when viewed from the public domain in both close and far views the dwellings would be viewed in connection with existing built forms. The concentration of dwellings on Manor Drive, with the development being viewed as a natural completion of the 'cul-de-sac', would also reduce the overall visual implications given that the scale of the dwellings would be comparable with neighbouring properties. As a result of this the implications to the 'openness' of the rural environment would not be so adverse as to resist the development proposal.

The application site falls within Grade 3 of the Agricultural Land Classification but it has not been established whether the land is Grade 3a or Grade 3b and, therefore, whether any BMV would be affected. However, even if the site does fall within the 3a classification, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in a loss of between 20 and 50ha, and those of 50ha and above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. A

loss of less than 1 hectare of agricultural land is not considered to represent a significant loss and, therefore the scheme is considered to be acceptable in this regard. It is also noted that the proposal would not disrupt the agricultural operations undertaken on the remaining land.

In conclusion whilst there would be some conflict with the environmental strand of sustainability, given the setting of the dwellings, this conflict would not be substantial due to the positioning of the dwellings in close proximity to the highway and their association with built forms with it also being 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 to achieve as high a net of density as possible taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the adopted Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per hectare elsewhere.

With a site area of 0.39 hectares, the proposed development would have a density of 10.26 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 that provision has been made to create a landscape buffer to the eastern site boundary it is considered that the proposed density would be an efficient use of the land in this instance

In conclusion whilst there is conflict with Policy H6 this is not considered a suitable reason, in itself, to warrant a refusal of the application.

Residential Amenity

It is considered that the properties most immediately affected by the proposed development would be no. 4 Manor Drive, to the south, nos. 1, 11 and 12 Manor View Close, no. 15 Manor Drive (Manor House) to the west and no. 16 Manor Drive to the north-west.

The separation distances between the principal elevation on plot 1 and no. 1 Manor View Close would be 22.0 metres whereas the distance between plot 3 and nos. 11 and 12 Manor View Close would be 16.00 metres. It is considered that these separation distances would be acceptable in ensuring that no adverse overlooking impacts would arise between habitable room windows. The land sloping downwards away from Manor Drive would also ensure that the scale and height of the dwellings would not result in any adverse overbearing or overshadowing impacts.

It is proposed that the 6.0 metre wide end gable of plot 1 would be set 3.0 metres from the boundary and 5.5 metres from the northern (side) elevation of no. 4 Manor Drive which contains four ground floor windows (serving a kitchen, bathroom, water closet and study) and a first floor roof light (serving a bedroom). In the circumstances that the study and first floor roof light are secondary windows to these rooms it is considered that the proposed proximity and height of plot 1 would not result in any adverse overbearing impacts. No adverse overshadowing impact would occur given that plot 1 is orientated to the north of no. 4. In respect of overlooking impacts first floor bedroom windows are proposed in a rear projection to plot 1 which would be set 10.0

metres from the shared boundary and given this distance it is considered that no adverse overlooking impacts would occur which would warrant a refusal of the application given that such a distance has been deemed acceptable between the new properties at nos. 1, 2 and 3 Manor View Close and no. 5 Manor Drive. The detached garage to plot 1 would be set 12.0 metres to the north-east of the rear elevation of no. 4 and would be orientated so that the roof slopes away from the shared boundary, given this distance, the scale of the garage and extent of garden available to no. 4 it is considered that no adverse impacts would arise.

Plot 4 would be set 15.5 metres from the boundary and 39.0 metres from the elevation of no. 15 Manor Drive (Manor House) and 10.0 metres from the boundary and 24.0 metres from the elevation of no. 16 Manor Drive. Such distances are deemed appropriate in ensuring that no adverse overbearing, overshadowing or overlooking impacts would arise particularly given the amount of garden associated with no. 15 and the position of the private amenity area to no. 16.

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 no. 4 Manor Drive would be acceptable, given its one and a half storey nature, with views from the first floor roof light being directed towards the front amenity area of plot 1.

The loss of a view is not a material planning consideration which could be taken into account in an assessment of the application.

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 Area and Rural Landscape

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."

Manor Drive comprised dwellings clustered around the former Manor Farm and those dwellings positioned in close proximity to the junction of Manor Drive with Main Street/Church Street. However, following the approval of planning application reference 13/00061/FULM, 12 new properties have been introduced on land between no. 5 Manor Drive and the former Manor Farm site which now comprise an estate called Manor View Close. Predominately the properties on Manor Drive and Manor View Close are two-storey detached types with those towards the junction of Manor Drive and Main Street being orientated to address the highway whereas those around The Manor House and on Manor View Close are formed around a central courtyard. It is proposed that the new dwellings would be orientated to address Manor Drive and would be arranged in a linear fashion in order to be consistent with the pattern of development not only on the eastern side of Manor Drive but also the eastern side of Main Street. The extent of the gardens associated with the dwellings would also be consistent with those to properties on the eastern side of Manor Drive and Main Street in order to limit the encroachment onto the existing agricultural land. Given this context it is considered that the proposed development would be a natural completion of the 'cul-de-sac' created on Manor Drive and would respect the characteristics of the existing streetscape. Land levels on the site reduce from west to east and

as such the proposed dwellings would also not be dominant in views established from the wider rural environment given that they would largely be screened by the new dwellings created at Manor View Close which is on higher ground. In any event any view which is established would assess the development in the context of the close relationship it would have with existing built forms of similar scales thereby limiting its impact on the openness of the surrounding agricultural fields.

In respect of the design of the dwellings themselves it is considered that they have been influenced by those created at Manor View Close, which were assessed to be in keeping with the character of dwellings within Worthington, and would include design features which the Local Authority deem desirable including chimneys, stone cills, brick headers, dentil course, eaves and verge detailing and timber framed porches. On this basis the design of the dwellings would respond positively to the visual aesthetics of the streetscape. It is also considered that the scale and height of the dwellings would be consistent with those in the immediate area thereby ensuring that they would integrate into the environment in which they are set.

The submitted plans highlight that red bricks and a mix of slate and plain tiles would be utilised in the construction of the dwellings which would be considered appropriate and consistent with the materials used on neighbouring built forms. Whilst the use of such materials would be acceptable it is considered reasonable to impose a materials condition on any consent granted in order to ensure that the precise materials are agreed as well as consideration being given to alternative materials due to wide use of render and painted brickwork in the surrounding area. The colour and construction finish of the windows could also be controlled via a planning condition.

Public byway M21 runs along Manor Drive before diverting in a north-eastern direction on land that, if permission is granted, would lie between plot 4 and no. 16 Manor Drive. Whilst the dwellings would be visible in views when travelling north to south, and when looking in an eastern direction on Manor Drive, it is considered that they would not obstruct views onto any features of significance in the wider rural landscape and would be assessed in the context of the relationship they would have with existing residential properties which are of similar scales.

Overall the layout, design and scale of the dwellings would be considered appropriate and would ensure compliance with Paragraphs 57, 60 and 61 of the NPPF as well as Policies E4 and H7 of the adopted Local Plan.

Highway Safety

The County Highways Authority in initially commenting on the application highlighted concerns over the loss of a turning head opposite no. 1 Manor View Close given that it had not been made clear whether an Order under Section 247 of the Planning Act would be submitted to stop up this extent of the highway. It was also identified that appropriate visibility splays at the junction of the access to plot 1 with Manor Road had not been provided.

A revised plan has subsequently been submitted which has amended the layout arrangements for plot 1 so that the existing turning head is maintained and will be connected with the vehicular access to this particular plot. Adequate visibility splays have also been provided for plot 1. Reconsultation with the County Highways Authority has been undertaken although revised comments are yet to be received. Comments received after the publication of the Committee Agenda will be reported to Members on the update sheet.

Concerns have been received in respect of the suitability of Manor Drive to accommodate

additional movements, due to its relative width, and that the junction of Manor Drive with Church Street and Main Street lacks adequate visibility and that 'right-turn' manoeuvres are difficult. Manor Drive has been subject to additional vehicular movements associated with 12 dwellings following the approval of application reference 13/00061/FULM and in allowing that application the County Highways Authority raised no concerns over the adequacy of the junction in accommodating these movements nor the width of the carriageway. Whilst the development will introduce further vehicular movements these would not contribute significantly to the total number of movements which currently occurs and as a consequence the width of the carriageway and visibility available at the junction would remain sufficient. Each dwelling would also be served by a separate access which would be provided with visibility splays that would enable future residents to assess the movement of vehicles on Manor Drive before entering the carriageway thereby reducing the potential for conflicts to arise.

It is also highlighted on the amended layout plan that each dwelling would be provided with adequate manoeuvring facilities within the curtilage to ensure that vehicles exit in a forward direction.

Paragraph 32 of the NPPF highlights that the applications should only be refused on highway safety grounds where the cumulative impacts are 'severe' and given the above conclusions it is considered that the proposal would not conflict with the intentions of this Paragraph or Policy T3 of the adopted Local Plan.

It is proposed that each dwelling would be served by a detached double garage and external off-street parking spaces which would equate to around four spaces being available. Given that each dwelling is a 4-bed property this level of off-street parking would be considered sufficient and would reduce the possibility of on-street parking occurring. As a result the development complies with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

As the County Council Rights of Way Officer has raised no objections it is also considered that the limited increase in vehicle movements associated with the dwellings would not adversely impact on the safe movement of pedestrians on Manor Drive given that such users would already be aware of vehicular movements occurring. Manor Drive itself is also not subject to any restrictions or controls on the level of vehicular activity which can occur. On this basis the proposal accords with Paragraph 75 of the NPPF.

Ecology

The County Council Ecologist has commented on the application and has raised no objections and does not require an ecological survey to be undertaken. It is requested that due consideration be given to the planting of native species to the eastern and northern boundaries, in order to encourage biodiversity, and such planting could be secured as part of a landscaping scheme on any consent granted. On this basis it is considered that ecology would not act as a constraint on the development and it therefore accords with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

No planting exists on the site and as such the provision of the dwellings would not impact on any vegetation which would contribute to the visual amenities of the area. The imposition of a condition to secure a soft landscaping scheme would lead to planting being provided which, in time, could contribute positively to the visual amenity of the streetscape and wider rural landscape. Subject to the imposition of such a condition it is considered that the development

would accord with Policy E7 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has specified that no archaeological mitigation is necessary as part of the proposal and as such archaeology would not act as a constraint on the development. On this basis the scheme is compliant with Paragraph 141 of the NPPF.

Drainage and Flood Risk

The site lies within flood zone 1 and is not identified as a site with a critical drainage issue on the Environment Agency's Surface Water Flooding Maps. It is highlighted on the application forms that surface water run-off would be addressed by the provision of a soak-away and in the circumstances that the site is not within Flood Zones 2 or 3, nor a critical drainage area, it is anticipated that any surface water run-off solution identified would not further exacerbate any localised flooding issue. As a result of this the development is considered to be compliant with Paragraph 103 of the NPPF.

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

Other Matters

The development would not be at a level where financial contributions towards services, such as schools, would be sought. Therefore, it would be the responsibility of the education authority (Leicestershire County Council) to ensure that the Worthington Primary School has adequate capacity to accommodate any increase in pupil numbers which could occur with or without the development.

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 to such an extent to warrant a refusal of the application. 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 and specifically Paragraphs 28 and 55. No significant impacts upon agricultural land have been established and as such the development would not conflict with Paragraph 112 of the NPPF.

It is considered that the density proposed whilst lower than what would be considered appropriate under Policy H6 of the adopted Local Plan is an acceptable use of the land in this instance considering the importance in ensuring that the development is of an appropriate design and that a landscape buffer is supplied.

The dwellings have been positioned so as to ensure an acceptable level of amenity is maintained with existing residential dwellings on Manor Drive and Manor View Close, with the

position and orientation of the dwellings also ensuring future amenities would be adequately protected. Overall, therefore, the proposal accords with Paragraph 123 of the NPPF as well as Policy E3 of the adopted Local Plan.

It is considered that the development would act as a 'natural' completion of the 'cul-de-sac' which would be created on Manor Drive and would respect the linear nature of development progressed along the eastern side of Manor Drive and Main Street, as such it would integrate into the existing built environment. The proposed scale and heights of the dwellings would also be consistent with those which exist on Manor Drive, particularly those of the new development at Manor View Close, and would include design detailing which the Local Authority considers desirable. On this basis the development is considered compliant with Paragraphs 59, 60 and 61 of the NPPF and Policies E4 and H7 of the adopted Local Plan.

The final comments of the County Highways Authority will be reported to Members on the Update Sheet but given that the proposed development would not add considerably to the total number of vehicular movements which occur on Manor Drive, particularly given the recent construction of 12 dwellings, it is considered that the relative width of the highway and visibility available at the junction would be sufficient and would ensure that the vehicular movements associated with four additional properties would not severely impact on pedestrian or highway safety. Adequate manoeuvring facilities would also be provided within the individual plots to enable vehicles to exit in a forward direction and assess the movement on vehicles on Manor Drive before exiting the plot. On this basis the proposal would be compliant with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan. Each dwelling would also be provided with a sufficient level of off-street parking so as to reduce the possibilities of the proposal creating, or contributing to, any off-street parking problem. On this basis the proposal is compliant with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan. Pedestrians utilising the public byway would also not be compromised by the additional vehicular movements associated with the dwellings given the speed of traffic on Manor Drive and clear visibility available. On this basis the proposal accords with Paragraph 75 of the NPPF.

Subject to the imposition of a landscaping condition on any consent granted, to secure native species planting, it is considered the proposal would accord with Policy E7 of the adopted Local Plan.

There are no ecological or archaeological constraints associated with the site and therefore the development would be compliant with Paragraphs 118 and 141 of the NPPF and Circular 06/05.

As the site lies within Flood Zone 1, and is also not in a critical surface water drainage area, it is considered that any surface water drainage solution would not exacerbate any localised flooding impact with a soak-away being an acceptable drainage solution, therefore compliance with Paragraph 103 of the NPPF would be met. Foul drainage would be directed to the mains sewer with such a connection being agreed with Severn Trent Water under separate legislation. Such a proposal would be acceptable in the context of Paragraph 120 of the NPPF.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 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 site location plan (1:2500) and WOR.PRP.003 Revision A (Proposed Plans - Plot 1), WOR.PRE.004 Revision A (Proposed Elevations - Plot 1), WOR.PRP.005 Revision A (Proposed Plans and Elevations - Plot 2), WOR.PRP.007 Revision B (Proposed Plans - Plot 3), WOR.PRE.008 Revision B (Proposed Elevations - Plot 3), WOR.PRP.009 Revision B (Proposed Plans - Plot 4) and WOR.PRE.010 Revision B (Proposed Elevations Plot 4), WOR.GAR.011 Revision A (Proposed Garage) and WOR.GAR.012 Revision A (Proposed Garage/Studio - Plot 4), received by the Local Authority on the 3rd May 2016, as well as drawing number WOR.LAY.002 Revision C (Proposed Layout for 4 Dwellings), received by the Local Authority on the 31st 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 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 (which shall include the planting of locally native species to the eastern and northern boundaries) 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.

- 5 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.

- 6 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.

- 7 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 and in the interests of highway and pedestrian safety.

- 8 Before first occupation of any of the dwellings, hereby permitted, the following shall be provided: -
- The off-street parking and turning facilities as shown on drawing numbers WOR.GAR.011 Revision A and WOR.GAR.012 Revision A, received by the Local Authority on the 3rd May 2016, and drawing number WOR.LAY.002 Revision C, received by the Local Authority on the 31st May 2016;
 - The access drive and turning areas shall be surfaced in accordance with the details agreed under Condition 4 of this consent;

Once provided the above shall thereafter be so maintained.

Reasons - 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.).

- 9 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 onto the highway.

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.

- 10 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.

- 11 The curtilages relating to the properties shall be confined to the areas outlined in red on the attached plan number LPA/16/00450/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.

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 pre-application stage 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 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; 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.
- 4 The available width of the Public Rights of Way must not be encroached upon by works associated with the development. The Public Rights of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.
- 5 The Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without proper authorisation. To do so may constitute an offence under the Highways Act 1980.
- 6 If the developer requires a Right of Way to be temporarily closed or diverted, for a period of up to six months, to enable construction works to take place, an application should be made to roadclosures@leics.gov.uk at least 8 weeks before the temporary closure/diversion is required.
- 7 Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- 8 No new gates, stiles, fences or other structures affecting a Public Right of Way, of either

a temporary or permanent nature, should be installed without the written consent of the Highway Authority having been obtained. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

- 9 Prior to and during construction, measures should be taken to ensure that users of the Public Rights of Way are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence.