

Residential development of three dwellings with formation of new vehicular access onto Top Road (Outline application access and layout for approval)

**Report Item No
A6**

Land At Top Road Griffydam Leicestershire

**Application Reference
16/00562/OUT**

**Applicant:
Mr B and Miss J Elson**

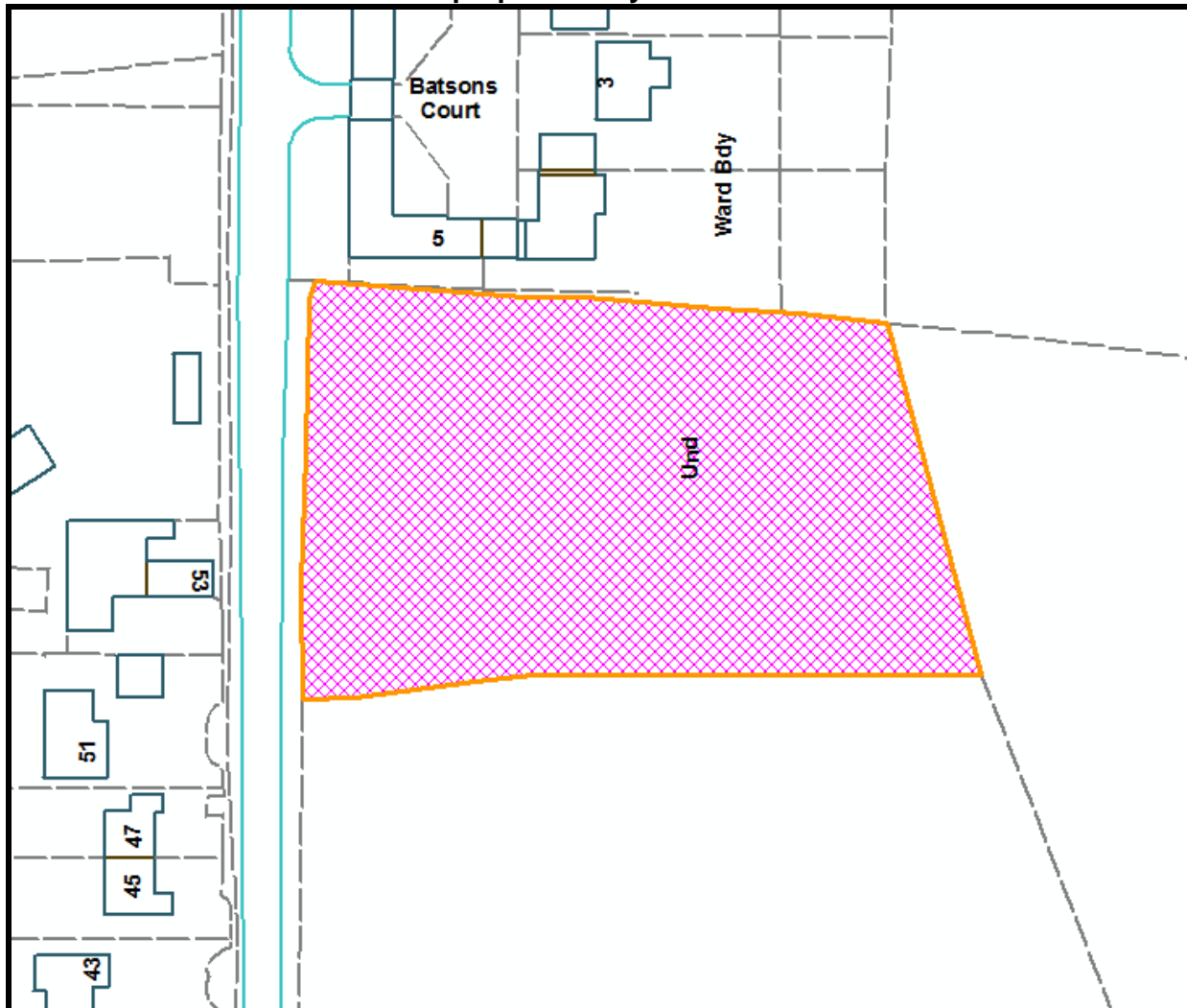
**Date Registered
16 May 2016**

**Case Officer:
Adam Mellor**

**Target Decision Date
11 July 2016**

**Recommendation:
PERMIT Subject to a Section 106 Agreement**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application has been brought to the Planning Committee at the request of Councillor Stevenson in order for the sustainability credentials of the site location to be assessed.

Proposal

Outline planning permission (with access and layout for approval at this stage) is sought for the construction of three dwellings on a 0.63 hectare site situated on the eastern side of Top Road, Griffydam. The application site is located to the south of Batsons Court and north of the playing field associated with Griffydam County Primary School and is outside the defined Limits to Development.

Consultations

A total of 11 representations have been received with 4 of these representations opposed to the development and 7 in support of the proposal. Consultation responses from Worthington Parish Council, the County Council Archaeologist 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

Although there would be a conflict with the environmental strand of sustainability, given the setting of the dwellings and that the site is outside the defined Limits to Development, it is considered that such conflict is addressed by the provision of dwellings needing to meet 'local needs', by way of a s106 agreement, and this would accord with Policy H5 of the publication version Local Plan. Notwithstanding other policy conflicts, the development would be broadly compliant with the National Planning Policy Framework (NPPF) as well as the relevant policies of the adopted Local Plan, publication version Local Plan and other relevant guidance.

Conclusion

Although there would be some conflict with the environmental strand of sustainability, given the setting of the dwellings, this conflict would not be substantial. This is due to the positioning of the dwellings which ensure that there would be no greater projection into the rural environment than existing built forms as well as the fact that the dwellings would not be isolated. The 'local need' for the dwellings, in accordance with Policy H5 of the publication version Local Plan, would also lead to the proposal being acceptable in the countryside in the context of Policy S3 of the publication version Local Plan. This conflict is considered to be outweighed by the positive economic benefits and the limited conflict with the social sustainability strand given that dwellings demonstrated to meet a 'local need' have recently been accepted in other unsustainable locations in the District. On balance, therefore, the principle of the development is accepted.

It is considered that the layout presented has demonstrated an acceptable relationship between plot 1 and nos. 4 and 5 Batsons Court in terms of overbearing or overshadowing impacts, and amenities of any future occupants, and therefore the development is considered compliant with Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

The layout of the development shows that three dwellings would be in keeping with the characteristics of the surrounding area, given the varying distances that the dwellings are from Top Road, as well as the fact that the development would have no greater projection in an eastern direction than the established built forms at Batsons Court. The development would be considered compliant with Paragraphs 57, 60 and 61 of the NPPF, as well as Policy E4 of the adopted Local Plan and Policy D1 of the publication version Local Plan.

The County Highways Authority, subject to conditions has said that the development would not result in severe detriment to pedestrian or highway safety. Sufficient off-street parking could also be provided, with the precise details being secured at the reserved matters stage. The development would accord with Paragraphs 32 and 39 of the NPPF, Policies T3 and T8 of the adopted Local Plan as well as Policies IF4 and IF7 of the publication version Local Plan.

It is considered that subject to the imposition of relevant conditions, the site could be developed so it does not cause harm to ecological species, it would not lead to impacts on archaeology in the area, would result in the provision of additional landscaping whilst maintaining existing landscaping, and would have acceptable foul and surface water drainage. On this basis the development would accord with Paragraphs 103, 118, 120 and 141 of the NPPF, Circular 06/05, Policies E7, F1, F2 and F3 of the adopted Local Plan and Policies En1, En3, He1, Cc2 and Cc3 of the publication version Local Plan.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions and completion of a Section 106 Agreement.

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

MAIN REPORT

1. Proposals and Background

Outline planning permission (with access and layout included for determination) is sought for the erection of three dwellings on land at Top Road, Griffydam. The site is 0.63 hectares in size and currently forms part of a field, located on the eastern side of Top Road. The site is currently outside the Limits to Development, with the surrounding area consisting of residential properties, Griffydam County Primary School and open fields.

The proposed dwellings would be two storeys in height. Two of the dwellings (Plots 1 and 2) would be located on the western part of the site with the third (Plot 3) set back more centrally. A new access is proposed at the southern end of the site's frontage with Top Road, with a private drive extending between Plots 1 and 2 and Top Road and then back into the site to serve Plot 3 and a detached triple garage.

All three dwellings would be proposed as 'local need' dwellings, with the dwellings also being constructed to Code 5 for Sustainable Homes. In addition to a 'local need' obligation, a reduced market value obligation of 80% has been agreed with the applicants. The dwellings would be 'self-build' properties with each occupant designing a dwelling with a bespoke internal layout and appearance.

No relevant planning history was found.

2. Publicity

12 neighbours have been notified (Date of last notification 21 June 2016)

Site Notice displayed 25 May 2016

Press Notice published 25 May 2016

3. Consultations

Worthington Parish Council consulted 19 May 2016

County Highway Authority consulted 19 May 2016

Severn Trent Water Limited consulted 19 May 2016

Head of Environmental Protection consulted 19 May 2016

County Archaeologist consulted 19 May 2016

LCC ecology consulted 19 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 no representation received to date, any response will be reported to Members on the Update Sheet.

Leicestershire County Council - Ecology has no objections.

Leicestershire County Council - Highways has no objections subject to conditions.

NWLDC - Environmental Protection has no objections.

Severn Trent Water no representation received to date, any response 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

Four letters of representation have been received objecting to the application with the comments raised summarised as follows: -

- The village has relatively limited provision for new development with poor transport services and restricted local services.
- The allotments do not count as open space as privately owned.
- The Beaumont Centre is located in Peggs Green.
- All the services referred to are in a different parish.
- Griffydam is unsustainable and previous developments have been prevented due to this. There is no shop, no Post Office and no pub as it has recently closed.
- Griffydam is a hamlet and not a 'larger sustainable village'.
- Development should not be granted on countryside outside the Limits to Development in an unsustainable hamlet.
- The proposal does not come under any of the exceptions listed under Local Plan Policies S3 and S4.
- The selling of the third house to fund the building of the other two houses for the two applicants does not constitute local need.
- If a pavement was installed then parking would increase on both sides of the road and create a serious safety issue.
- Speeding issues along Top Road.
- New drive will be used by school traffic to turn around.
- Informed comments cannot be given on effects of the proposal on the amenities of nearby residents as no accurate scaled diagram or measurements provided.
- Unclear what green circles are on the plan and can the one on the northern boundary be repositioned away from No. 4 Batsons Court?
- Can the houses be moved away from Batsons Court?
- Loss of privacy/overlooking.
- Overshadowing/loss of light/overbearing.
- Character of the surrounding countryside would be eroded.
- Severe impact on field patterns.
- The site is in the National Forest.
- Impact on views.
- Impact on property values.
- Inaccuracies with information submitted with the application.
- Site is in Worthington Parish and not in Coleorton Parish.
- Services (drainage and sewerage) are already experiencing problems.

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

- Housing is needed in Griffydam;
- Development would be in keeping with the existing properties;
- Off-street parking would be provided for the dwellings;

- Infill development is acceptable in smaller settlements;
- No new houses have been built in Griffydam since the Batsons Court development therefore there is a need for new dwellings;
- Proposal will retain existing vegetation and will promote the planting of further hawthorn hedges which should be supported.
- Only one access point will limit any conflicts between the vehicles exiting the site and movements already undertaken on the carriageway.
- Dwellings will be self-built properties.

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 NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted 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 due 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 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 123 (Conserving and enhancing the natural environment);
Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

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

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

Publication Version North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the advanced stage that has now been reached it is considered that weight can be attached to the following policies: -

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H5 - Rural Exceptions Sites for Affordable Housing;
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 En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - 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 NPPG 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. It 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 and Sustainability

In accordance with the provision 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 Local Plan (2002 (as amended)).

The application site 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, or Policy S3 of the publication version Local Plan.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the published Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

With regards to the sustainability credentials of the site, it well related to the following services which are within an acceptable walking distance of 800 metres, or 1000 metres for a school: -

- School (Griffydam Primary School, Top Road - 170 metres);
- Bus Stop for One Service (Paul S Winson Coaches no. 129 - Ashby De La Zouch to Loughborough Monday to Saturday on Top Road - 232.0 metres);

It is possible to access these services via maintained footpaths which are well lit. The bus service is less than hourly.

The social role, as defined in Paragraph 7 of the NPPF, requires the supply of housing to be linked to accessible local services which meet the needs of the community and support its health, social and cultural well being. As identified above Griffydam does not benefit from many services and residents would be relatively isolated from shops, medical services and cultural or recreational facilities. Coleorton is the nearest settlement which provides a shop with the nearest centres offering significant employment opportunities being Coalville and Ashby De La Zouch. The public transport provision, being on a two hourly basis and not extending onto the evening hours, would also restrict opportunities to access services other than via the private car. As a consequence, in the terms of the social role as defined by the NPPF, the accessibility to a range of local services for residents of the proposed housing would be limited.

Whilst accepting that the application site is not within a socially sustainable location, the supporting information below highlights that the three dwellings to be created would be to meet a 'local need'. The supporting information specifies the following: -

"Following consultation with the local planning officer it was agreed that the dwellings would be put forward as local needs with a condition in place that market value is set as 80% or less.

These dwellings would initially be occupied by the applicants and thereafter remain as affordable units in perpetuity.

The applicants would comply with this policy with both residing in the locality. Bryan Elson lives in Coleorton (18 The Moorlands) since 1990 and Jane Elson has resided in Swannington (25 Church Hill) since 1997."

The supporting information also highlights that the proposed dwellings would be 'self build' properties which could be cheaper to construct than a market equivalent dwelling and would give the home owner the opportunity to build a bespoke dwelling.

The scheme would provide dwellings to meet a 'local need' and the resolution to secure such an obligation on the dwellings, along with an obligation outlining that the dwellings could only be sold at 80% of their market value, would make the properties more affordable to local residents in the future. The completion of a Section 106 agreement will ensure that such dwellings would be permanently available for such purposes.

Policy H5 of the publication version Local Plan indicates that this form of development would be acceptable, subject to a local need restriction, in settlements considered to be unsustainable. Taking this point into account, along with the economic benefits and the construction of the dwellings to meet Code 5 for Sustainable Homes, it is considered that the development would be compatible with the social sustainability aims of the NPPF.

The site is currently greenfield with the Limits to Development on the opposite side of Top Road to the west of the site, under the publication version Local Plan the 'Limits' to Griffydham would be removed given that the settlement is not considered sustainable, with the designation of land being countryside. In the circumstances that the land is outside the defined Limits to Development it is assessed in the context of Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan.

The Local Authority can demonstrate a five year housing land supply, so Policy S3 of the adopted Local Plan can be given full weight and Policy S3 of the publication version Local Plan can be given increased weight. With regards to Policy S3 of the adopted Local Plan the proposed development would conflict with the intentions of the Policy given that it is not a form of development considered appropriate outside the defined Limits to Development. However, in respect of Policy S3 of the publication version Local Plan a residential development compliant with Policy H5 is deemed appropriate. Policy H5 specifies that: -

"The provision of affordable housing outside of the Limits to Development will be allowed as an exception where:

- (a) The housing is demonstrated to meet an identified local need for affordable housing, and*
- (b) The development is well-related to and respects the character and scale of the settlement and its landscape setting and*
- (c) The development allows accessibility to community services and facilities within it, where appropriate."*

It is highlighted above that the dwellings are proposed to meet 'local needs' and that the cost of constructing a property would be less than the market value of a dwelling within one mile of the application site which would meet the 'needs' of the applicants. Thereby the scheme is compliant with the intentions of Policy H5 of the publication version Local Plan.

It would also need to be determined 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 site is close to existing dwellings on both sides of Top Road and would be read in conjunction with these dwellings when approaching the site along nearby roads. In this context it would be difficult to conclude that the dwellings would be 'isolated'.

Ultimately there would be implications to the 'openness' of the rural environment, given that a greenfield site would be built upon. However, the dwellings have been positioned so as to ensure that they are closely associated with existing built forms and would lead to a natural gap, which exists between Batsons Court and Griffydam Primary School, being in-filled. In addition the dwellings would not have a greater projection into the rural environment in an eastern direction than the dwellings associated with Batsons Court, to the north of the site, with the established rear boundaries acting as a defensible barrier in preventing similar forms of development occurring on other sites in the area. In this circumstance the implications to the 'openness' of the rural environment would not be so adverse as to suggest the development should be resisted.

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 unlikely that the proposal would disrupt the agricultural operations undertaken on the remaining land. On this basis the development would not conflict with Paragraph 112 of the NPPF.

Constructing the dwellings to meet Code 5 for Sustainable Homes would also assist in offsetting the environmental harm caused by a heavy reliance on the private car to access basic services, thereby ensuring the proposal would support the approach of the NPPF towards a low carbon economy.

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. This is due to the positioning of the dwellings which ensure that there would be no greater projection into the rural environment than existing built forms, as well as the fact that the dwellings would not be isolated. The 'local need' for the dwellings, in accordance with Policy H5 of the publication version Local Plan, would also lead to the proposal being acceptable in the countryside in the context of Policy S3 of the publication version Local Plan. Any conflict arising in respect of environmental sustainability would also be outweighed by the positive economic benefits and the limited conflict with the social sustainability strand, given that dwellings demonstrated to meet a 'local need' have recently been accepted in other unsustainable locations in the District. On balance, therefore, the principle of the development would be accepted.

Accessibility

Objections have been received in respect of additional traffic and the provision of a raised footway increasing the probability of on-street parking increasing, as well as impacting on highway safety given that vehicles often travel in excess of the speed limit.

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, as well as relevant notes to the applicant, which will secure the precise details of the vehicular access (including visibility splays), sufficient off-street parking and manoeuvring space within the site to enable vehicles to exit in a forward direction. In terms of the objections received relating to vehicle speeds, it is considered that this is a matter for the police to address should vehicles exceed an enforced speed. There are also no restrictions in place in the highway to prevent the existing on-street parking situation and, should this be considered a particular issue it would be the duty of the County Highways Authority to address such a matter by potentially providing restrictions such as double yellow lines.

Paragraph 32 of the NPPF identifies that applications should only be refused on transport grounds where the cumulative impacts of the development are severe. As no objections are raised by the County Highways Authority, subject to conditions, it is considered that the development is compliant with the aims of this Paragraph as well as Policy T3 of the adopted Local Plan and Policy IF4 of the publication version Local Plan.

The amount of off-street parking required for each dwelling would be dictated by the overall amount of bedrooms proposed and, as such, this matter would be addressed and assessed during the consideration of any subsequent reserved matters application submission. Whilst this is the case, it is considered that the proposed layout shows each dwelling could be served by an appropriate level of off-street parking and as such the scheme would be compliant with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the publication version Local Plan.

Neighbours and Future Occupants' Amenities

The proposed layout is for approval at this stage and it is considered that the properties most immediately affected by the proposal would be nos. 4 and 5 Batsons Court, located to the north of the application site.

It is shown on the layout plan that plot 1 would be set 8.0 metres from the southern elevation of no. 5 Batsons Court and 3.5 metres from the shared boundary, which is currently defined by mature conifer hedgerow planting which is substantial in height (around 8.0 metres). In reviewing the approved floor plans for no. 5 Batsons Court, as agreed under application reference 01/00776/OUT, it would appear that the southern elevation of this property contains a bathroom window and two roof lights serving a bedroom and en-suite. The scale of the dwelling to plot 1 would be agreed under a subsequent reserved matters application and in considering the scale of the property, due regard would be given to the relationship established with no. 5 Batsons Court. In the main, however, it is considered that the presence of the dense vegetation to the shared boundary would ensure that the position of the dwelling would not result in any adverse overbearing or overshadowing impacts. In respect of overlooking impacts, these would be considered under any under subsequent reserved matters application once the position of the windows and doors was known.

With regards to no. 4 Batsons Court, plot 1 would be set 9.5 metres from the corner of the western and southern elevations and 5.0 metres from the boundary which is defined by post and wire fence and hedgerow to a height of 2.0 metres. The approved floor plans for no. 4 Batsons Court, as approved under application reference 02/00707/FUL, identify that the southern elevation contains three windows (serving a utility and study at ground floor and a bedroom at first floor level) with a first floor bedroom window also be situated in the western

elevation. As identified above, the scale of the property would be agreed under a subsequent reserved matters application but in the circumstances that plot 1 is positioned to the south-west of no. 4, and as such is not directly in front of its southern elevation, it is considered that the distances would ensure that no adverse overshadowing or overbearing impacts. Again overlooking impacts would be assessed once the position of windows was known.

Plots 2 and 3 being set 18.0 and 27.0 metres, respectively, from the boundaries with nos. 4 and 5 Batsons Court would ensure that no adverse overbearing or overshadowing impacts would arise.

In respect of the amenities of any future occupants, it is considered that the bedroom window installed in the southern elevation of no. 4 Batsons Court is not of a size which would allow prominent views to be established onto the residential garden associated with plot 1, with only an oblique angle of view provided towards the immediate rear elevation of this plot. The bedroom window in the northern elevation would also only provide an oblique angle of view towards the rear elevation of plot 1. In these circumstances the future occupants of plot 1 would not be subject to a level of overlooking which would justify a refusal of the application, particularly as they would be aware of this relationship prior to their purchase. The relationship between the plots themselves would also be considered acceptable subject to the position of windows being carefully considered, particularly in the western elevation of plot 3 and eastern elevation of plot 2, at the reserved matters stage.

Whilst the application site is situated adjacent to the playing field associated with Griffydham Primary School, the Council's Environmental Protection team have raised no objections in respect of the relationship which would be established. As such it is considered that any future occupants would not be subjected to a level of disturbance which would cause harm to their amenities.

Overall, the development proposals are considered to be compliant with Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the publication version 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 adopted Local Plan Policies E4 and H7, as well as Policy D1 of the publication version Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

The application site slopes downwards from north to south as well as from west to east, with a mature hedgerow to a height of 1.2 metres currently defining the roadside (western) boundary of the site. The residential development comprising Batsons Court is located to the north with residential properties being located to the west of the site on the opposite side of Top Road, and the playing field associated with Griffydham Primary School being situated to the south. Open countryside exists to the east of the site. The properties within the immediate area comprise a mix of single and two-storey dwellings which are predominately detached or semi-detached types.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later stage, although the layout is for approval under this application. Properties on the western side of Top Road largely front onto the highway, at differing distances, with the Batsons Court development on the eastern side being focused around an internal courtyard. The properties to the south of Griffydham School on the same side of the highway also front onto Top Road. The layout highlights that the proposed dwellings would front onto Top Road although

their proximity to the highway varies due to the provision of manoeuvring facilities and off-street parking being supplied to the frontage of plot 3. Whilst plot 3 would be set further back than plots 1 and 2, given the position of dwellings on the Batsons Court development (in particular no. 3 Batsons Court) as well as the layout of dwellings in the immediate area, it is considered that such a form of development would not result in detriment to the character of the streetscape or wider area.

Under the terms of the Self-build and Custom Housebuilding (Register) Regulations 2016 the Local Planning Authority has a duty to provide a self build register with such a register being in place from the 1st April 2016. To date 23 people have registered their interest in self build projects within the District. The application proposes that the three dwellings would be 'self build' plots which may therefore lead to individual design options being submitted. If individual design options are pursued by future occupants it would be important to promote local distinctiveness but Paragraph 60 of the NPPF makes it clear that *"planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."* Although, at this stage, it is not considered necessary for the scheme to be secured as a 'self-build' project, a condition could be imposed on any consent granted requiring the submission of a design code should such an approach be taken to developing the site. This would ensure that there would be some consistency between the dwellings designs which would promote local distinctiveness as well as reinforce a National Forest identity.

Overall the development is considered to be compliant with Paragraphs 57, 60 and 61 of the NPPF as well as Policy E4 of the adopted Local Plan and Policy D1 of the publication version Local Plan. Should reserved matters be dealt with under the adopted Local Plan, the proposal would be required to meet the requirements of Policies H7 and F1. If reserved matters are dealt with after the Council has adopted a new Local Plan, reserved matters will be dealt with in accordance with its policies.

Landscaping

As the application site is situated within the National Forest, a strong landscaping scheme would be a necessity for the development with Policies E7 and F2 of the adopted Local Plan seeking to ensure that existing vegetation is retained and enhanced. The vast majority of the existing vegetation on the site is located to the boundaries, in the form of hedgerows and trees, and it is considered that the proposed layout demonstrates that the dwellings would be situated a sufficient distance from this vegetation so as to ensure it can be retained. Additional landscaping to supplement the existing vegetation would be secured under any subsequent reserved matters application.

Overall the development would be compliant with the aims of Policies E7, F1, F2 and F3 of the adopted Local Plan and Policy En3 of the publication version Local Plan.

Ecology

The County Ecologist has no objections and advises that there are no requirements for ecology surveys or mitigation, on the basis that the site is currently arable of low wildlife value and located between existing development plots. It is also advised that frontage hedgerow has been subject to trimming, and therefore unlikely to harbour badgers, and that there are no great crested newt ponds within 100.0 metres. On the basis of these conclusions it is considered that the proposal is unlikely to adversely affect protected species and therefore, it complies within the aims of Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the publication

version Local Plan.

Archaeology

No representation to the application has been received from the County Council Archaeologist and in this circumstance it is considered that archaeological remains would not act as a constraint on the development. This would ensure that it accords with Paragraph 141 of the NPPF as well as Policy He1 of the publication version Local Plan.

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, as well as Policies Cc2 and Cc3 of the publication version Local Plan.

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

Impact on views and impact on property values are not planning matters and therefore cannot be taken into account in the determination of the application.

In respect of the concerns raised regarding inaccuracies in the application submission, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application have allowed for the application to be fully and adequately assessed.

Summary Reasons for Granting Outline Planning Permission

Although there would be some conflict with the environmental strand of sustainability, given the setting of the dwellings, this conflict would not be substantial. This is due to the positioning of the dwellings which ensure that there would be no greater projection into the rural environment than existing built forms as well as the fact that the dwellings would not be isolated. The 'local need' for the dwellings, in accordance with Policy H5 of the publication version Local Plan, would also lead to the proposal being acceptable in the countryside in the context of Policy S3 of the publication version Local Plan. This conflict is considered to be outweighed by the positive economic benefits and the limited conflict with the social sustainability strand given that dwellings demonstrated to meet a 'local need' have recently been accepted in other unsustainable locations in the District. On balance, therefore, the principle of the development is accepted.

It is considered that the layout presented has demonstrated an acceptable relationship between plot 1 and nos. 4 and 5 Batsons Court in terms of overbearing or overshadowing impacts, and

amenities of any future occupants, and therefore the development is considered compliant with Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

The layout of the development shows that three dwellings would be in keeping with the characteristics of the surrounding area, given the varying distances that the dwellings are from Top Road, as well as the fact that the development would have no greater projection in an eastern direction than the established built forms at Batsons Court. The development would be considered compliant with Paragraphs 57, 60 and 61 of the NPPF, as well as Policy E4 of the adopted Local Plan and Policy D1 of the publication version Local Plan.

The County Highways Authority, subject to conditions has said that the development would not result in severe detriment to pedestrian or highway safety. Sufficient off-street parking could also be provided, with the precise details being secured at the reserved matters stage. The development would accord with Paragraphs 32 and 39 of the NPPF, Policies T3 and T8 of the adopted Local Plan as well as Policies IF4 and IF7 of the publication version Local Plan.

It is considered that subject to the imposition of relevant conditions, the site could be developed so it does not cause harm to ecological species, it would not lead to impacts on archaeology in the area, would result in the provision of additional landscaping whilst maintaining existing landscaping, and would have acceptable foul and surface water drainage. On this basis the development would accord with Paragraphs 103, 118, 120 and 141 of the NPPF, Circular 06/05, Policies E7, F1, F2 and F3 of the adopted Local Plan and Policies En1, En3, He1, Cc2 and Cc3 of the publication version Local Plan.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions and completion of a Section 106 Agreement.

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

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

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

- site location plan (1:1250) deposited with the Local Authority on 16th May 2016;
- drawing no. 7281 (Residential Development, Sketch Option, Top Road, Griffydam) deposited with the Local Authority on the 16th May 2016;

unless otherwise required by another condition of this permission.

Reason - to determine the scope of this permission.

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

any development is commenced.

Reason - this permission is in outline only.

- 4 Prior to the submission of the first reserved matters application, a Design Brief shall be submitted to and agreed in writing by the Local Planning Authority. The brief shall include details of materials and parameters of scale and form as well as the precise details and means of achieving the construction of the dwellings to Code 5 of Sustainable Homes.

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

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

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

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

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

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

- 7 Notwithstanding the details shown on the approved plans the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays which will be submitted to the Local Planning Authority in consultation with the County Highways Authority before the development commences. Once agreed the proposed development shall be constructed in accordance with the approved details prior to the first occupation of any dwelling and be so permanently maintained.

Reason - to ensure a satisfactory form of development and in the interests of highway safety.

- 8 Notwithstanding the details shown on the approved plans no development shall commence until precise details of the vehicular access into the site are submitted to and approved in writing by the Local Planning Authority in consultation with the County

Highways Authority. The access should be designed in accordance with the 6Cs Design Guide to include width, gradient, gates setback, surfacing and drainage. Once agreed the development shall be constructed in accordance with the approved details prior to the first occupation of any dwelling and be permanently so maintained.

Reason - to ensure a satisfactory form of development and in the interests of highway safety.

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

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

Notes to applicant

- 1 Outline planning permission has been granted for this proposal. The Local Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 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.
- 4 To accord to Highway Authority standards, car parking spaces should have minimum dimensions of 2.4 metres in width and 5.5 metres in length. Where bounded by walls, fences, vegetation or other similar obstruction, a minimum additional 0.5 metre clear margin will be required to allow full access to and from all car doors (including the boot). For a garage to count as a parking space, it must have minimum internal dimensions of 3.0 metres width and 6.0 metres length.
- 5 The proposed road(s) are unlikely to conform to an acceptable standard for adoption and therefore it (they) will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/6csdg or email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access

advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted to the Local Planning Authority before any dwelling is first occupied.

- 6 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com.