

Erection of two detached dwellings and garages (Outline -
access and layout included)

Report Item No
A8

Land Adjacent To Wilford House Loughborough Road
Coleorton Coalville Leicestershire LE67 8HH

Application Reference
16/00311/OUT

Applicant:
Lychgate Homes Ltd

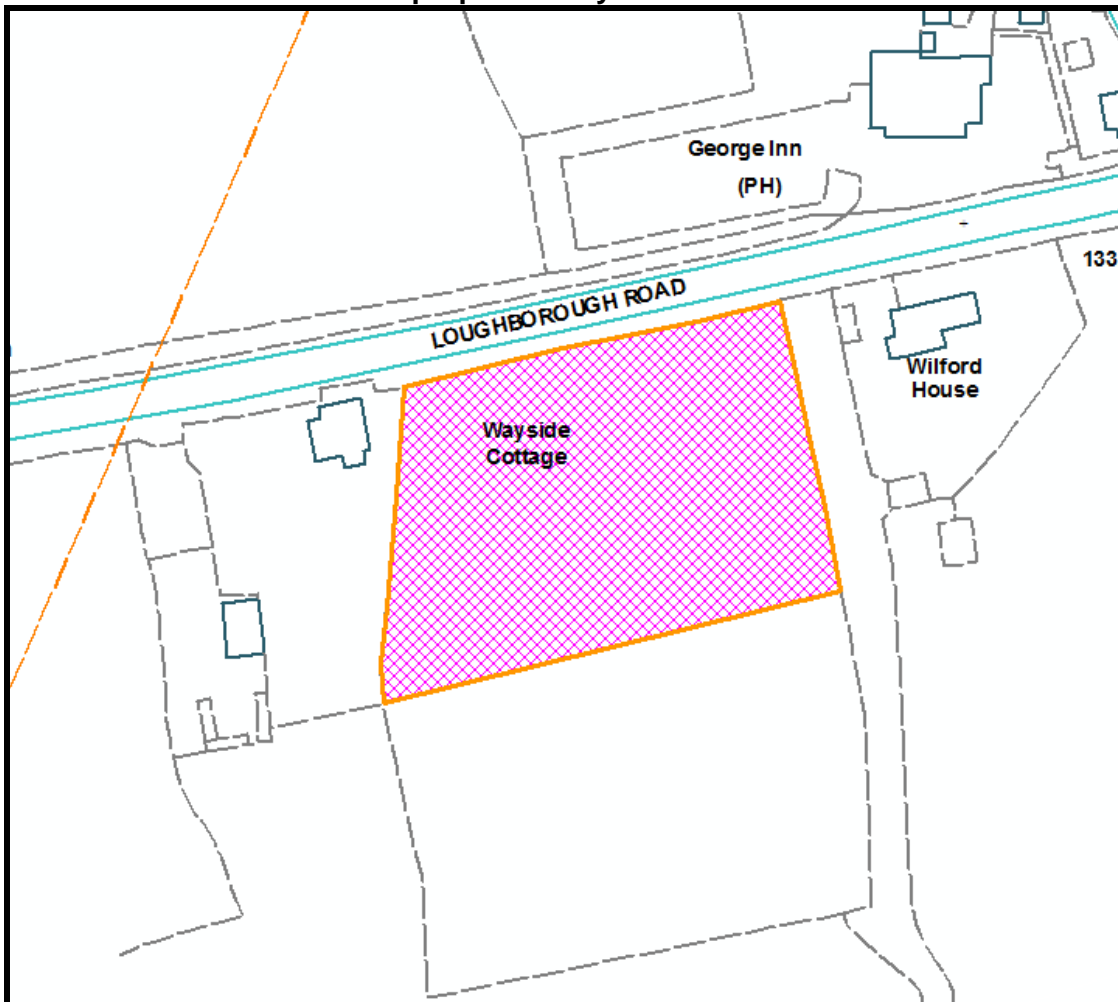
Date Registered
16 March 2016

Case Officer:
Adam Mellor

Target Decision Date
11 May 2016

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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UPDATE OF EXECUTIVE SUMMARY

This application was previously reported to Members of the Planning Committee on 10 May 2016, with a recommendation to refuse on highway safety grounds. The application was deferred at this meeting to allow further discussions between the County Highways Authority and the applicant's highway consultant to see if a favourable position could be reached. Following discussions the County Council Highways Authority have removed their objection subject to the imposition of conditions on any consent granted.

Whilst the highway reason for refusal has now been overcome it has been necessary to reassess the impact of the development to the rural environment on the basis that the Council can now demonstrate a five year housing land supply following the decision of Full Council on the 28 June 2016 to approve the publication version North West Leicestershire Local Plan.

As a five year housing supply could not be demonstrated when the application was previously considered it was determined that those policies concerning the supply of housing were out of date and therefore, that the development could not be resisted on the basis of Policy S3 of the adopted Local Plan or the environmental strand of sustainability. In reassessing this position, in light of the policy change referred to, the proposed development would now be contrary to Policy S3 of the adopted Local Plan, as well as Policy S3 of the publication version Local Plan, and would represent unwarranted development on a greenfield site which would harm the openness of the landscape in which the site would be integrated. As a consequence of this it would fail to protect or enhance the rural environment contrary to the environmental aim of sustainability.

UPDATED RECOMMENDATION - REFUSE.

EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee at the request of Councillor Boam in order for the Committee to review the layout, vehicular access and sustainability of the proposal.

Proposal

The application is in outline form and seeks approval for the erection of two detached dwellings on a greenfield site located on the south-eastern side of Loughborough Road between Wilford House and Wayside. The 0.35 hectare site is on land outside the defined Limits to Development and at this stage the access point into the site off Loughborough Road as well as the proposed layout is for approval. The supporting information indicates that the proposed dwellings are to be single storey.

Consultations

A total of eight individual representations have been received with two of those representations opposed to the development and six in support of the development. Coleorton Parish Council have also raised concerns about the proposal. All other statutory consultees have no objections subject to conditions.

Planning Policy

It is considered that the development would conflict with the aims of Paragraph 32 of the National Planning Policy Framework (NPPF) and Policy T3 of the adopted North West Leicestershire Local Plan.

Conclusion

The report below indicates that the site is a greenfield site outside Limits to Development.

It is considered that the proposed development would result in the construction of dwellings, and associated infrastructure, on land outside the defined Limits to Development on a site which currently makes a positive contribution to the character and appearance of the rural environment in which it is set. Given the substantial urbanisation of the land which would occur as a result of the development it is considered that this would diminish its present open character and would represent unwarranted development in the countryside which should be protected for its own sake. As a consequence of this the development would fail to protect or enhance the natural environment and as a result the proposal would be contrary to a fundamental principle of the NPPF. By virtue of the application site being outside the Limits to Development, and that residential development on a greenfield site is not a permitted form of development outside these Limits, it is also considered that the development is contrary to Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE;

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 is sought for the erection of two detached dwellings and garages with access and layout included for approval at this stage at land adjacent to Wilford House, Loughborough Road, Coleorton. The 0.35 hectare site is located on the south-eastern side of Loughborough Road and is outside the defined Limits to Development, as identified on the Proposals Map to the North West Leicestershire Local Plan. The surrounding area is predominately open countryside with a sporadic scattering of residential properties being located in close proximity to Loughborough Road, the George Inn Public House is also located to immediate north of the site.

This application is a resubmission of application reference 15/00822/OUT (erection of 4 no. dwellings (outline only - matters of access and layout included) which was refused on the 30th October 2015 on environmental sustainability, density, design and highway safety grounds.

The land in question is currently paddock land and horses were evidenced grazing on the land during the site visit. This revised application now proposes only two dwellings with the submitted layout identifying that these dwellings would be positioned parallel to Loughborough Road (A512) with distances of 19.2 metres to plot 1 and 16.8 metres to plot 2 from this highway. The design and access statement, and illustrative street scene, indicates that the dwellings would be single storey detached types. Vehicular access into the site would be achieved from a newly created access off Loughborough Road centralised within the north-western boundary of the site.

A Planning Statement, incorporating a Design and Access Statement, Highways Technical Note, Speed Survey and Coal Mining Risk Assessment have been submitted in support of the application.

No additional planning history was found.

2. Publicity

6 neighbours have been notified. (Date of last notification 21 March 2016)

Press Notice published 30 March 2016

Site Notice posted 31 March 2016

3. Consultations

Coleorton Parish Council consulted 21 March 2016
County Highway Authority consulted 22 March 2016
Severn Trent Water Limited consulted 22 March 2016
Head of Environmental Protection consulted 22 March 2016
NWLDC Tree Officer consulted 22 March 2016
County Archaeologist consulted 22 March 2016
LCC ecology consulted 22 March 2016
NWLDC Urban Designer consulted 22 March 2016
National Forest Company consulted 22 March 2016
LCC/Footpaths consulted 22 March 2016
NWLDC Footpaths Officer consulted 22 March 2016

Coal Authority consulted 22 March 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 highlights that concerns have been raised that 'luxury' housing would be created rather than affordable units and that the access would be on to fast and busy road.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Ecology has no objections.

Leicestershire County Council - Footpaths has no objections.

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

NWLDC - Environmental Protection has no objections.

NWLDC - Footpaths Officer has no objections.

Severn Trent Water has no objections.

Third Party Representations

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

- Land is not allocated in the Local Plan and as such should be protected to maintain the rural character of the area;
- New access point into the site would add further danger to the main road whilst offering no benefit to the development;
- The proposal would represent undesirable ribbon development and extra traffic would only add to highway safety issues;
- An approval of this development would set an undesirable precedent for similar forms of unsustainable development which would be to the further detriment of the area;
- Development would ruin the perceived separation and open undeveloped character between the two settlements;
- Development would be isolated on a major link road with poor connections to either village;
- Loughborough Road is noisy and as such residents would be affected by noisy and CO2 pollution issues;
- Proposal would destroy the appearance of the open countryside;

Six representations have been received supporting the application with the comments raised being summarised as follows: -

- There is a need within the district as a whole for single storey development;
- Single storey nature of development will reduce any impact from a visual perspective;

- The residential accommodation is needed within the area;
- There are economic benefits associated with future residents sustaining the services in the settlement as well as businesses in the nearby towns;

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

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

Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Core Planning Principles);
Paragraph 28 (Supporting a prosperous rural economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 75 (Promoting healthy communities);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 121 (Conserving and enhancing the natural 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 - General Policy;
Policy F2 - Tree Planting;
Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;

Policy T8 - Parking;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;

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 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 Guidance does not change national policy but offers practical guidance as to how such policy is to be applied;

6Cs Design Guide (Leicestershire County Council)

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

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

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

6. Assessment

Principle of the Development

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 - 800 metres);
- Public House (George Inn, Loughborough Road - 89 metres);
- Bus Stop for Two Services (Robert Coaches Air Link Service 155 1 hourly between Coalville and East Midlands Airport Monday to Saturday - 600 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) - 64 metres on Loughborough Road);

It is possible to access these services via maintained footpaths which are well lit.

Having regard to the location of the site it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a shop) with other facilities and employment opportunities being accessible by utilising the public transport options. In this circumstance it is considered that a scheme for two dwellings would score well against the social sustainability advice contained within the NPPF with occupants of the properties also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

The site is currently greenfield 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 significantly detached from the nearest Limits to Development on the Proposals Map to the publication version Local Plan. 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 and Policy S3 of the publication version Local Plan the proposed development would conflict with the intentions of these policies given that it is not a form of development considered appropriate outside the defined Limits to Development.

In respect of the location of the dwellings it is noted that they would be situated on a greenfield

site which comprises an open paddock defined by well defined hedgerows and links with the wider open fields to the immediate south therefore making a positive contribution to the character and appearance of the rural environment and wider landscape. A development of the site for the provision of the two dwellings, as well as the associated infrastructure, would result in an urbanisation of the of the site which would diminish its present open character and represent unwarranted development within the rural environment given that there is no overriding need for this type of proposal to come forward on the land. In this circumstance it would conflict with a fundamental principle of the NPPF by virtue of its failure to protect or enhance the natural environment. As the development site is also outside the defined Limits to Development it would conflict with Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan.

While the view is taken that the proposed development will impact adversely on the 'openness' of the rural environment, it is considered that the dwellings would not be 'isolated', in the context of Paragraph 55 of the NPPF, due to the relationship the dwellings would have with properties to the immediate east and west.

In conclusion whilst the application site would be considered socially sustainable and there would be some limited economic benefits associated with the construction of the dwellings, these would be significantly and demonstrably outweighed by the negative environmental impacts of the proposal. Accordingly the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered acceptable in relation to the NPPF as well as relevant policies of the adopted Local Plan and Publication Version Local Plan.

Density

The application site area is 0.35 hectares and the provision of two dwellings on the site would result in a density of 5.71 dwellings per hectare which would be well below the minimum threshold of 30 dwellings per hectare advised by Policy H6 of the adopted Local Plan in other locations (other than the main settlements and those well served by public transport and accessibility to services and facilities).

When assessing the density, however, it would also be important to factor into the assessment the proximity and accessibility to centres, the provision of a mix of housing types to establish socially mixed communities, good principle of design and layout which make the most economical use of land and respect the local context as well as green space and landscaping requirements.

In the circumstances that the previous application on the site (ref: 15/00822/OUT) was refused on the basis of the density being too high (11.43 dwellings per hectare) it is considered the density now proposed would be the most efficient use of the land in achieving a development which complied with the characteristics of the area which is defined by sporadic forms of individual dwellings situated on large plots. On this basis the low density proposed would not result in significant conflict with the aims of Policy H6 of the adopted Local Plan as to justify a refusal of the application.

Neighbours and Future Occupants Amenities

It is noted that details of the layout have been submitted for approval at this stage with the nearest residential properties being Wayside, a two-storey (with habitable accommodation in the roof slope) detached dwelling, situated to the south-west and Wilford House, a two-storey

detached dwelling, situated to north-east.

In respect of Wilford House it is considered that the south-western (side) elevation of this dwelling would be set 26.0 metres from the north-eastern corner of plot 1. Given this distance it is considered that the proposed position of plot 1 would not result in any significantly adverse impacts on the occupants amenities.

Wayside is located to the north-west and it is proposed that the south-eastern corner of this dwelling would be set 15.5 metres from plot 2. A ground and first floor window (serving a bedroom) exist on the north-eastern (side) elevation of Wayside with two ground floor windows (serving a kitchen and lounge) and a first floor window (serving a bedroom) being located in the south-eastern (rear) elevation. Wayside is angled so that its front elevation is further from the shared boundary than its rear elevation with 12.0 metres of the proposed dwelling to plot 1 extending beyond the south-eastern (rear) elevation. Given the proposed position of plot 2, as well as its orientation to Wayside, it is considered that it would not have a significantly adverse impact on the occupants' amenities.

The scale and appearance of the dwellings would be subsequently agreed under any reserved matters submission and at that stage it could be ensured that the overall height, and position of windows, would not result in a development form which would result in detriment to the amenities of Wilford House and Wayside. It is highlighted in the supporting information that the dwellings are proposed to be single storey types and if such a development was progressed this would lessen the implications to existing residential amenities.

With regards to the amenities of any future occupants it is considered that views from the windows on the south-eastern (rear) elevation of Wayside would be at an oblique angle towards the rear amenity area of plot 2 with views from the windows on the north-eastern (side) elevation being towards the front amenity/parking area for plot 1. On this basis it is considered that the future amenities of the occupants of plot 2 would be adequately protected from overlooking impacts particularly given the overall size of the plot this dwelling would be situated on. The relationship between the two plots would also be acceptable on the layout submitted subject to the position of windows being carefully considered at the reserved matters stage.

As part of the consideration of the application the Council's Environmental Protection team have been consulted and raised no objections to the application on the basis of noise from the movements of vehicles associated with the development, or from the A512 itself, causing adverse impacts on existing and future amenities.

Overall, therefore, the development is considered to accord 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 Streetscape

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7 and Policy D1 of the publication version Local Plan but also Paragraphs 57, 60 and 61 of the NPPF.

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 at this stage. Properties on the south-eastern (side) of Loughborough Road (A512) vary in relation to their proximity to the highway with the immediate dwellings adjacent to the site (Wayside and Wilford House) being in close proximity to the highway and other properties (Colewood Lodge and Haymeads (No. 115 Loughborough

Road)) being detached from the highway by around 21.0 metres. It is proposed that the dwellings would be located 16.8 metres (plot 2) and 19.2 metres (plot 1) from the highway and this is considered to be acceptable in maintaining the character of the immediate area.

The previous application on the site (ref: 15/00822/OUT) was refused in the circumstances that the development of four dwellings on the site would not respect the sporadic manner of detached dwellings in large plots which is a characteristic of the area. As part of this proposal the total number of units has been reduced to two which therefore allows the dwellings to be located in plots of land which would be commensurate with those of neighbouring properties (in particular Wilford House and Wayside) thereby making it acceptable. Whilst the 'sporadic' character of development on the southern side of Loughborough Road (A512) would be affected it is noted that development becomes more concentrated in this area (taking into account Wayside, Wilford House, The George Inn and Colewood Lodge) and as a consequence the proposed layout would not significantly detract from this characteristic as to warrant a refusal of the application. This view is taken due to the separation distances which would be provided between the plots themselves as well as their proximity to neighbouring dwellings. It is also considered that the proposed floorspace of the dwellings would be acceptable and not out of keeping with the ground area covered by built forms in the immediate area particularly in the circumstances that the dwellings are proposed to be single storey.

In respect of other design matters the plans show that a large copse of trees would be planted to the north-western (front) boundary to act as a natural screen and it is considered that such planting is consistent with that found at Colewood Lodge and Haymeads, which are dwellings set back from the highway, and as such is considered to be in keeping with the characteristics of the area. Appropriate planting to be incorporated into such a landscaping scheme would be agreed at the reserved matters stage.

Public footpath N18 runs past the south-eastern boundary of the site, which is substantially planted with mature trees, and it is considered that the proposed development would not impact significantly on any view enjoyed from this footpath given that views are obscured by the vegetation to the boundaries of the site as well as the fact that built forms are already present in any views established.

The appearance of the dwellings would be agreed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with the Council's current design agenda by responding to the positive characteristics of dwellings within the area as well as having a National Forest identity. The indicative streetscape drawing submitted shows dwellings with design characteristics which the Local Authority would be supportive of.

Overall the development is considered to be compliant with Paragraphs 57, 60 and 61 of the NPPF, 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.

Accessibility

The County Highways Authority initially objected to the application on sustainability grounds and highway safety due to a significant increase in turning traffic using an access on a restricted (50 mph) Class I road (Loughborough Road - A512). Following the submission of a technical

highway note the sustainability objection was removed but the adverse impacts to highway safety was not overcome and as a consequence the application was deferred at the May Planning Committee meeting to allow further discussions to occur.

Following the submission of additional highways information the concerns of the County Highways Authority have been addressed in respect of highway safety with the following being stated: -

"The Highway Authority (HA) would normally seek to resist a proposal for the creation of an access onto a Class I or Class II road where speeds are in excess of 40 mph. However, taking into consideration the facts that there are other existing accesses in the immediate vicinity where there are existing turning manoeuvres and there is no accident record and that provision of a crossing facility (dropped kerb) and a safe refuge will be provided on Loughborough Road which will benefit pedestrians between public footpaths M81 and N18, leading to a highway gain, the proposals will be acceptable to the HA."

On the basis of relevant planning conditions being imposed on any consent granted, which would include the off-site highway works, it is considered that the proposed developments implications to highway safety would not be 'severe' and as a consequence it would accord with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the publication version Local Plan.

It is considered that sufficient off-street parking could be accommodated within the site to serve the proposed number of dwellings which would ensure that the development would not result in any on-street parking issues within the vicinity of the site and as such the development would not conflict with the aims of Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the publication version Local Plan.

Public footpath N18 would not be affected, or be requested to be diverted, as part of any development and on this basis the County and District Council Footpaths Officers have no objections. In these circumstances there would be no conflict with the intentions of Paragraph 75 of the NPPF.

Ecology

The County Council Ecologist has raised no objections to the development and as such it is considered that protected species would not be a constraint on the proposal which would ensure its compliance with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the publication version Local Plan.

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 is located to the boundaries of the site, in the form of hedgerows and trees, and it is considered that the proposed layout submitted demonstrates that the dwellings would be situated a sufficient distance from this vegetation so as to ensure its longevity is not compromised. Whilst the formation of a new vehicular access will require the partial removal of the roadside hedgerow this would not compromise the visual amenities of the streetscape, as a whole, given that the gap would be limited to 5.6 metres.

It is also highlighted on the plans that a large copse of trees would be planted to the north-western boundary of the site, with vegetation also being accommodated to the south-eastern and south-western boundaries, and the species of trees to be provided as part of such a landscaping scheme would be secured under any subsequent reserved matters application.

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

Archaeology

The County Council Archaeologist has raised no objections to the application and considers that no archaeological mitigation works will be required in connection with the proposal. In these circumstances the development would be compliant with Paragraph 141 of the NPPF and Policy He1 of the publication version Local Plan.

Other Matters

The Coal Authority has raised no objections to the application in respect of land instability issues subject to the imposition of conditions on any consent granted. In these circumstances it is considered that the proposal would not result in stability issues to neighbouring properties which would ensure compliance with Paragraphs 120 and 121 of the NPPF and Policy En6 of the publication version Local Plan.

Conclusion

The report above indicates that the site is a greenfield site outside Limits to Development.

It is considered that the proposed development would result in the construction of dwellings, and associated infrastructure, on land outside the defined Limits to Development on a site which currently makes a positive contribution to the character and appearance of the rural environment in which it is set. Given the substantial urbanisation of the land which would occur as a result of the development it is considered that this would diminish its present open character and would represent unwarranted development in the countryside which should be protected for its own sake. As a consequence of this the development would fail to protect or enhance the natural environment and as a result the proposal would be contrary to a fundamental principle of the NPPF. By virtue of the application site being outside the Limits to Development, and that residential development on a greenfield site is not a permitted form of development outside these Limits, it is also considered that the development is contrary to Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reason;

- 1 The application site is on unallocated greenfield land located outside the limits to development of Coleorton, Swannington and Peggs Green, as defined on the Proposals Map to the adopted North West Leicestershire Local Plan. Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan provide a presumption against non-essential residential development in the countryside with Paragraph 17 of the National Planning Policy Framework (NPPF) indicating that planning should recognise the intrinsic character and beauty of the countryside. Although the scheme

would be considered acceptable in terms of the social and economic strands of sustainable development it would fail the environmental strand as it would adversely affect and diminish the present open character of the site and represent unwarranted development in the rural environment which should be protected for its own sake. On this basis the development would fail to protect or enhance the natural environment. As a consequence to permit the development would be contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan.

Notes to applicant

- 1 Outline planning permission has been refused for this proposal for the clear reasons set out in this decision notice. In the Local Planning Authority's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The Local Planning Authority has therefore complied 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.