

### Item No. 3

#### Application Reference Number P/19/0813/2

|                          |   |                    |                 |
|--------------------------|---|--------------------|-----------------|
| <b>Application Type:</b> | Full Planning Permission  | <b>Date Valid:</b> | 02/04/2019      |
| <b>Applicant:</b>        | Mr and Mrs Castleman  |                    |                 |
| <b>Proposal:</b>         | Erection of a dwelling with associated access, parking and landscaping works. |                    |                 |
| <b>Location:</b>         | Land off Platts Lane<br>Cossington<br>Leicestershire<br>LE7 4UX               |                    |                 |
| <b>Parish:</b>           | Cossington  | <b>Ward:</b>       | Wreake Villages |
| <b>Case Officer:</b>     | Jeremy Eaton  | <b>Tel No:</b>     | 01509 634692    |

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The application has been brought to Plans Committee at the request of the Ward Councillor, Councillor James Poland. The Councillor supported planning application reference P/17/2464/2, and considered it acceptable in terms of the principle of the proposed development, design and layout and given the application faced no local opposition, and in light of this being a similar, albeit amended, scheme to that previously proposed, the Councillor has requested that the application is this time determined by Plans Committee.

#### Description of the site

The application site relates to a parcel of land, approximately 0.34 Ha. in extent, situated to the southern side of Platts Lane, located within the Development Limits to the village of Cossington, Leicestershire.

The site comprises residential garden land associated with the residential property, The Grove, which adjoins the eastern boundary of the application site, and occupies a corner plot at the highway junction of Main Street and Platts Lane. A further area of residential garden land pertaining to The Grove adjoins the western boundary of the application site. A paddock adjoins the southern boundary of the application site.

The northern part of the application site is densely vegetated with mature trees and shrubs, which provide effective screening of the site from Platts Lane. The remaining area of the site is largely grassland, with the south-eastern corner of the site also vegetated with mature trees and shrubs. A pond is located centrally within the application site. The topography of the land is relatively flat.

The application site is located within the Cossington Conservation Area. There are no Scheduled Monuments or Registered Historic Parks and Gardens located within the vicinity of the application site. There are also no Listed Buildings within close proximity of the site; the nearest Listed Buildings being situated on the corner of Main Street and Back Lane and includes No. 129 and No.'s 133 and 137 Main Street, which are Grade II listed. The site is also located within land designated as an Archaeological Alert Area.

The application site is located within Flood Zone 1.

## **The Application Proposals**

This application seeks full planning permission for the erection of 1 no. detached three-bedroom dwelling on the application site, with associated access, parking and landscaping works.

The proposed dwelling would occupy an 'L'-shaped built footprint of approximately 24.38m length and 17.83m width. It would be two-storeys in height with a maximum eaves and ridge height of approximately 5.25m and 8.6m respectively. Its architectural design is more traditional in character, incorporating more modern elements. Its material treatment would include a mixture of red brickwork, pale-coloured painted render and Mountsorrel granite stone to the walls under a Welsh slate roof, incorporating Oak-framed/painted hardwood windows and doors.

The proposed dwelling, together with its wrap-round private amenity space, will sit within the southern part of the application site. Within the northern part of the site, would be a front garden including an area of hardstanding located to the frontage of the dwellinghouse, which will be served by a gated private driveway with access taken off of Platts Lane, by virtue of the creation of a new vehicular access.

The northern boundary of the application site will remain as existing, albeit additional landscape planting is proposed adjacent to this boundary in order to close up any existing gaps within the existing landscape screen. The western boundary of the site will also be naturally landscaped.

The proposal would result in the sub-division of the existing residential curtilage of The Grove. A new 1.8m high brick wall would be erected along the eastern boundary of the application site to designate the common boundary between the two sites.

With regard to the proposals for the residential curtilage land of The Grove which adjoins the western boundary of the application site, including its proposed conversion into a publically accessible community garden and associated works, this element falls outwith the red-coloured boundary to the application site, and therefore falls outwith the scope of this application and the control of the Local Planning Authority.

The application has been accompanied by the following planning drawings which provide further context in respect of that hereby proposed:

- Drawing No. 1710/001 Rev A (Site Location Plan);
- Drawing No. 1710/002 Rev B (Site Plan as Existing);
- Drawing No. 1710/009 Rev B (Site Plan as Proposed);
- Drawing No. 1710/010 Rev B (Visibility Splay as Proposed);
- Drawing No. 1710/011 Rev B (Ground Floor Plan);
- Drawing No. 1710/012 Rev B (First Floor Plan);
- Drawing No. 1710/013 Rev B (Roof Plan);
- Drawing No. 1710/014 Rev C (West and North Elevations);
- Drawing No. 1710/015 Rev B (East and South Elevations);

- Drawing No. 1710/016 Rev B (Sections);
- Drawing No. 0686.001 Rev B (Landscape Proposals (Uncoloured));
- Drawing No. 0686.003 Rev - (Landscape Proposals (Coloured)); and
- Drawing No. 0686.004 Rev - (Landscape & Biodiversity Zone).

In addition, this application has been accompanied by the following supporting information:

- Application Form;
- Planning Statement;
- Design and Access Statement;
- Heritage Statement;
- Landscape Statement; and
- Ecological Appraisal – Phase 1 Habitat Survey and GCN Update.

## **Development Plan Policies**

### Charnwood Local Plan Core Strategy 20011-2028 (Adopted 9th November 2015)

The policies relevant to this proposal include:

Policy CS1 - Development Strategy - sets out the development strategy for the Borough. This focuses housing development in locations around the Leicester Principal Urban Area and Loughborough and Shepshed, which includes three Sustainable Urban Extensions.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS11 – Landscape and Countryside – seeks to support and protect the character of the local landscape and countryside.

Policy CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS14 – Heritage – Sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS16 – Sustainable Construction and Energy - supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Borough of Charnwood Local Plan 1991-2026 (adopted 12 January 2004) (saved policies)

The policies relevant to this proposal include:

Policy ST/2 – Limits to Development – Aims to confine development to land within the Limits to Development identified on the Proposals Map.

Policy EV/1- Design- Seeks to ensure a high standard of design for developments which respect the character of the area, nearby occupiers, and is compatible in mass, scale, layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

Policy TR/18- Parking in New Development – This seeks to set the maximum standards by which development should provide for off street car parking dependent on floorspace or dwelling numbers.

**Other material considerations**

The National Planning Policy Framework 2019 (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF seeks to achieve sustainable development that fulfils economic, social and environmental objectives.

Paragraph 11 states that where development accords with an up to date Development Plan it should be granted planning permission but that where relevant policies are absent or the policies which are most important for determining the application are out of date permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- policies in the NPPF that protect areas or assets of importance provide a clear reason for refusal.

Footnote 7 makes it clear that where applications for housing are being considered if a 5 year supply of housing land cannot be demonstrated or the housing delivery test indicates that the level of delivery of housing is less than 75% of the housing requirement over the last 3 years that housing supply policies should be considered to be out of date.

Paragraph 12 adds further emphasis to the primacy of the development plan stating that where proposals don't accord with an up to date plan they should normally be refused unless material considerations indicate otherwise.

In terms of the remainder of the NPPF, sections relevant to the consideration of this application include the following:

Paragraph 59 makes it clear that the needs of groups with specific housing requirements should be addressed.

Paragraph 61 states that planning policies should consider the need for housing for different groups in the community.

Paragraph 77 outlines that in rural areas, planning decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Paragraph 109 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

Paragraph 127 seeks to foster high quality design.

Paragraph 130 outlines that planning permission should be refused for development of poor design that fails to take opportunities available to improve the character and quality of an area and the way it functions.

Paragraph 163 states that planning decisions should ensure that flood risk is not increased elsewhere.

Paragraph 170 outlines that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and minimising impacts on and providing net gains for biodiversity.

Paragraph 184 advises that heritage assets should be conserved in a manner appropriate to their significance.

Paragraph 190 outlines that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, and take this into account when considering the impact of a proposal on a heritage asset in order to avoid or minimise any conflict between the conservation of the asset, and any aspect of the proposal.

Paragraph 192 advises that in the determination of a planning application, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the

asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraphs 195 and 196 relate to the level of harm caused to the significance of a designated heritage asset. Where substantial harm or total loss of significance of a designated heritage asset is to occur, Local Planning Authorities should refuse consent, unless it can be demonstrated that the public benefits of the proposal outweigh the harm caused. Where less than substantial harm is to occur, the harm should be weighed against the public benefits of the proposal.

#### National Planning Practice Guidance (NPPG)

This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues.

#### Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

#### Housing Supplementary Planning Document (2017)

Adopted in May 2017, the SPD provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan.

#### Leicestershire Highways Design Guide

This document sets out the Local Highways Authority's design guidance in respect of highway matters.

#### Cossington Conservation Area Character Appraisal

This document provides an assessment of the special architectural and historic interest of the Conservation Area, which forms a material consideration in the assessment of planning applications.

#### Charnwood Landscape Character Assessment (2012)

This document identifies the distinct landscapes within the Borough by describing their key characteristics and natural, historical and cultural features. It defines six distinct landscape character areas, of which the site is located within the Soar Valley Landscape Character Area.

#### Settlement Limits to Development Assessment

This document comprises the review of extant Limits to Development for settlements in connection with the emerging Local Plan for the Borough. This review proposes revised Development Limits for the village of Cossington. As a result, it is intended that the application site would fall outwith the emerging Limits to Development.

#### Planning (Listed Building and Conservation Area) Act 1990

This consolidates previous legislation relating to special controls in respect of buildings and areas of special architectural or historic merit. The legislation gives Local Planning Authorities a statutory duty to give special attention to the desirability of preserving listed buildings and their settings, or preserving or enhancing the character or appearance of conservation areas.

#### **Relevant Planning History**

The application site has been the subject of the following relevant planning history:

- P/12/1828/2 - (Advice) Erection of single dwelling - Advice Given (25.09.2012);
- P/14/2090/2 - Erection of detached dwelling with access from Platts Lane - Refused (26.05.2016); and
- P/17/2464/2 - Erection of detached dwelling with associated access, parking & landscaping - Revised scheme of P/14/2090/2 – Withdrawn (01.10.2018).

#### **Response of Statutory Consultees**

##### Leicestershire County Council Highway Authority

The Local Highway Authority have referred the Local Planning Authority to their Standing Advice dated September 2011. In particular, the Local Highway Authority have advised that specific consideration is given to the design of the proposed site access and off-street vehicular parking provision.

##### Leicestershire County Council – Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) have referred the Local Planning Authority to their Standing Advice.

##### Cossington Parish Council

Support the application. It is considered that the proposed development would improve the visual appearance of the site when entering the village along Platts Lane.

#### **Third Party Representations**

##### Cllr. James Poland

The Councillor supported planning application reference P/17/2464/2, and in light of this being a similar, albeit amended, scheme to that previously proposed, the Councillor has requested that the application is this time determined by Plans Committee as opposed to it being determined under Delegated Powers.

### Public Comment

One letter of representation has been received in connection with this planning application. The correspondence requests that the proposed dwelling house is positioned further away from the adjoining property, Orchard House, and additional landscaping is provided to the southern and eastern boundaries of the application site to address any impact on the residential amenity of the neighbouring residential property by reason of scale, overlooking, and loss of privacy.

Seven letters of representations have also been received in support of the application. The comments made in these correspondences are summarised below;

- The application site is located within the Limits to Development for the village;
- There has been a historic loss of trees along Platts Lane. The proposal would reverse this trend and improve the visual amenity along this street scene;
- The design of the proposed development is considered to be sympathetic to, and enhance, a gateway to the village;
- The proposal would create a biodiversity enhancement;
- No adverse impact would arise in respect of matters of highway safety.

### **Consideration of the Planning Issues**

This application is for full planning permission and the key considerations are:

- The principle of the proposed development;
- Design and impact on a designated heritage assets;
- Impact on residential amenity;
- Impact on landscaping;
- Impact on Ecology;
- Flood risk/drainage; and
- Highway matters.

### **Principle of the proposed development**

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Development Plan for Charnwood comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015) and those “saved” policies within the Local Plan which have not been superseded by the Core Strategy.

The application site is located within the Development Limits to the village of Cossington, as established under “saved” Policy ST/2 of the Charnwood Local Plan, which is identified as an ‘Other Settlement’ under the settlement hierarchy outlined within Policy CS1 of the Charnwood Local Plan (Core Strategy).



“Saved” Policy ST/2 of the Charnwood Local Plan outlines that built development will be confined to sites within Limits to Development, unless specific exceptions exist under other Development Plan policies that would otherwise allow for development outwith Limits to Development. This “saved” Policy was adopted over 5 years’ ago and as such should no longer be attributed full weight in the assessment of the proposal.

Policy CS1 of the Charnwood Local Plan (Core Strategy) sets out a settlement hierarchy for the Borough and the criteria for the considering proposals within individual tiers of settlements. The village of Cossington is included within the ‘Other Settlements’, the fourth tier of the settlement hierarchy. The policy seeks to provide a minimum of 500 new homes within Limits to Developments of such ‘Other Settlements’ between 2011 and 2028. The Council will respond positively to small-scale opportunities within Limits to Developments. The Council will also respond positively to affordable housing developments and developments which contribute to local priorities as identified in Neighbourhood Plans; however, at present, there is no such community led strategy for Cossington.

The guidance notes which support Policy CS1, notably Paragraph 4.50 of the Charnwood Local Plan (Core Strategy), outlines that ‘Other Settlements’ may be suitable for some small-scale infill development to meet local needs; however, to be considered small-scale, a development should be appropriate in size for the respective village that it would be within and the character of the site’s location and surrounding context.

Charnwood Borough Council is currently able to demonstrate a 5-year supply of deliverable housing sites. This is outlined within the Council’s ‘Five Year Housing Land Supply – 31<sup>st</sup> March 2019’ Position document, which indicates a supply of 6.41 years. As a result, the above policies, which influence the location of housing development, are considered to be up-to-date and materially relevant to the Local Planning Authority’s assessment of the proposed development in this case.

The proposed development relates to the erection of a three-bedroom dwelling house on the application site. Whilst the proposal could be considered to comprise small-scale development, it is considered that the proposed development would not represent ‘infill’ development, by virtue of the siting of the proposed dwelling house and its considerable distance to the rear of the existing development fronting Main Street. It would introduce frontage development onto this part of Platts Lane, which is not a characteristic of this part of the village. This is rural approach into the village of Cossington where new development, even with landscape screening and the minimum works necessary to form a vehicular access, would adversely alter the relationship between the village and its rural setting. In addition, there is no evidence to suggest the proposal will meet an identified local need. At present, there is no comprehensive housing need survey for Cossington. In the absence of this, there is no evidence of there being a housing need requirement within the village.

Notwithstanding the above, following the Settlement Limits to Development Assessment in connection with the emerging Local Plan for the Borough, this review proposes revised Development Limits for the village of Cossington. As a result, it is intended that the application site would fall out with the emerging Limits to Development as part of the emerging Local Plan. Whilst this document holds limited

weight in the assessment of this planning application, it is considered that the emerging Development Limits would reinforce the position of the Local Planning Authority in terms of the above assessment.

In view of the above, whilst the proposed development would be in accordance with the relevant provisions of “saved” Policy ST/2 of the Charnwood Local Plan, it is considered that the proposed development would be contrary to the relevant provisions of Policy CS1 of the Charnwood Local Plan (Core Strategy). Accordingly, it is considered on balance that the principle of development would not be acceptable in this case.

### **Design and impact on a designated heritage assets**

Policies CS2 of the Charnwood Local Plan 2011-2028 Core Strategy and saved Policies EV/1 and H/17 of the Charnwood Local Plan 2011-2028 Core Strategy seek to ensure high quality design and layout, which respect the character and appearance of the host dwelling and are compatible with the street scene and wider built context.

Policy CS14 of the Charnwood Local Plan 2011-2028 Core Strategy seeks to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Chapter 16 (Paragraphs 184 to 202) of the NPPF sets out Central Government’s policy in respect of heritage assets, and seeks to conserve and enhance historic assets for current and future generations. Paragraph 190 outlines that an assessment of the significance of the heritage asset to be affected is required before than assessing the level of impact caused to the heritage asset by virtue of that proposed. The assessment of harm to the heritage asset is addressed under Paragraphs 193 to 202.

The application site is located within the Cossington Conservation Area. The site is also located within land designated as an Archaeological Alert Area. There are no Listed Buildings within close proximity of the site; the nearest Listed Buildings being situated on the corner of Main Street and Back Lane and includes No. 129 and No.’s 133 and 137 Main Street, which are Grade II listed.

The Cossington Conservation Area Character Appraisal describes Cossington as a linear settlement that developed north to south along Main Street, which is demonstrated by virtue of the concentration of listed buildings and non-designated heritage assets along the length of Main Street.

The Character Appraisal refers to three distinct areas within the Conservation Area in reference to villagescape. The latter area relates to the area south of the crossroads of Main Street with Platts Lane and Back Lane to the southern boundary of the Conservation Area, which would include the application site. The character of this area is described as comprising larger plots with dwellings being more-widely spaced apart, with a variety in the placement of the buildings with several dwellings set back from the highway. The Grove is identified as being one of two properties set within their own grounds with their main elevations perpendicular to Main Street. Platts Lane is

identified as being undeveloped, although the dense vegetation, established trees and the red brick and granite rubblestone walls reflect the characteristics found elsewhere within the Conservation Area.

Dwellings are typically two-storeys in height, although there are significant differences in the sizes and scales of the buildings. The architecture within the Conservation Area is considered to be of high quality which is enhanced by the use of architectural detailing. In respect of prevailing material treatments within the Conservation Area, these include a number of elevation finishes for wall treatments (red brick is the most common wall material although render, rubblestone and a mixture of red brick/rubblestone are alternative materials used for wall treatments), three main roofing materials (Swithland slate, Welsh slate and thatch) and windows/doors of varying design and timber construction.

The application site is not specifically referred to within the Cossington Conservation Area Character Appraisal, other than forming part of the curtilage to the grounds of The Grove, and in context of its landscaped nature.

In respect of the proposed development, following consultation with Charnwood Borough Council's Conservation Officer, it is considered that this would reflect the urban grain of this part of the Conservation Area. Whilst the existing dwelling, The Grove, will sit within a substantially reduced curtilage, it will remain sited within a large-sized plot. In addition, the proposed dwelling will also sit within a large-sized residential plot, and occupy a position set back from Main Street, which is typical of the character of this part of the Conservation Area. Furthermore, the dense landscaped northern boundary of the application site, and the wider curtilage to The Grove, will largely remain as existing, despite the creation of a new vehicular access off of Platts Lane, albeit this existing landscaping will be further enhanced by additional landscape planting along this boundary within the application site. Therefore, the attractive, landscaped appearance of Platts Lane when viewed from the junction with Main Street, or indeed from the west of the application site, will be retained, which in turn will assist in terms of providing considerable screening to the proposed new dwelling.

With regard to the design of the proposed dwellinghouse, by virtue of its scale, massing, material treatment, detailing and overall appearance, it is considered that it would reflect the architectural characteristics and materials of existing buildings located within the Conservation Area. The design, although quite traditional, is considered to have a composition and refinement that provides a contemporary architectural language to the proposed dwelling rather than representing a pastiche of existing buildings. Accordingly, it is considered that the proposed dwellinghouse would be in keeping with the character and appearance of neighbouring buildings located within the Conservation Area.

Notwithstanding the above, by virtue of the landscaping scheme proposed for the northern and western boundaries of the application site, and on adjoining land pertaining to The Grove, and in consideration of the application site and its wider context to the east, south and west, it is considered that the proposed dwellinghouse would largely be screened from viewpoints within the street scenes of Platts Lane and Main Street, and in context of the wider landscape setting where it would in any event be viewed against the backdrop of the existing settlement of Cossington.

Therefore, with regard to the Cossington Conservation Area, whilst it is considered that the proposed development would not necessarily enhance the significance of the Conservation Area, it would not cause harm to local character and distinctiveness. In view of this, it is considered that no adverse harm would arise in respect of this designated heritage asset. Accordingly, no further assessment of the proposed development would be required in respect of Paragraphs 194 to 202 of the NPPF.

Notwithstanding the above, the application site sits within an Archaeological Alert Zone. The Cossington Conservation Area Character Appraisal outlines that there is potential for below-ground archaeological remains to be present within the Conservation Area, which includes the application site. Indeed, historically medieval or post-medieval finds have been discovered within the village of Cossington.

Given the nature of that proposed, and the potential for below-ground archaeological remains to be present, it is considered reasonable and appropriate in this case to apply relevant Planning Conditions in the event the Local Planning Authority are minded to grant planning permission in connection with the proposed development to ensure that archaeological investigation is undertaken prior to below-ground works being carried out, in accordance with a Written Scheme of Investigation (WSI), and that any works are implemented in accordance with the WSI.

In view of the above, and subject to planning conditions, it is considered that the proposed development would be in accordance with the relevant provisions of Policies CS2 and CS14 of the Charnwood Local Plan (Core Strategy) and “saved” Policy EV/1 of the Charnwood Local Plan 2004. Furthermore, the proposal would be in accordance with the relevant provisions of the NPPF, including Chapter 16.

### **Residential amenity**

Policies CS2 of the Charnwood Local Plan 2011-2028 Core Strategy and saved Policies EV/1 and H/17 of the Charnwood Local Plan 2011-2028 Core Strategy seek to protect the amenities of nearby properties.

The neighbouring residential properties which would potentially be most affected by the proposed development include The Grove and Orchard House. It is considered that none of the other neighbouring properties along Main Street would be affected in any way by virtue of that proposed.

With regard to The Grove, the proposed dwellinghouse would be orientated to the west of this existing neighbouring property, sited approximately 8.0m from the eastern boundary of the application site, and in excess of 42.0m to the side elevation of the host dwellinghouse. It would be two-storeys in height with a maximum eaves and ridge height of approximately 5.25m and 8.6m respectively. The length of the side elevation would be approximately 16.5m. At first floor level, there will be a number of primary habitable room (bedroom) windows and a number of primary non-habitable room (en-suite) windows.

In this case, by virtue its orientation and siting within the application site, the level of separation proposed, and its scale, mass, material treatment, and overall appearance,

it is considered that the proposed dwellinghouse would not represent an overbearing and intrusive structure to the side (western) elevation of this neighbouring property (The Grove), and its private amenity space, and would not result in any significant adverse impact in respect of loss of access to natural day and/or sun light. In addition, there are no concerns that the proposed development would result in any opportunities to overlook the side (western) elevation of The Grove. Whilst some overlooking, both real and perceived, of the private amenity space to The Grove will likely occur as a result of the proposed development, it is considered that much of the private amenity space to this neighbouring property would remain private, in which case any opportunities of overlooking afforded would unlikely undermine the occupant's enjoyment of their property. Notwithstanding this, it is important to highlight that the proposed development is being pursued by the owner of The Grove. Therefore, any adverse impact that would arise as a result of the proposed development would be as a direct result of the owner's own intentions.

With regard to Orchard House, the proposed dwellinghouse would be orientated to the north-west of this existing neighbouring property, sited approximately 11.0m from the southern boundary of the application site, and in excess of 28.0m at its closest point from the neighbouring dwellinghouse (as per the resulting dwellinghouse approved under Planning Permission reference P/18/1049/2), albeit both sites would be somewhat visually screened from one another by virtue of existing landscaping (mature trees and hedgerow) located within the application site and on adjoining land within the private amenity space of The Grove which is proposed to be retained.

In this case, by virtue its orientation and siting within the application site, the level of separation proposed, combined with existing landscaping on-site which is to be retained, and its scale, mass, material treatment, and overall appearance, it is considered that the proposed dwellinghouse would not represent an overbearing and intrusive structure to this neighbouring property, and its private amenity space, and would not result in any significant adverse impact in respect of loss of access to natural day and/or sun light. In addition, there are no concerns that the proposed development would result in any significant opportunities, if any, to overlook, both real and perceived, the northern and western elevations of the neighbouring dwellinghouse, and its private amenity space, in which case there would be no consequential loss of privacy.

Accordingly, it is considered that the residential amenity to adjoining neighbouring properties would likely be preserved without significant adverse impact arising by virtue of that proposed.

It is considered that during construction there could potentially be some adverse impacts on residential amenity. However, the Environmental Protection Act provides a variety of safeguarding measures in respect of noise, air and light pollution which would assist in this regard.

Notwithstanding the above, In respect of the private amenity spaces proposed for The Grove and the new dwellinghouse, these are considered to be of an appropriate size commensurate with the scale of the residential properties both as existing and proposed in this case.

In view of the above, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS2 of the Charnwood Local Plan (Core Strategy) and “saved” Policy EV/1 of the Charnwood Local Plan 2004. In addition, it is considered that the proposed development would be in accordance with the relevant provisions of Paragraph 127 of the NPPF.

### **Impact on Landscaping**

Question 15 of the Application Form outlines that there are trees and/or hedgerows within the application site and located on adjoining land that would potentially influence the proposed development, or otherwise be important as part of the local landscape character. Drawing No. 1710/002 Rev B (Site Plan as Existing) would appear to substantiate this position.

Following a site visit, it is clear that there are existing trees/hedgerows located within the application site and on adjoining land which could influence the proposal, and could potentially be affected by virtue of the proposed development.

The Applicant has not submitted a full Tree Survey in accordance with BS 5837: Trees in relation to design, demolition and construction – Recommendations, or hedgerow survey in support of this planning application. Accordingly, it is unknown as to the quality and value of the trees and hedgerows within the application site, and on adjoining land, and therefore the impact of the proposed development on trees/hedgerows cannot be assessed at this time.

Notwithstanding the above, Officers are concerned about the potential impact of the proposed development with regard to the existing landscaping on-site. In this case, it is considered likely that a number of trees would either require removal, or would otherwise need to be subject of tree works, which in turn would likely result in the disfigurement of existing trees. In the absence of any evidence to the contrary, it is considered that the proposed development will result in adverse harm to existing landscaping on-site which would be detrimental to the character and appearance of the trees, and would likely impact their aesthetic amenity value, health and condition.

### **Impact on Ecology**

Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy seeks to ensure protected species are not harmed as a result of development proposals and wherever possible enhance the potential through landscaping and drainage solutions to provide development that promotes ecological benefit.

“Saved” Policy EV/1 of the Charnwood Local Plan and Policies CS2 and CS11 of the Charnwood Local Plan 2011-2028 Core Strategy seek to ensure that appropriate designs and layout are provided which delivers high quality design and the provision of appropriate green infrastructure is also a relevant consideration in this context.

In support of this planning application, the Applicant has submitted a 'Ecological Appraisal – Phase 1 Habitat Survey & GCN Update' report, prepared by White Young Green Environment Planning Transport Ltd, dated 29<sup>th</sup> November 2017.

The proposal includes the removal of an existing pond which is located within the application site. This watercourse is a Great Crested Newt (GCN) breeding site and contains a small population of GCNs, and the vegetation surrounding the pond appears to be the breeding ground of the common moorhen (*Gallinula chloropus*).

To compensate for this loss, it is proposed to create 2 no. new ponds on land located outwith but adjoining the western boundary of the application site. However, this provision will be subject to obtaining a GCN disturbance license from Natural England, to permit a habitat creation and the translocation of the existing GCN population between the two sites. This would be subject to a different consenting regime that will fall outwith the scope of any planning permission granted by the Local Planning Authority. Notwithstanding this, the Local Planning Authority consider that two of the three licensing tests applied by Natural England in assessing such licenses would not be met, in which case it is considered that Natural England would unlikely grant a GCN disturbance license for the proposed development.

The application site is considered to be of moderate foraging quality for bats. It is understood that 2 trees located within the application, which have low-moderate and moderate-high bat roost potential, are likely to be subject of either felling or other tree works, e.g. crown lifting, in order to facilitate access to the application site. In order to mitigate this impact, it is proposed to install 2 no. bat roost boxes to existing trees located adjacent to the northern boundary of the site, which are to be retained.

With regard to any further vegetation clearance, it is proposed that this will be undertaken outside of the bird nesting season (September through to February), or otherwise undertaken subject to supervision by an experienced Ecologist. Furthermore, it is proposed that this will be undertaken outside of the hibernation period for reptiles (March through to October).

With regard to invasive species on-site, notably the giant rhubarb located around the pond and Rhododendron, these are proposed to be removed from site.

Charnwood Borough Council's Senior Ecologist has raised a number of concerns about the proposal. The Council's Ecologist has referred to the consultation response provided in connection with planning application reference P/17/2464/2, which was subsequently withdrawn; however, the contents of the previous consultation response, and the concerns raised in respect of the proposed development, are equally considered to be applicable in respect of this latest planning application.

With regard to the proposed loss of the existing pond on-site, it is considered that no evidence has been submitted to demonstrate that any alternative strategies in line with the mitigation hierarchy, other than the removal of an existing GCN breeding pond, have been investigated in the first instance. Notwithstanding this, with regard to the proposed mitigation, i.e. creation of 2 no. ponds on adjoining land to the west of the

application site, this is proposed on land outwith the application site red-line boundary. At this time, in the absence of a signed Planning Obligation, the Local Planning Authority would be unable to secure the delivery and long-term management of the ecological mitigation proposed in which case the adverse impacts on European Protected Species would not be appropriately compensated. However, in any event, as outlined above, the Local Planning Authority consider that such mitigation would unlikely come forward given Natural England's likely position with regard to the GCN disturbance license for the proposed development.

On the basis of the above, the Local Planning Authority cannot be confident that the proposed development would minimise the impact on, adequately mitigate or provide adequate compensation for, the local GCN population. On this basis, and in line with Paragraph 175 of the NPPF, it is considered that the Local Planning Authority should refuse planning permission in connection with the proposed development.

In view of the above, it is considered that the proposed development would be contrary with the relevant provisions of Policy CS13 of the Charnwood Local Plan (Core Strategy). Furthermore, it is considered that the proposed development would be contrary with the relevant provisions of Chapter 15 of the NPPF.

### **Flood risk/drainage**

Policy CS16 of the Charnwood Local Plan 2011-2028 Core Strategy encourages sustainable design and construction and directing development to location within the Borough at the lowest risk of flooding, supporting developments which reduce flood risk elsewhere, and requiring new developments to manage surface water run off with no net increase in the rate of surface water runoff for Greenfield sites.

Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy seeks to ensure that development proposals reduce their impacts upon and be resilient to the effects of climate change in this context in accordance with Policy CS16.

Paragraph 163 of the NPPF requires local planning authorities to ensure that, when determining planning applications, flood risk is not increased elsewhere and to only consider development in areas of flood risk where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.

According to the Government's Flood Map for Planning, the application site is identified as being within an area (Flood Zone 1) at risk of suffering a 1 in 1000 year (0.1% chance) flood event. This is supported by the Council's own mapping data.

Residential development within Flood Zone 1 is considered to be acceptable in principle in line with Paragraph 163 of the NPPF and Policy CS16 of the Charnwood Local Plan (Core Strategy).

Notwithstanding the above, the Application Form outlines the Applicant intends on surface water being disposed by way of a soakaway and sustainable drainage system, whilst the method of foul water drainage is to be achieved by mains sewer.



No further detailed information concerning these means of drainage support this application. Accordingly, it is suggested that appropriate conditions should be imposed in the event that the Local Planning Authority are minded to grant planning permission in connection with the proposed development in order to ensure an appropriate method of foul and surface water drainage can be achieved.

Leicestershire County Council (Lead Local Flood Authority) have been consulted in connection with this planning application. No objection has been raised; however, the Lead Local Flood Authority have referred the Local Planning Authority to their Standing Advice.

In view of the above, and subject to planning conditions, it is considered that the proposed development would be in accordance with the relevant provisions of Policies CS2 and CS16 of the Charnwood Local Plan (Core Strategy), and the relevant provisions of the NPPF.

### **Highway matters**

Policy TR/18 of the Charnwood Local Plan sets out parking standards in respect of development proposals. However, the parking standards outlined within Appendix 1 of the Local Plan have now largely been superseded by virtue of those outlined within the Leicestershire Highways Design Guide.

Paragraph 109 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Leicestershire County Council (Local Highways Authority) were consulted in connection with this planning application. The consultation response received outlines that the Local Highways Authority raise no objection in respect of the proposed development, although they have referred the Local Planning Authority to Standing Advice.

In this case, the proposed dwellinghouse would comprise a 3-bedroom property. In line with the guidance contained within the Leicestershire Highways Design Guide, a minimum of 2 no. off-street vehicular parking spaces would be required to serve the proposal, subject to them being designed in accordance with the design standards outlined within the Design Guide.

The area of hardstanding proposed adjacent to the proposed dwellinghouse would accommodate at least 2 no. off-street vehicular parking spaces that would comply with the design standards outlined within the Leicestershire Highways Design Guide.

In respect of cycle-parking provision, in line with the guidance contained within the Leicestershire Highways Design Guide, a minimum of 1 no. cycle parking space would be required to serve the proposal, subject to this provision being designed in accordance with the design standards outlined within the Design Guide. No detailed information concerning this provision supports this application; however, this provision could be secured by way of a Planning Condition in the event that the Local Planning

Authority are mindful to grant planning permission in respect of the proposed development.

In view of the above, it is considered that appropriate off street vehicular and cycle parking provision can be accommodated within the site.

With regard to on-site turning facilities, the area of hardstanding proposed to the frontage of the proposed dwelling would provide necessary turning facilities to allow vehicles to manoeuvre on-site in order to enable them to leave site in a forward gear.

With regard to the proposed access, subject to the imposition of a planning condition in the event that the Local Planning Authority are mindful to grant planning permission in respect of the proposed development to control the gradient and surfacing of the proposed access, it is considered that the proposed access would comply with the design standards outlined within the Leicestershire Highways Design Guide.

Access gates are proposed to the private driveway. The gates would be sited approximately 5.96m from the back edge of the carriageway to Platts Lane which would meet the design standards outlined within the Leicestershire Highways Design Guide.

Notwithstanding the above, the proposed development would not result in any change in respect of the access and parking arrangements for The Grove. However, it is understood that the Applicant proposes to remove an existing field gate access to Platts Lane on land to the west of the application site, which falls outwith the application site, and therefore the control of the Local Planning Authority.

In view of the above, and subject to planning conditions, it is considered that the proposed development will not give rise to material harm in respect to matters of highway safety. Accordingly, it is considered that the proposed development would be in accordance with the relevant provisions of Paragraph 109 of the NPPF, Policy CS2 of the Charnwood Local Plan (Core Strategy), and the guidance contained within the Leicestershire Highways Design Guide.

## **Conclusion**

For the reasons set out in this report it is considered on balance that the principle of the proposed development is not acceptable, as it is considered to be contrary to the intentions of Policy CS1 of the Charnwood Local Plan (Core Strategy), despite the proposed development being considered to be in accordance with the relevant provisions of “saved” Policy ST/2 of the Charnwood Local Plan. The proposal would fail to comprise ‘infill’ development, by virtue of the siting of the proposed dwellinghouse and its considerable distance to the rear of the existing development fronting Main Street and its relationship with Platts Lane, nor is there any evidence to suggest it will meet an identified local need, criterion which would need to be met to be acceptable under Policy CS1.

Insufficient information has been submitted in support of this planning application to enable the Local Planning Authority to assess the potential impact of the proposed development on existing trees/hedgerows located within the application site and/or within adjoining land, and to demonstrate that the proposed development would be acceptable on such grounds, contrary to Paragraph 170 of the NPPF which aims to conserve and enhance the natural environment. Notwithstanding this, Officers are concerned about the impact of the proposed development on existing landscaping within the application site.

With regard to the matter of ecology, the proposed development will result in the loss of the existing pond on-site, with no evidence being submitted to demonstrate that any alternative strategies, other than the removal of an existing GCN breeding pond, have been investigated. Notwithstanding this, with regard to the proposed mitigation, i.e. creation of 2 no. ponds on adjoining land to the west of the application site, this is proposed on land outwith the application site red-line boundary, and in the absence of a Planning Obligation would not fall within the control of the Local Planning Authority. Therefore, the Local Planning Authority cannot be assured that the compensation measures proposed could be delivered, nor do the Local Planning Authority have any means to secure its long-term management. Accordingly, it is considered that the proposed development would be contrary with the relevant provisions of Policy CS13 of the Charnwood Local Plan (Core Strategy).

Notwithstanding the above, it is considered the proposal would not result in any adverse harm in respect of matters of design, heritage, residential amenity, flood risk/drainage and highway safety, in accordance with the relevant provisions of Policies CS2, CS14 and CS16 of the Charnwood Local Plan (Core Strategy), “saved” Policies EV/1 and TR/18 of the Charnwood Local Plan and the relevant provisions of the NPPF.

Accordingly, whilst the proposed development would be in accordance with the relevant provisions of Policies CS2, CS11, CS14 and CS16 of the Charnwood Local Plan (Core Strategy) and “saved” Policies ST/2 and TR/18 of the Charnwood Local Plan 2004, the proposal would be contrary with the relevant provisions of Policies CS1, CS13 and CS25 of the Charnwood Local Plan (Core Strategy) and it is recommended Planning Permission be refused for the reasons set out below.

## **RECOMMENDATION**

Refusal of Planning Permission.

Refusal Reasons:

1. The general thrust of both local and national policy is to support sustainable development and of development that would promote the health and well-being of communities. Policy CS1 of the Charnwood Local Plan 2011 to 2028 Core Strategy relates to the hierarchy of sustainability of settlements in the Borough as locations for new development. The application site lies within Cossington, which is identified by Policy CS1 as being in the ‘Other Settlements’ category

of its settlement hierarchy. The supporting text to Policy CS1 confirms that although these villages may not have access to a good range of facilities, they may be suitable for small scale infill development to meet local needs. Whilst the proposal may be considered to be small scale, it is not considered to be infill development and neither has a local need has been demonstrated. As such, the proposal is considered to be contrary to Policies CS1 and CS25 of the Charnwood Local Plan 2011 to 2028 Core Strategy, which both seek to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework.

2. Insufficient information, in the form of a full Tree Survey, in accordance with BS 5837: Trees in relation to design, demolition and construction - Recommendations, and hedgerow survey, has been submitted in support of this planning application to enable the Local Planning Authority to assess the potential impact of the proposed development on existing trees/hedgerows located within the application site and/or within adjoining land which is contrary to Paragraph 170 of the NPPF which aims to conserve and enhance the natural environment.

Notwithstanding the above, the proposal would require works to the trees which would result in effects detrimental to the character and appearance of the trees and likely to impact their aesthetic amenity value health and condition.

3. Insufficient information has been submitted in support of the application to demonstrate that the proposed development has followed the mitigation hierarchy in respect of impacts upon European Protected Species. Accordingly, the proposed development would be contrary with the relevant provisions of Paragraph 175 a) of the National Planning Policy Framework.
4. Notwithstanding Refusal Reason 3, in the absence of a signed Planning Obligation, the Local Planning Authority would be unable to secure the delivery and long-term management of the ecological mitigation proposed on an adjoining parcel of land located outwith the red-coloured boundary of the application site to address the adverse impact on European Protected Species that will arise by virtue of that hereby proposed. Accordingly, the proposed development would be contrary with the relevant provisions of Paragraph 175 a) of the National Planning Policy Framework and Policy CS13 of the Charnwood Local Plan (Core Strategy).

#### Informative Notes:

1. In the Local Planning Authority's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The requirements of the National Planning Policy Framework (paragraph 38) has therefore been met in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. The development is hereby refused in accordance with the following plans/documentation:

- Drawing No. 1710/001 Rev A (Site Location Plan);
- Drawing No. 1710/002 Rev B (Site Plan as Existing);
- Drawing No. 1710/009 Rev B (Site Plan as Proposed);
- Drawing No. 1710/010 Rev B (Visibility Splay as Proposed);
- Drawing No. 1710/011 Rev B (Ground Floor Plan);
- Drawing No. 1710/012 Rev B (First Floor Plan);
- Drawing No. 1710/013 Rev B (Roof Plan);
- Drawing No. 1710/014 Rev C (West and North Elevations);
- Drawing No. 1710/015 Rev B (East and South Elevations);
- Drawing No. 1710/016 Rev B (Sections);
- Drawing No. 0686.001 Rev B (Landscape Proposals (Uncoloured));
- Drawing No. 0686.003 Rev - (Landscape Proposals (Coloured)); and
- Drawing No. 0686.004 Rev - (Landscape & Biodiversity Zone).

