

Erection of detached dwelling with associated detached garage

Report Item No
A7

Land To The Rear Of George Inn Loughborough Road
Coleorton Coalville Leicestershire LE67 8HF

Application Reference
16/00544/FUL

Applicant:
Mr & Mrs Wilkinson

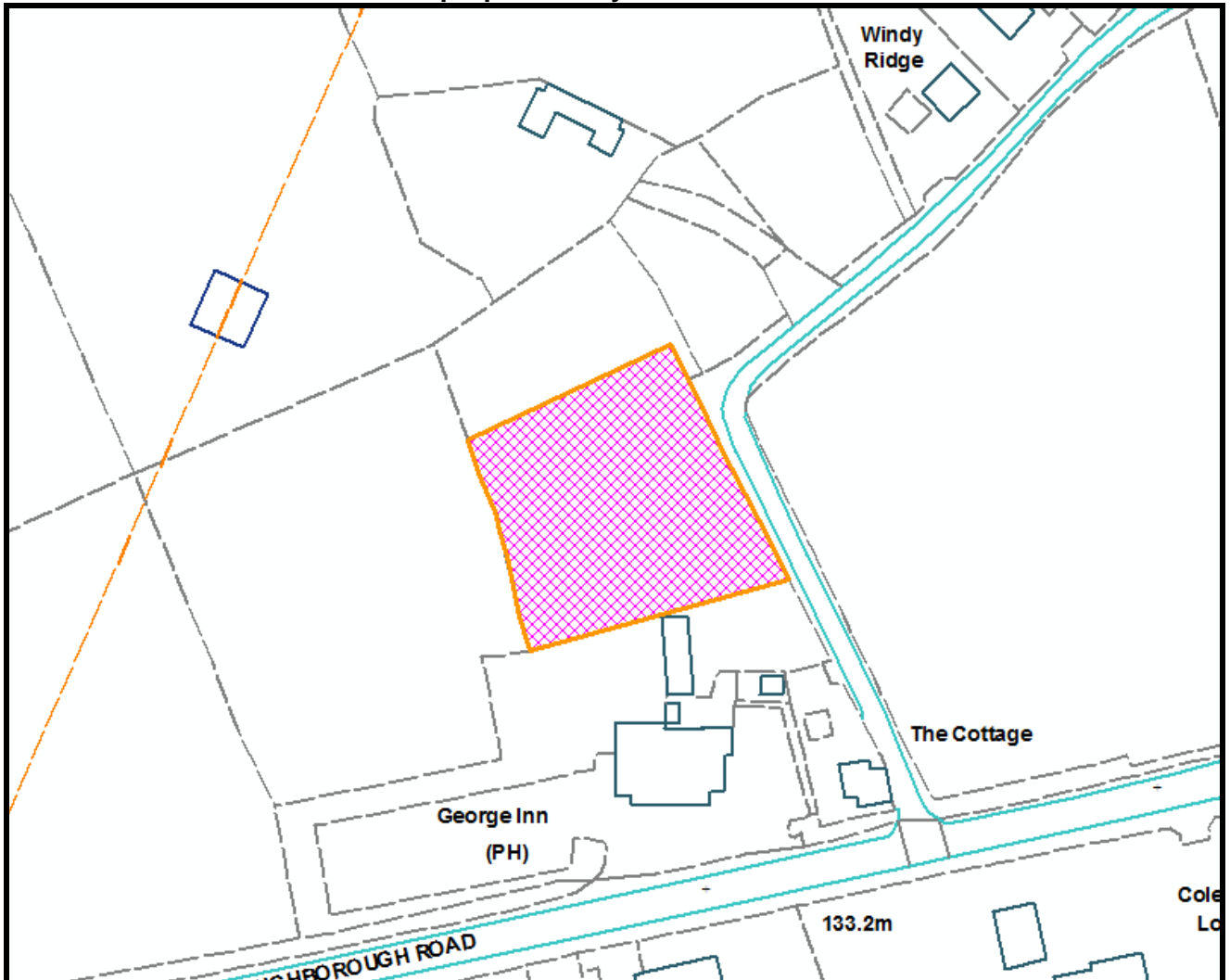
Date Registered
12 May 2016

Case Officer:
Adam Mellor

Target Decision Date
7 July 2016

Recommendation:
PERMIT Subject to Section 106 Agreement

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 detached dwelling with associated detached garage at land to the rear of the George Inn, Loughborough Road, Coleorton. The 0.15 hectare site is currently grassland associated with the public house and is accessed off Bakewells Lane. It is proposed that the dwelling would meet a 'local need' by allowing the current tenants of the public house to semi-retire and support their daughter who would take over the running of the pub. The application site is outside the defined Limits to Development.

Consultations

A total of 17 individual representations have been received in support of the application with no third party objections. Coleorton Parish Council object to the proposal. A revised consultation response from the County Highways Authority, as well as consultation response from Severn Trent Water, are awaited 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 dwelling and that the site is outside the defined Limits to Development, it is considered that such conflict is addressed by the provision of a dwelling to meet a 'local need' which would accord with Policy H5 of the publication version Local Plan. Notwithstanding other policy conflicts, the development would be broadly compliant with all other relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant saved policies of the adopted Local Plan, publication version Local Plan and other relevant 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, given the setting of the dwelling, would not be substantial as the position of the dwelling would be well related with existing and proposed built forms, not leading to it being isolated. The 'local need' for the dwelling, in accordance with Policy H5 of the publication version Local Plan, would also mean the proposal is 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 and social benefits associated with the development, with there also being additional environmental benefits associated with the provision of renewable energy technologies and a reduction in travelling distances for the applicant's daughter who is employed at the George Inn. On balance, therefore, the principle of the development would be accepted.

The dwelling has been positioned so as to ensure an acceptable level of amenity is maintained

for the George Inn, as well as the new dwelling which is being created to the north of the site. Overall the development would be compliant with Paragraph 123 of the NPPF as well as Policy E3 of the adopted Local Plan, and Policy D2 of the publication version Local Plan.

From a design perspective the dwelling has been positioned and orientated so that it does not result in it impacting adversely on the openness or appearance of the wider rural environment. The design of the dwelling itself is considered to be acceptable with the detached garage being subservient to host building. Overall, the proposal would be compliant with Paragraphs 57, 60 and 61 of the NPPF, Policies E4 and H7 of the adopted Local Plan and Policy D1 of the publication version Local Plan.

It is considered that the vehicular access into the site, which would be the upgrading of an existing access, would be provided with appropriate visibility splays with other works being carried out within the highway so as to ensure that conflict between vehicles on Bakewells Lane would be limited. Relevant manoeuvring facilities and off-street parking spaces for dwellings would also be provided. On this basis the proposed scheme would accord with Paragraphs 32 and 39 of the NPPF, Policies T3 and T8 of the adopted Local Plan and Policies IF4 and IF7 of the publication version Local Plan.

In respect of landscaping, the dwelling and detached garage have been positioned outside the root protection areas of the trees on the site which are considered important and which should be retained. In these circumstances the development would be compliant with Policies E7, F1, F2 and F3 of the adopted Local Plan and Policy En3 of the publication version Local Plan.

The County Council Ecologist and County Council Archaeologist have outlined that there is no requirement for a protected species survey or archaeological investigation to be carried out and, as such, the development would be compliant with Paragraphs 118 and 141 of the NPPF, Policies En1 and He1 of the publication version Local Plan and Circular 06/05. An acceptable foul and surface water drainage scheme could also be supplied for the development in order to accord with Paragraphs 103 and 120 of the NPPF as well as Policies Cc2 and Cc3 of the publication version Local Plan.

Subject to the Coal Authority raising no objection to the revised information supplied within the Coal Mining Risk Assessment, it is considered that a development could be progressed which would accord with Paragraphs 120 and 121 of the NPPF as well as Policy En6 of the publication version Local Plan.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions and the 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

Planning permission is sought for the erection of a detached dwelling with associated detached garage at land to the rear of the George Inn, Loughborough Road, Coleorton. The 0.15 hectare site is currently grassland situated to the north of the garden associated with the public house, and is to the west of Bakewells Lane. It is identified on the Proposals Map to the adopted Local Plan that the site is outside the defined Limits to Development and the surrounding area is predominately open countryside with dwellings being sporadically placed along Loughborough Road and Bakewells Lane. To the immediate north of the site a dwelling was approved under application reference 15/00958/FUL which met a 'local need'.

The dwelling to be constructed would be a three bed two-storey (habitable accommodation in the roof slope) detached type, with a gross internal floor area of 152.0 square metres and utilising a pitched gable ended roof with an eaves height of 4.2 metres and ridge height of 7.6 metres. A detached single garage would be associated with the dwelling which would have a gross internal floor area of 18.0 square metres and utilisation of a pitched gable ended roof with an eaves height of 2.9 metres and ridge height of 4.4 metres.

Vehicular access into the site would be gained via an existing access off Bakewells Lane which would be improved to comply with the County Council's 6Cs Design Guide.

It is highlighted in the supporting design and access statement that the dwelling will be provided to meet a 'local need' with the applicant's currently running the George Inn. It is intended that the applicant's daughter and her family would occupy the public house once the dwelling was provided with the applicant's assisting in the running of the business.

In support of the application a design and access statement, coal mining risk assessment and tree survey have been submitted.

No recent relevant planning history was found.

2. Publicity

4 neighbours have been notified (Date of last notification 16 May 2016)

Site Notice displayed 24 May 2016

Press Notice published 25 May 2016

3. Consultations

Coleorton Parish Council consulted 16 May 2016

Coal Authority consulted 29 June 2016

Parish Clerk Coleorton Parish Council consulted 16 May 2016

County Highway Authority consulted 16 May 2016

Severn Trent Water Limited consulted 16 May 2016

Head of Environmental Protection consulted 16 May 2016

NWLDC Tree Officer consulted 16 May 2016

County Archaeologist consulted 16 May 2016

LCC ecology consulted 16 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.

Coal Authority has no objections subject to conditions.

Coleorton Parish Council object to the application as the site is outside the Limits to Development and there are concerns associated with the highway access.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Ecology has no objections to either the initial or revised plans.

Leicestershire County Council - Highways Authority provided initial advice outlining that the visibility splays for the access needed to be in accordance with those within the 6Cs Design Guide. Following receipt of a revised plan the revised comments of the County Highways Authority are awaited and will be reported to Members on the Update Sheet.

NWLDC - Environmental Protection has no objections.

NWLDC - Tree Officer has no objections subject to the Sycamore trees being retained.

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

Third Party Representations

17 representations have been received from third parties which support the development proposals and whose comments are summarised as follows: -

- Proposed property will enhance the visual amenity of the area.
- Property will not impact adversely on residential amenities.
- The proposed dwelling will meet a Local Need by allowing the applicant's to semi-retire and allow their daughter to manage the public house.
- Their daughter will no longer need to travel to Burton for work which is more sustainable.
- The application site is within walking distance of numerous services.
- There is no accident record at the junction of Bakewells Lane with Loughborough Road.
- The design of the property will be sympathetic to the environment.
- The build will include environmental technologies.
- Additional residents will assist in sustaining services.
- A dwelling has recently been approved in the area under similar circumstances.
- There will be no adverse impacts to ecological species.

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 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 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 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 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: -

- Shop/Post Office (Lower Moor Road - 784 metres);
- Public House (George Inn, Loughborough Road - 53 metres);
- Bus Stop for Two Services (Robert Coaches Air Link Service 155 1 hourly between Coalville and East Midlands Airport Monday to Saturday - 620 metres on The Moor and Arriva Service 9 1 hourly between Burton on Trent to Loughborough via Ashby De La Zouch Monday to Sunday (limited service on a Sunday) - 147 metres on Loughborough Road);

It is possible to access these services via maintained footpaths which are well lit. The 60 metre walk along the Bakewells Lane carriageway to reach the pavement on Loughborough Road is not considered prohibitive in allowing any future resident to access these services given the speed of traffic, and frequency of vehicular movements, on this highway. Amendments on the plans also provide a direct access between the dwelling and the George Inn and therefore, it may be expected that this would be used as the route to reach Loughborough Road rather than Bakewells Lane.

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 options albeit, it is acknowledged that the occupants would remain employed at the George Inn. In this circumstance it is considered that a scheme for one dwelling would score well against the social sustainability advice contained within the NPPF with occupants of the property assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

The site is outside the defined Limits to Development and therefore assessed in the context of Policy S3 in both the adopted and publication version Local Plans with it being accepted that the site is now significantly detached from the nearest Limits to Development on the Proposals Map to the publication version Local Plan (the Limits to Development around the three properties to the north-east now being removed). In terms of the sites topography, it slopes gently downwards from the north to south.

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 this Policy given that it is not a form of development considered appropriate outside the defined Limits to Development. 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 that the dwelling is to meet a 'local need' which is outlined in the Proposals and Background section of this report, and which is further elaborated on as follows: -

"the applicants for this proposal have run and lived at the George Inn for the past 13 years and now looking to semi retire passing over the day to day running to their daughter who already works at the pub. The pub would be occupied by their daughter and her husband together with their 4 year old son, who would be schooled locally (Mr and Mrs Sean Hart currently residing in Burton on Trent). They are happy that a condition is placed on the house restricting its occupancy to those with a local connection either through family or employment and the application can therefore be viewed as an exception site."

The supporting information specifies that the 'need' for a dwelling of a similar scale cannot be met from the existing housing stock. From the evidence available, it would appear that the costs associated with building a new dwelling would be substantially less than any of the properties within the immediate area which would meet the 'needs' of the applicant.

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 closely associated with the George Inn public house as well as The Cottage on Loughborough Road, both to the south, with planning permission also recently being granted for a dwelling to the immediate north of the site. Given the association with these built forms it is considered that it would be difficult to justify that the dwelling is 'isolated'.

Whilst having some impact on the openness of the rural environment, it is proposed that the dwelling is positioned so as to respect the defining characteristic of properties on Bakewells Lane and would be clustered with existing properties, particularly when factoring into account the new dwelling to the north. Therefore, in both close and far views the dwelling would be viewed in connection with built forms. On this basis, the impact on the 'openness' of the rural environment would not be so adverse to suggest the development should be resisted.

It is also acknowledged that the daughter of the applicants would no longer need to travel from Burton on Trent to her place of employment at The George which would reduce their reliance on the private car, thereby decreasing carbon emissions, with the provision of renewable energy technologies also helping to off-set private vehicular manoeuvres.

In order to comply with the aims of Policy H5 of the publication version Local Plan it will be necessary for the occupants to enter into a s106 agreement whereby the property would remain permanently available to meet a 'local need'.

In conclusion whilst there would be some conflict with the environmental strand of sustainability, given the setting of the dwelling, this conflict would not be substantial. This is due to the property being well related with existing and proposed built forms, not leading to it being isolated. The 'local need' for the dwelling, in accordance with Policy H5 of the publication version Local Plan, would also mean the proposal is 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 and social benefits associated with the development, with there also being additional environmental

benefits associated with the provision of renewable energy technologies and a reduction in travelling distances for the applicant's daughter who is employed at the George Inn. On balance, therefore, the principle of the development would be accepted.

Residential Amenities

It is considered that the properties most immediately affected by the proposed development would be the residential areas within the George Inn, to the south, as well as the dwelling granted planning permission under application reference 15/00958/FUL to the north.

The proposed dwelling would be set 16.0 metres from what would become the shared boundary between the site and the George Inn, and 39.0 metres from the closest part of the elevation. Given the scale of the dwelling, as well as its positioning to the north of the site, it is considered that such distances would ensure that no adverse overbearing or overshadowing impacts would arise. No windows are proposed in the southern (side) elevation of the dwelling and as such no adverse overlooking impacts would arise.

It is proposed that the dwelling would be set 10.0 metres from the shared boundary and 15.5 metres from the south-eastern (side) elevation of the new dwelling to the north. Given the orientation of the new dwelling on the land to the north, it is considered that no adverse overbearing or overshadowing impacts would arise due to the separation distances and presence of mature vegetation to the shared boundary. In terms of overlooking impacts it is proposed that a first floor window serving a bedroom would be installed in the northern (side) elevation of the application dwelling, but given the orientation of this dwelling any direct view would be towards the front amenity area of the new dwelling to the north and as such, no adverse overlooking impact would arise which would justify a refusal of the application.

In respect of future amenities it is considered that the relationship with surrounding built forms would ensure that no adverse overbearing or overshadowing impacts would arise, with any overlooking from the pub garden of the George Inn being mitigated by the provision of relevant boundary treatments and/or the reinforcement of existing vegetation. In respect of noise generated by the use of the public house, it is noted that the Council's Environmental Protection team have raised no objections and, in any event, the initial occupants of the proposed dwelling are the landlords of the George Inn and as such are fully aware of the relationship which would be established.

Overall, therefore, the proposed development is 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 Streetscape and Rural Environment

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 land on which the dwelling would be situated slopes modestly downwards from north and south and is currently bordered by mature hedgerows which range in height from 1.5 to 2.0 metres, although the hedge to the northern boundary is between 3.0 - 6.0 metres in height. Existing properties on Bakewells Lane are two-storey in height, although Corrie to the north-east is a one and a half storey dwelling, and are set back from the highway with well defined boundaries and off-street parking provided to the frontage, along with manoeuvring facilities.

Principal elevations are presented to the highway. It is considered that the proposed dwelling has been positioned away from Bakewells Lane and orientated to face it and, as such, respects the defining characteristic of properties on this highway. Therefore, the proposal would not detract from the character and appearance of the streetscape. The dwelling would also be viewed in association with built forms at the George Inn, as well as The Cottage, Loughborough Road and a new dwelling to the north and, as such, would not have a sufficiently detrimental impact on the appearance or openness of the rural environment as to justify a refusal of the application.

In terms of the design of the dwelling itself it is considered that it would be acceptable and would include design features which the District Council deems desirable (i.e. chimneys, stone cills, timber supporting canopy, eaves and verge detailing and a mid course brick detail) with the overall footprint also being consistent with development in the locality, including the recently approved dwelling to the north.

With regards to the detached garage, it is considered that this would be subservient in relation to the main dwelling, particularly as it is a single garage, and would follow a design approach which is consistent with that of the dwelling. On this basis this element of the development would be acceptable in preserving the character and appearance of the streetscape and wider area.

In order to facilitate the visibility splays for the vehicular access it would be necessary for a 35.0 metre section of the hedgerow to the eastern boundary to be repositioned to the rear of the visibility splays. In the circumstances that the hedgerow is repositioned and soft landscaped verges are provided, it is considered that such a design of access would not appear over-engineered and therefore would not impact adversely on the rural character of the streetscape. Relevant conditions imposed on any planning permission granted could secure such details.

It is proposed that the dwelling would be constructed from bricks with the use of plain clay tiles, dark oak door and white uPVC doors. The surrounding area is characterised by a mixture of materials, including brick and render, and as such the use of such materials would be acceptable in principle and would preserve the character and appearance of the surrounding area and streetscape. As no precise details concerning the type of materials to be used have been supplied, it is considered reasonable to impose a condition on any permission granted for the materials to be agreed.

Public footpath M81 runs to west of the site with public footpath M82 running to the north-east. In views from these footpaths it is considered that the development would be viewed in the context of its relationship with not only the George Inn but also the new property to the north. Given the visual assimilation of the development with existing and proposed built forms, it is considered that the dwelling would not appear isolated and would not impact adversely on people's enjoyment of the public right of way.

Overall it is considered that the layout, design and scale of the proposal is considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60 and 61 of the NPPF, Policies E4 and H7 of the adopted Local Plan and Policy D1 of the publication version Local Plan.

Highway Safety

Whilst the detailed comments of the County Highways Authority are awaited following the receipt of an amended plan, highlighting that visibility splays of 2.4m by 43.0m in a south-

eastern direction and visibility splays of 2.4m by 29.0m in a north-western direction could be achieved, it is noted that their initial comments raised no objections to the development on highway safety grounds.

Given that the required visibility splays suggested by the County Highways Authority can be achieved by virtue of the existing hedgerows being re-positioned to the back edge of these splays, it is considered that the vehicles exiting the site will be able to do so in a safe and controlled manner, particularly as clear visibility will be achieved to the junction of Bakewells Lane with Loughborough Road (A512) where most vehicle movements are likely to occur. The proposed width of the vehicular access and provision of a lay-by would also enable any vehicle entering the site to be clear of Bakewells Lane should another vehicle wish to exit at the same time thereby, limiting any conflict between vehicles in the carriageway. Sufficient space would also be accommodated in the site to enable vehicles to manoeuvre so that they exit the site in a forward direction. In the circumstances that the proposal would not be 'severely' detrimental to highway safety, it is considered that it would accord with Paragraph 32 of the NPPF as well as Policy T3 of the adopted Local Plan and Policy IF4 of the publication version Local Plan. Any comments, as well as any suggested conditions, from the County Highways Authority will be reported to Members on the Update Sheet.

The detached single garage would have internal dimensions which would be sufficient to ensure it can accommodate one vehicle with additional off street parking, for at least two vehicles, being supplied to the frontage of the proposed dwelling. Subject to such off-street parking being conditioned on any consent granted, it is considered that the proposal would accord with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the publication version Local Plan.

Ecology

The County Council Ecologist has commented on the application and has raised no objections with there being no requirement for an ecological survey to be undertaken given that the significant trees on the site would be retained. A condition requiring the submission of a landscaping scheme, including retention of trees, would be imposed on any consent granted. Subject to such a condition being included on the decision notice it is considered that the development would accord with the aims of Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the publication version Local Plan.

Landscaping

Hedgerows define the boundaries of the site with three mature trees (three Sycamores) being situated within the site itself, albeit they are located towards the south-western corner. Given the maturity of these trees and their visibility from the public domain it is considered that they contribute positively to the visual amenity of the wider area and should therefore be retained in any development progressed. The dwelling and detached garage have taken into account the relationship with these trees with the structures being positioned outside the root protection areas. Relevant management of the hedgerows could also be undertaken to improve their appearance and the repositioning of the hedgerow to accommodate the visibility splay would be acceptable subject to the creation of 'soft' verges. The imposition of a landscaping condition on any consent granted could agree the works which would be undertaken to retained vegetation, as well as securing any additional landscaping which may be required. In the circumstances that such a condition is imposed the development would accord with Policies E7, F1, F2 and F3 of the adopted Local Plan as well as Policy En3 of the publication version 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 and 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

The Coal Authority initially raised an objection to the application given that the submitted Coal Mining Risk Assessment not addressing the issues associated with the coal mining legacy on the site. Following the receipt of a revised Coal Mining Risk Assessment the Coal Authority have highlighted concerns that it has still failed to assess the risks to the development from past coal mining activity and has failed to make appropriate recommendations for intrusive site investigation works. Whilst such concerns have been highlighted the Coal Authority have stated that these issues could be addressed by the imposition of a condition on any consent granted for specific site investigation works to be undertaken in order to treat the shallow mine workings and therefore ensure the safety and stability of the development. On this basis, and subject to the imposition of the relevant conditions, it is considered that the development would accord with Paragraphs 120 and 121 of the NPPF as well as Policy En6 of the publication version Local Plan.

Summary Reasons for Granting Planning Permission

Although the application site is a greenfield site outside the defined Limits to Development, it is considered that the conflict with the environmental strand of sustainability, given the setting of the dwelling, would not be substantial as the position of the dwelling would be well related with existing and proposed built forms, not leading to it being isolated. The 'local need' for the dwelling, in accordance with Policy H5 of the publication version Local Plan, would also mean the proposal is 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 and social benefits associated with the development, with there also being additional environmental benefits associated with the provision of renewable energy technologies and a reduction in travelling distances for the applicant's daughter who is employed at the George Inn. On balance, therefore, the principle of the development would be

accepted.

The dwelling has been positioned so as to ensure an acceptable level of amenity is maintained for the George Inn, as well as the new dwelling which is being created to the north of the site. Overall the development would be compliant with Paragraph 123 of the NPPF as well as Policy E3 of the adopted Local Plan, and Policy D2 of the publication version Local Plan.

From a design perspective the dwelling has been positioned and orientated so that it does not result in it impacting adversely on the openness or appearance of the wider rural environment. The design of the dwelling itself is considered to be acceptable with the detached garage being subservient to host building. Overall, the proposal would be compliant with Paragraphs 57, 60 and 61 of the NPPF, Policies E4 and H7 of the adopted Local Plan and Policy D1 of the publication version Local Plan.

It is considered that the vehicular access into the site, which would be the upgrading of an existing access, would be provided with appropriate visibility splays with other works being carried out within the highway so as to ensure that conflict between vehicles on Bakewells Lane would be limited. Relevant manoeuvring facilities and off-street parking spaces for dwellings would also be provided. On this basis the proposed scheme would accord with Paragraphs 32 and 39 of the NPPF, Policies T3 and T8 of the adopted Local Plan and Policies IF4 and IF7 of the publication version Local Plan.

In respect of landscaping, the dwelling and detached garage have been positioned outside the root protection areas of the trees on the site which are considered important and which should be retained. In these circumstances the development would be compliant with Policies E7, F1, F2 and F3 of the adopted Local Plan and Policy En3 of the publication version Local Plan.

The County Council Ecologist and County Council Archaeologist have outlined that there is no requirement for a protected species survey or archaeological investigation to be carried out and, as such, the development would be compliant with Paragraphs 118 and 141 of the NPPF, Policies En1 and He1 of the publication version Local Plan and Circular 06/05. An acceptable foul and surface water drainage scheme could also be supplied for the development in order to accord with Paragraphs 103 and 120 of the NPPF as well as Policies Cc2 and Cc3 of the publication version Local Plan.

Subject to the Coal Authority raising no objection to the revised information supplied within the Coal Mining Risk Assessment, it is considered that a development could be progressed which would accord with Paragraphs 120 and 121 of the NPPF as well as Policy En6 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 The development shall be begun before the expiration of one year from the date of this permission.

Reason - to comply with the requirements of Section 91 of the Town and County Planning Act 1990 (as amended) and as the dwelling is required in relation to a local housing need.

- 2 The development shall be implemented in accordance with the site location plan (1:1250) and drawing numbers WIL.SBR.002 Revision A (Proposed Floor Plans/Section), WIL.SBR.003 Revision A (Proposed Elevations), WIL.SBR.004 (Proposed Site Sections), WIL.GAR.005 (Proposed Garage) and Topographical Survey, received by the Local Authority on the 12th May 2016, and drawing number WIL.SBR.001 Revision C (Proposed Site-Block-Roof Plan), received by the Local Authority on the 22nd June 2016, unless otherwise required by another condition of this permission.

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

- 3 Notwithstanding the details shown on the approved plans, the dwelling shall not be built above damp proof course level until the following have been submitted to and agreed in writing by the Local Planning Authority: -
- Samples of the materials to be utilised in all external surfaces (including the construction material of windows and doors);
 - The proposed colour/stain finish for all joinery;
 - Details of the brick bond (which shall not be a stretcher bond);
 - Details of the rainwater goods;
 - Position and finish of the meter boxes (if external);
 - Construction material of the cills and lintels;
 - Precise details of the dentilation, corbelling and verge finish to the dwelling;

The development shall then be carried out in accordance with the approved details.

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

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

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

- 5 Notwithstanding the provisions of Part 1 (Classes A - E) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) the dwelling, hereby permitted, shall not be enlarged, improved or altered nor shall any building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided within the curtilage of the dwelling, unless planning permission has been granted by the Local Planning Authority.

Reason - to enable the Local Planning Authority to retain control over future development in view of the form of the development proposed and its location within a rural environment as well as maintain the affordability of the dwelling in the future given that it is to meet a local housing need.

- 6 Notwithstanding the details showed on the approved plans before first occupation of the dwelling, hereby permitted, a scheme of soft and hard landscaping (including for the

retention of and any works to existing trees and hedgerows) shall be submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation of the dwelling unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The approved hard landscaping scheme shall be provided in full prior to the first occupation of the dwelling, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be so retained.

Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of visual amenity as well as to maintain suitable habitat for protected species.

- 7 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 first agreed in writing with the Local Planning Authority.

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

- 8 No development shall commence until all the existing trees to be retained have been securely fenced off by the erection, to coincide with the 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 trees are adequately protected during construction in the interests of the visual amenities of the area.

- 9 Notwithstanding the submitted plans, nor the requirements of Condition 2 above, before first occupation of the dwelling a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

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

- 10 Notwithstanding the submitted plans, nor the requirements of Condition 1 above, no development shall commence on site until such time as details of the proposed finished floor levels of the dwelling and finished ground levels of the development, which shall be related to a fixed datum point off the site, have first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to determine the scope of the permission and in the interests of residential amenity given the absence of any precise information.

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

Reason - to ensure that nesting birds (a protected species) are adequately protected and their habitat enhanced.

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

Reason - to enable vehicles to enter and leave the carriageway in a slow and controlled manner and in the interests of general highway safety.

- 13 Before first occupation of the dwelling, hereby permitted, the following shall be provided:
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- The access drive and turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary;
- The car parking and turning facilities as shown on drawing number WIL.SBR.001 Revision C, received by the Local Authority on the 22nd June 2016, and drawing number WIL.GAR.005, received by the Local Authority on the 12th May 2016, shall be provided and surfaced in accordance with the details agreed under Condition 6 of this permission.
- Drainage shall be provided within the site such that surface water does not drain into the Public Highway;

Once provided the above shall thereafter be so maintained.

Reasons - to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.); to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 14 No development shall commence on site until a scheme of intrusive site investigation works have been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Coal Authority, in order to establish the exact situation regarding coal mining legacy on the site. The intrusive site investigations shall then be carried out in accordance with the approved details and a report shall then be subsequently submitted to outline the findings of the intrusive site investigations.

If the intrusive site investigations identify the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, details of these remedial works and a verification plan must be submitted to and agreed in writing by the Local Planning Authority in consultation with the Coal Authority. The agreed remedial works and verification must be carried out in full before any development commences in respect of any part of the development hereby approved.

Reason - to ensure that the land is, or can be made, safe and stable for the proposed development due to the risk from its coal mining history.

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 consideration of the application which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 The highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.
- 4 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 a 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.
- 5 Under to Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>.