

### Item No. 3

<b>Application No:</b>	P/08/2626/2	<b>Date</b>	29th January 2009
<b>Application Type:</b>	Full	<b>Valid:</b>	
<b>Applicant:</b>	Eastern Range Ltd		
<b>Proposal:</b>	Demolition of garage buildings and erection of 10 dwellings, access road and car parking. (Revised scheme - refusal P/07/3066/2 refers)		
<b>Location:</b>	7A Forest Rock Garage, Church Hill, Woodhouse Eaves, Leicestershire, LE12 8RT		
<b>Parish:</b>	Woodhouse	<b>Ward:</b>	Forest Bradgate Ward
<b>Case Officer:</b>	Mr N Thompson	<b>Tel No:</b>	01509 634739

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### Background

A previous application for the erection of 13 dwellings was submitted in 2007, and decided by Plans Committee 2 on the 10<sup>th</sup> July 2008. The application was refused for 8 reasons. The previous refusal reasons were as follows:-

1. *The emphasis of national planning policy is to reduce the demand for travel, especially by car, and, therefore, to discourage residential development in unsustainable locations. The Government's Planning Policy Statement PPS7, Sustainable Development in Rural Areas indicates that the focus for most housing in rural areas should be on existing towns and identified service centres with exceptions only for new housing in other villages to meet identified local need for housing. This is supported by similar guidance in PPS1; Delivering Sustainable Development, PPS3; Housing and PPG13; Transport. This policy is reflected in the Regional Spatial Strategy (RSS8) and the Core Strategy being developed by the Borough Council as part of the Local Development Framework for Charnwood. The site lies within a settlement that has not been identified as a service or rural centre and the development is not proposed to meet an identified local need, as interpreted under Policy H/6 of the adopted Borough of Charnwood Local Plan. The proposal represents unsustainable development that would encourage the use of the motor car and, therefore, is in conflict with current national and local policies and guidance.*

2. *Policy ST/3 of the Borough of Charnwood Local Plan indicates that developers should contribute to the cost of infrastructure and facilities required to support development. This is in accordance with advice contained in Circular 05/2005. Contributions to educational requirements, library facilities, waste provision, health facilities, youth/adult and children's play provision and public art are required which would need to be secured by a Section 106 Agreement. The development could not be controlled by conditions to deliver these community facilities and, therefore, in the absence of a mechanism that secures appropriate contributions to mitigate the harm to the provision of community facilities, the development would place unacceptable burdens on the provision of public facilities in these areas and would not, therefore, fulfil the requirements of the Policies ST/3, RT/3 and RT/4 of the Local Plan.*

3. The site lacks adequate off-street parking to serve the development and, if approved, the proposal would be likely to lead to parking within the highway and/or difficulties for vehicles getting into or out of the site, to the detriment of highway safety, particularly as such parking would be in the vicinity of a crossroads, in an area where street parking is already limited and, in the case of Meadow Road, on a road which provides the main access route to the primary school. The proposal would, therefore, be contrary to the intentions of Policies TR/6 and TR/18 of the Borough of Charnwood Local Plan.

4. The proposed garages and car ports for the dwellings on Plots 1-3 would have inadequate pedestrian visibility splays and, therefore, vehicles turning out of the site would be likely to create additional dangers for pedestrians. Moreover, the provision of the two parking spaces across the footway on Meadow Road would create hazards for pedestrians, as well as further reducing visibility out of the proposed car ports. For these reasons, the proposal would be contrary to Policy TR/6 of the Borough of Charnwood Local Plan.

5. The proposed development would be accessed by a drive which would pass in close proximity to rooms and windows of the proposed dwellings on Plots 7 and 8. This access arrangement would result in an unacceptable living environment for the occupiers of these dwellings, by reason of noise and disturbance. The proposal would, therefore be contrary to saved Policies H/16 and EV/1 of the adopted Borough of Charnwood Local Plan and the Borough Council's adopted Supplementary Planning Guidance on 'Backland and Tandem Development'.

6. The local planning authority is of the opinion that the dwelling proposed for Plot 3, by reason of its close proximity to the rear of the dwelling on Plot 5, would have an overbearing effect on the latter property which would be detrimental to residential amenity. The proposed development would, therefore, be contrary to saved Policies H/16 and EV/1 of the Borough of Charnwood Local Plan and the Council's adopted Supplementary Planning Document 'Leading in Design'.

7. The dwellings on Plots 8 and 9 would be prominently sited on the Church Hill frontage within the designated Conservation Area and adjacent to 11 Church Hill, a Grade II listed building. It is the opinion of the local planning authority that, by reason of their wide gables, location of dormer windows and chimney stack height, these dwellings would appear as unduly conspicuous and incongruous features in the street scene and detract from the appearance and character of the conservation area and the setting of the listed building. As such, the development would be contrary to Policies EV/1 and H/16 of the adopted Borough of Charnwood Local Plan, the Council's adopted Supplementary Planning Document, Leading in Design (2006) and to the provisions of national policies as expressed in Planning Policy Guidance 15, Planning and the Historic Environment and statutory requirements of the Planning (Listed Building and Conservation Areas) Act 1990.

8. The provision of six car ports to serve the dwellings on Plots 1-3 would, by reason of their number and open frontages, appear as unduly prominent and incongruous features in the street scene, part of which is in the designated Conservation Area. As the development would fail to protect the character and appearance of the conservation area, it would conflict with Policies EV/1 and H/16 of the adopted Borough of Charnwood Local Plan, the Council's adopted Supplementary Planning Document, Leading in Design (2006) and to the provisions of national policies as expressed in Planning Policy Guidance 15, Planning and the

*Historic Environment and statutory requirements of the Planning (Listed Building and Conservation Areas) Act 1990.*

## **Description of the Application**

This site, measuring approximately 0.24ha, is prominently situated in the heart of the village, on the south-east side of the staggered crossroads junction of Church Hill, Main Street, Meadow Road and Maplewell Road. It has road frontages on to Church Hill and Meadow Road and extends behind, and to the side of, properties fronting these two roads.

Land levels in and around the site vary significantly, with properties on the south-eastern side of Meadow Road being in excess of 2 metres lower than the immediately adjacent application site. The front portion of the site facing Church Hill is within the designated Conservation Area. The site abuts the side and rear boundary of 11 Church Hill, and is opposite 1 Meadow Road, both of which are Grade II listed buildings.

The site comprises a number of separate elements. The restaurant premises have been vacant since they were fire damaged a number of years ago. Access to this building and its forecourt parking is from Church Hill and whilst its main façade fronts this road, its position immediately abutting Meadow Road gives this large building, with its garaging accessed from the latter road, prominence in that street scene. Two separate accesses from Church Hill provide access to the petrol filling station, repair workshop and car showroom, all presently vacant, and also a residential flat and 17 lock-up garages. The buildings on the site are substantial, unattractive, have no historic or architectural merit and, thus, do not contribute positively to the character and appearance of the village as a whole or the conservation area.

The proposal is for the erection of 10 new dwellings on the site; six fronting Church Hill in two blocks separated by the access drive into the rear courtyard. Here there would be three dwellings in a short terrace with small rear gardens. To the rear of the site are the gardens of 20 and 22 Meadow Road. Some car parking lies in front of the three dwellings, some are located on the north eastern side of the garden wall of 11 Church Hill. There is one proposed isolated dwelling fronting Meadow Road and there are three garages in a block adjacent to this.

The dwellings fronting Church Hill are 1½ storey in scale and generally drop down the hill to reflect the contours of the site. They are similar in design but broken up by the gable fronted dwelling of plot 6. Plots 1, 2 and 3 are smaller in scale and single storey with some accommodation within the roofspace. These dwellings include rooflights front and back. Plot 3 also has dormers facing south east over the adjacent field. Plot 10 is 2½ storey with a dormer at the front facing the gardens opposite in Meadow Road and rooflights to the rear.

It is proposed that the properties with elevations fronting onto Church Hill would be constructed in local stone, whilst other elevations and properties would be in brickwork. All roofs would be slate. There are also proposed exposed rafter feet,

corbelled eaves, painted joinery and stone cills. Each dwelling fronting Church Hill would have a chimney with contrasting brickwork forming features around windows. The dormer windows and porch detailing characteristics have been taken from adjacent properties.

The applicant has offered 3 of the dwellings to be used as affordable houses; the details of which are to be agreed. This is in line with the 30% figure recommended in the Council's Supplementary Planning Document on Affordable Housing for dwellings, and PPS 3, with a minimum amount of 15 dwellings.

## **Development Plan Policies and other material considerations**

- **Development Plan Policies**

### East Midlands Regional Plan 2009

Policy 1 sets out the regional core objectives. It requires local planning authorities to

- reduce social exclusion, protect and where possible enhance the quality of the environment in urban and rural areas so as to make them safe and attractive places to live and work;
- to protect and enhance the natural cultural and historic assets, avoiding significant harm or damage;
- to achieve a step change in biodiversity;
- a reduction of carbon omissions and minimise adverse environmental impacts through the promotion of sustainable design and construction techniques;
- reduce the causes of climate change through best use of existing infrastructure, promoting sustainable design and construction,
- locating development so as to reduce the need to travel especially by car;
- and reduce the impact of climate change from flooding by providing carbon sinks, promoting sustainable drainage and managing flood water.

Policy 2 requires local planning authorities to improve design by the use of design led approaches which will reduce CO<sub>2</sub> emissions and provide resilience to future climate change. This includes SUDS, management of flood water, low carbon technologies, and build orientation. Land should be used efficiently, and new development located to allow access to local facilities by foot, cycle or public transport. Design should reduce crime, maintain amenity and privacy and benefit quality of life including access to open space.

Policy 3 sets out the locational criteria that should be considered when allocating land for new development. Development should be concentrated within the areas five principle urban areas. Smaller scale development is appropriate within Loughborough. The development needs of other settlements and rural areas should maintain the character and vitality of rural communities, shorten journeys to jobs and services, strengthen rural enterprise and linkages between settlements and their hinterland, and respect the quality of tranquillity. Priority should be given to achieving the regional target of 60% of additional dwellings on previously developed land

Policy 12 supports the continued growth and regeneration of the three main cities. This will be achieved through delivery of the Growth Point Programme. Provision should be made for a mix of house types, balance of jobs and homes, enhancing transport links, employment land to meet indigenous need and encourage new investment, regeneration of deprived areas, and protection and enhancement of green infrastructure. Outside the 3 cities, employment and housing should be within and adjoining settlements and in scale.

Policy 13 sets out the Regional Housing Provision for each district 2006-26. Charnwood's annual apportionment is 790 dwellings per year, totalling 15,800. The latest CBC residential land monitoring report identifies (as at April 2007) that sufficient land for some 4,304 dwellings have already been built, committed or identified for development to meet this requirement.

Policy 14 sets the regional minimum target for affordable housing. Within Leicestershire this figure is 26,500 during the plan period 2006-26.

#### Borough of Charnwood Local Plan (adopted 12<sup>th</sup> January 2004)

Policy ST/1-Overall Strategy for Charnwood- Seeks to set the overall framework for development, in the Borough, ensuring that needs of the community are met, and that features of the natural and built environment are protected and safeguarded where necessary. The policy aims to improve the quality of development through the layout of sites, and to ensure that sufficient land is retained for employment purposes in this instance. This is all to be done in an environment of trying to achieve sustainable development in a co-ordinated, comprehensive and consistent basis.

Policy ST/2 (Limits to Development) seeks to restrict development to within the existing Limits to Development boundaries of existing settlements to ensure that development needs can be met without harm to the countryside or other rural interests.

Policy ST/3 (Infrastructure) seeks to ensure that developers provide financial contributions for things which have an impact on related infrastructure or community facilities. These are to be negotiated through legal agreements.

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 EV/43 (Percent for Art) seeks to ensure that there is either a contribution in lieu, or art is incorporated into the design of the development

Policy H/5 (Affordable Housing on Unallocated Sites) seeks to secure the provision of the appropriate amount of affordable housing with a range of house types on windfall sites.

Policy H/16 (Design and Layout of New Housing Developments) seeks to ensure that proposed housing developments are planned to ensure that high standards of design are achieved in terms of scale, character of the area, privacy, landscaping and creating a safe and secure environment.

Policy TR/6 (Traffic Generation from New Development) seeks to restrict development which through its impact results in an unsatisfactory operation of the highway system, or has a significant impact on the environment, unless measures are proposed to overcome any harmful effects. In all cases measures should help to reduce car dependence and usage.

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

- **Other Policies**

Settlement Hierarchy Review 2008- This document forms part of the Evidence Base for the emerging Core Strategy. Although the Core Strategy at this stage cannot be given any weight as a document, this hierarchy attempts to follow Central Government guidance in underpinning PPSI and the generic need for new development to be sustainable. In the context of this site, it is considered that Woodhouse Eaves is not a Service Centre, and therefore should not accommodate new market housing as it would have a tendency to exacerbate its role as a dormitory settlement. Development of up to 9 affordable housing could be considered particularly within the Limits to Development as it would contribute to community benefit.

Leading in Design Supplementary Planning Document February 2006

Encourages and provides guidance on achieving high quality design in new development, much as reflected in the Guidance above. It indicates that the Council will approach its judgements on the design of new development against five main principles.

Places for People – Successful developments address wider issues than simply building houses. They contribute to the creation of distinctive places that provide a choice of housing and complementary facilities and activities nearby. Good design promotes diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.

Accessible Places – Successful developments are easy to get to and move through, with short, direct public routes overlooked by frontages. People are put before traffic and land uses and transport are integrated. Good design promotes places that have a clear image, are easy to understand, and provide recognisable routes, intersections and landmarks to help people find their way around.

Safe Places – Successful developments are safe and attractive with a clear division between public and private space. Good design promotes the continuity of street frontages and the enclosure of space by development which clearly defines public and private areas, public spaces and routes that are attractive, safe, uncluttered and work effectively for all in society.

Sustainable Places – Successful developments are able to adapt to improve their long-term viability and are built to cause the least possible harm to the environment. Good design promotes development that can respond easily to changing social, technological and economic conditions. It also incorporates resource efficiency and renewable energy measures to take into account the long-term impact of a development.

Distinctive Places – Successful developments respond to their context and build on the features that make an area special. Good design promotes character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture, and addresses sustainability and high quality in the detailed design of buildings.

PPSI (Delivering Sustainable Development) was published in January 2005. It sets out the overarching planning policies on the delivery of sustainable development through the planning system by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources;
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

It reiterates that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

The guidance states that planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental standards through positive policies on issues such as design, conservation and the provision of public open space. There is an emphasis on good design, which should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. High quality and inclusive design should be the aim of all those involved in the development process. Although the appearance and architecture of individual buildings are clearly

factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:

- address the connections between people and places by considering the needs of people to access jobs and key services;
- be integrated into the existing urban form and the natural and built environments;
- be an integral part of the process for ensuring successful, safe and inclusive villages, towns and cities;
- create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and,
- consider the direct and indirect impacts on the natural environment.

PPS 3- Housing. This provides guidance on a range of issues relating to the provision of housing and seeks to promote more sustainable patterns of development and make better use of previously-developed land; the focus for additional housing should be existing towns and cities. New housing and residential environments should be well designed and should make a significant contribution to promoting urban renaissance and improving the quality of life. New housing should be planned for using an evidence based policy approach. Good design is fundamental to ensuring the high quality provision of new housing. The PPS encourages local authorities to set density targets for their area and to provide a mix of housing on development sites. It also sets the national minimum for seeking affordable housing units on sites to developments of not less than 15 dwellings.

PPG 15- Planning for the Historic Environment, particularly paragraph 4.14 which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and paragraphs 2.16 which require authorities to have considerations for applications which affect a listed building including the desirability of preserving its setting; the setting being an integral part of a buildings character.

Woodhouse Eaves VDS 2006. This sets out to inform and influence the design of proposals within the village, and makes statements about the character of development patterns within the village. New development should respect the diverse origins of the village, giving variety rather than uniformity but being of a scale that fits in with existing character and also being appropriate to its location within the village especially on sloping ground and care must be taken when designing even the smallest extension to harmonise with the original so as not to detract from the existing building.

- **Other Material Considerations**

The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of this planning application.



Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that with respect to any buildings or land within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **Responses of Statutory Consultees**

Leics CC (Highways) notes that this application overcomes the previous concerns regarding the level of off street car parking to serve the development. Given the existing uses on the site, it is likely that the proposal would generate less traffic than those existing uses could generate. The proposal would remove existing garage court parking which the highway authority would prefer to see remain as their loss is likely to lead to an increased demand for on street parking. However as these garages are in private ownership they could be removed at any time by the landlord without requiring planning approval. As such, it would be difficult to sustain a highway reason for refusal based on the loss of these garages.

In relation to the proposals on Meadow Road, the submitted plan shows two informal parking spaces being provided on Meadow Road. The highway authority would prefer to see a footway provided instead of parking spaces in the interests of pedestrian safety. It is aware of local concerns regarding the loss of on street parking on Meadow Road, however, since no one has a right to park within the highway, and since parking on Meadow Road caused highway safety concerns especially for children going to and coming from the school, it does not consider that it would be possible to sustain a highway reason for refusal due to the loss of on street parking.

The proposed garages shown off Meadow Road are slightly below current requirements, and the highway authority suggest the imposition of a condition requiring that an amended plan be submitted to overcome this. The proposal does however provide a highway safety gain, in that it is providing a junction improvement and visibility splay. Given the above, and on balance, the highway authority are prepared to look favourably upon this proposal and recommend conditional approval.

Woodhouse Parish Council objects to the proposal. The objection can be summarised as follows:-

1. The settlement is not a Service Centre or a rural centre. The proposal would not meet an identified need. It would be in conflict with national and local plan policies.
  2. The proposal would result in problems with car parking in the vicinity and lead to parking within the highway.
  3. The development is not in keeping with Slater's Cottages diagonally opposite.
  4. There is concern about the proposal dominating the housing on Meadow Road.
- The Parish Council has also raised as issue with regard to drainage and sewerage which are directly relevant to the assessment of the planning application, and is a matter to be dealt with under the Building Regulations and in conjunction with Severn Trent. There are also doubts about whether the proposed development would comply with the Woodhouse Eaves Village Design Statement.

A number of neighbour objections have been received regarding the proposal. These can be summarised as follows:-

- The density of the development is too high.
- The proposal would result in more parking problems in the vicinity as some existing spaces and garages would be lost. The moving of spaces off Church Hill, and the introduction of the footway, increases the problem for users of Meadow Road bringing the width of the road down.
- There would be a road safety issue from the reversing of cars out of plots 8 and 9.
- There is a concern regarding visibility at the Meadow Road/Church Hill junction.
- The proposal would result in the potential for Meadow Road to become blocked preventing access to the school by emergency vehicles.
- The new dwelling facing Meadow Road would not be in keeping with the rest of the dwellings on the site.
- The height of the new dwellings should not be increased over the height of the existing buildings in order to retain privacy and light.

Issues have also been raised with regard to drainage and sewerage suggesting that the details of these be agreed before the development can be approved, and there is a concern with regard to ensuring that the works are carried out safely, particularly in relation to the retaining walls around adjacent property. Emphasis has been put on ensuring that the development complies with the Village Design Statement.

### **Other Comments Received**

The Council's Tree Officer notes a group of Grey Poplars located close to the south western boundary adjacent to plot 3. The larger specimens make a valuable contribution to the visual amenity of the area, are middle aged and in good condition with potential to increase significantly in size. There are also some smaller poplars which seem to be suckers from the root stock of the more mature trees. There appears to be no assessment made of the trees or the impact of the development on them and vice versa. The proposed layout clearly does not take into account of the poplars with the dwelling on plot 3 encroaching within the likely root protection zone as would be recommended by BS5837 Trees in Relation to Construction. Notwithstanding the presence of the existing garage block in close proximity to the trees, the development is likely to cause unacceptable root damage and be detrimental to the health of the nearest trees. Given the nature of the poplars and their ultimate size, allowing a dwelling of this plot would create a most unsatisfactory relationship leading to concerns about safety, loss of natural light and leaf fall, resulting undoubtedly in pressure to severely prune or fell the trees. He recommends refusal unless plot 3 is omitted.

Severn Trent has no objection to the proposal subject to the imposition of a condition requiring the submission of drainage and sewage details.

Leics CC (Archaeology) note that the site lies in an area of archaeological interest. Consequently there is a likelihood of archaeological remains that would be affected

by the development. The applicant should provide for inspection and recording during the groundworks. A brief will be provided for the work. Planning permission should be granted with the relevant safeguards to protect the archaeological remains.

The Loughborough and District Civic Trust note that the amendments have removed the retail unit, and reduced pressure on car parking. They note the site is at a fairly busy conjunction of routes. Their balanced view is that the project would enhance the village by providing attractive and much needed homes on a brownfield site and it should be approved provided it does not infringe any major policy principles.

The Campaign to Protect Rural England notes that the proposal is much improved over the previous design. Careful attention to detail and use of local materials will improve the appearance of the proposal. They support the inclusion of the affordable housing units. The new layout will create a better visibility splay.

Leics CC (Contributions) has requested the provision of contributions towards a number of community related benefits. These are as follows:-

- Library- £620
- Education- £18,360
- Waste- £280

The Police Architectural Liaison Officer seeks a contribution at a level of £606 per residential unit, as the proposed development is over 10 units. The contributions would be directly used within the associated Local Policing Unit to address the accumulative effects of numbers of housing and commercial developments over a geographical area, and increase efficiencies associated with the patrol detection and prevention of crime, provide additional vehicles and other resources, extend communication infrastructures, provide CCTV cameras where necessary, or new or supplementary buildings; and to enhance crime reduction measures through Secure By Design principles.

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

I consider that the main planning issues are as follows:-

1. The principal of residential development within the Limits to Development but within a location not within a Service Centre.
2. The density of the development.
3. The effect of the proposal on the Woodhouse Eaves Conservation Area and the setting of the listed building at 11 Church Hill.
4. The effect of the proposals on the highway network.
5. The effect of the proposal on the trees on the adjacent site, and their effect on the development.
6. The effect of the proposal on the residential amenity of the adjacent occupiers.

The principal of residential development within the Limits to Development but within a location not within a Service Centre.

Although an assessment of the Borough's five year land supply is not the determining factor, it is a part of the assessment of the proposal.

Since the previous application at the site was refused, the new East Midlands Regional Plan has been published. This provides annual averages for each five years in the plan period and increases the overall requirement for Charnwood Borough Council to 19,300 dwellings between 2001 and 2026. The housing requirements set out in the Regional Plan must now be afforded some significant weight in determining whether the Borough Council has a five year supply of deliverable sites.

The review of the five year supply has had regard to the housing requirements in the Regional Plan and this shows that against these requirements Charnwood Borough Council has only a **3.3 years** supply of deliverable sites. The review of five year supply will relate to the period April 2009 to March 2014.

PPS3 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account of PPS3, or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the guidance in the PPS.

In reconsidering this site, it is important that it is assessed against the current development plan and other material considerations including PPS3, which states in paragraph 69 that in general, local planning authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

It is also important that the criteria set out in PPS3 for identifying deliverable sites are considered, to establish whether the site can contribute to the overall supply of deliverable sites. To be considered deliverable, sites should be available, suitable and achievable (paragraph 54).

In terms of assessing the site against the criteria in paragraph 69, it can be concluded that the scheme as submitted would achieve high quality development, would provide a reasonable mix across the site of between 2-4 bed houses, would provide 3 affordable houses, and would use the site efficiently and effectively. However it would be considered to fail on it being suitable on sustainability grounds according to an assessment against the Council's Settlement Hierarchy document due to movements to and from the site by motor car by occupants of the new dwellings.

Similarly when assessed against Paragraph 54 whilst the site meets the two criteria of being deliverable and achievable, it fails for the same reason to be considered suitable when looking in the strict sense of resulting in private car movements to and from a dormitory settlement. This would therefore weigh against the principle of the development.

Therefore although it is accepted that the emerging Core Strategy cannot be given much weight, there have been several appeal decisions which have supported the Council's general viewpoint that unsustainable development in locations such as this should be refused. This issue regarding the lack of a five year supply cannot alone justify the release of this site for housing, because it is generally considered to be in an unsustainable location in line with the Councils emerging Settlement Hierarchy.

Weighing in favour of the proposal are other material considerations. These are as follows:-

- Although the site is situated in an unsustainable location, there is already a potential for significant traffic generation at the site, acknowledged by the Highway Authority in their assessment. There are 17 lock up garages, a petrol filling station, a flat, some warehouses, a Chinese restaurant and a petrol filling station. Although quite a lot of use would be related to linked journeys to and from this site from people that live in the village who would use the facilities provided at the site not all vehicles would be likely to come from within the village. The site would therefore be likely to generate its own traffic demand from vehicles coming from outside the village. This needs to be weighed against the unsustainability of vehicles from 10 new dwellings and a judgement made. It is my opinion that the levels of traffic generated overall would be likely to be less from the new development that were the site to be used to its capacity, albeit it a lot of these would be linked trips.
- The site has sat vacant and empty for some years, and there would be considerable benefits to the site being redeveloped. In a questionnaire as part of the Parish Plan in 2004, 42% of respondents suggested housing should be on the site, the largest figure. Affordability homes were preferred. Although this site only provides affordable housing at 30% provision, this is more than was proposed on the application last year, and the applicants would therefore only be developing the site on the commercial viability of the remaining 7 units, providing 10 in total are approved in a different layout.
- The redevelopment of the site after all these years would result in a significant improvement in the character and appearance of the site, and hence the character of the Conservation Area. The proposed dwellings would fit in with the context of the surrounding dwellings and preserve and enhance the area. This regeneration would significantly boost the local economy both in the short term from contractors working in the locality, and from future occupants of the dwellings supporting local services at the shop, church, restaurants and public houses.

All the above matters weigh in favour of the proposal. A reasonable question that could be asked is, what else is likely to happen to the site should this development

not go ahead, albeit it in amended form to take account of the presence of the trees? The current state of the market would not seem to lend itself to a likely alternative scheme which provides some of the benefits which this scheme does. Whilst some redevelopment of the site for community purposes including additional shops, or community services would be ideal this does not seem to be realistic and the site would be likely to be left vacant for sometime more. Reuse of the site for economic development purposes might also be a possibility, but would raise issues regarding appearance of the development, effect on residential amenity, and result in as many in not more traffic movements to and from the site.

This is a difficult application to make an assessment on, but on balance, I consider that there is sufficient weight in the argument that material considerations in favour of the proposal outweigh the application of policy based on the current emerging Settlement Hierarchy and Core Strategy. It is therefore considered that this housing development as proposed would, in principle, be acceptable on a balance of the issues considered.

#### The density of the development.

The size of the site is approximately a quarter of a hectare and there are 10 proposed dwellings resulting in a density of 40 dwph. The guidance in PPS3 is that the range should normally be between 30 to 50, but can be higher particularly in urban areas. PPS 1 indicates that the efficient use of land should be encouraged. This site is at the heart of the village, and therefore it is considered that a higher density of development would be appropriate. The smaller size of the dwellings helps to fit in with the tighter knit character of the surrounding area, and the development is not made up of larger executive style homes which has been considered inappropriate on this site. I therefore consider that the density of development is not of itself a reason to refuse the proposal.

#### The effect of the proposal on the Woodhouse Eaves Conservation Area and the setting of the listed building at 11 Church Hill.

It is acknowledged that the existing site is not particularly attractive with its mix of industrial building, petrol station canopy and lock up garages. It has been vacant for some time and therefore is considered by some to be an eyesore. There has been a desire for some form of redevelopment on the site identified in the past, with housing being the primary option. The proposals as put forward aim to set the development within the context of the surrounding development and use the existing contours of the land to smoothly morph the development into the street scene. The existing building at 11 Church Hill has been used as a reference point and the development has the majority of its dwellings fronting Church Hill. The Council consider that the design is successful in using the contours by stepping down the hill and uses the proposed access route into the site as a visual break to ensure that there is not a monotony of design. The use of the gable fronted plot 6 is useful in this regard to introduce a bit of variety and act as a visual stop.

The use of chimneys in the design follows the tradition within the village, and this feature is encouraged for new development within the village as stated in the Village

Design Statement. The dormer windows use the gable at 11 Church Hill as a reference point. The design also shows exposed rafters, porch detail and finials. The design of the boundary wall will need to be finalised but in principal its re-use of the stone of the existing wall and new stone will be acceptable. I therefore consider that the proposal would respect the setting of the adjacent listed building.

Although plot 10 is the largest dwelling proposed on the site, it is situated in alignment with the existing dwellings at 16 and 18 Meadow Road. This plot replaces the bulk of the large warehouse/garage workshop currently situated here, and therefore would result in a building which would fit in with the residential surroundings in Meadow Road more than the existing building, and not fail to preserve and enhance the conservation area.

#### The effect of the proposals on the highway network.

The highway authority has changed its opinion on the proposal from the previous application. They have withdrawn their objection and consider that the proposal overcomes their previous concerns. When assessing the proposal an assessment needs to be made between the potential effect of the existing authorised uses on the site and the physical arrangement of the site and the boundary and the visibility splays available, against which that is proposed as part of this application. There is an existing garage/store/workshop on land which fronts Meadow Road. In the past this has generated significant levels of daytime traffic and could potentially again were it to be re-used.

Similarly the existing access off Church Hill could accommodate a number of vehicular movements in and out of the site every minute were it to be re-opened as a petrol station and retail sales area. The restaurant use is likely to result in movements in and out mainly in the evenings and weekends, and the 17 lock up garages on the site, together with the workshop in the south east part of the site could also generate significant numbers of vehicles were the premises to be re-opened upon refurbishment. This would generate significant numbers of vehicles movements.

The proposed layout provides significant improvement for visibility for drivers exiting Meadow Road looking up Church Hill. The existing boundary wall impedes visibility here, which the proposal seeks to improve with a wider radius. The widening of the width of Meadow Road will also act as an improvement in terms of vehicles exiting and entering Meadow Road as access is required to several properties, and also the Primary School. Although there is likely to be parking along this section, this will be no worse than existing. It is therefore difficult to resist the proposal on these grounds. There is however, as a result of the proposals a corresponding detrimental effect on the appearance of the conservation area, due to the widening of this access which the Conservation Officer has concerns over. Ultimately this is a conflict which is hard to reconcile, and the retention of a narrower width in Meadow Road would be better in terms of appearance, but would not result in highway improvements. On balance, I consider that the proposal is satisfactory as proposed, but would benefit from some minor amendments. No footway has been proposed along this section of Meadow Road, at the time of

writing, which is less than ideal, and amendments to the layout could be secured to provide this to link into the existing footpath in front of 16 and 18 Meadow Road. The applicants have been requested to consider this, as it is one of the desires in the VDS in new development. There is no footpath currently, so the situation would be no worse than the existing in this regard were the footpath not provided.

The highway authority has requested amended plans to secure internal dimensions for garages of 3x6m. The proposal shows garages some 20-30cm short of this. A request has been made to secure these slight improvements. Nevertheless, I do not consider the proposals as submitted unacceptable or likely to result in lack of use for car spaces.

#### The relationship between the development and the adjacent trees.

There are no trees within the site. There are however semi mature poplar trees just outside the site adjacent to plot 3. These are approximately between 10 to 12m high. Their location at between 2-3m from the boundary of the site results in a problem in relation to their relationship with plot 3. Not only will the proposed development result in a detrimental effect on the trees, potentially affecting their health and stability by disturbing the root systems and undermining their visual importance in the street scene, but symbiotically, the existing trees would have a detrimental effect of the residential amenity of future occupiers of the development.

Aerial photographs show a significant amount of shadow is cast within this area of the site at the moment and even in winter times the gardens and consequently, internally the habitable rooms of plot 3 particularly would be seriously compromised by the siting of the trees. The presence of the stone barn behind part of the rear garden and parking spaces would also not help in introducing natural light into the garden. The proposed layout would therefore cause harm to the residential amenity of future occupiers of the property to a point where this cannot be considered good design. The layout as proposed therefore fails to properly take into account the existing natural features of the surrounding landscape resulting in a detriment to the trees, and significant detriment to future occupiers of plot 3 from the presence of the trees. Given the location of Woodhouse Eaves at the heart of the Charnwood Forest, I share the Tree Officers concerns and do not consider this to be a good relationship, and therefore it is recommended that the proposal be refused for these reasons.

#### The effect of the proposal on the residential amenity of the adjacent occupiers.

The proposed new development must be assessed in the context of both the existing use of the site for various purposes and the existing buildings on the site when assessing its impact on the adjacent residential properties. The existing buildings already cause some detriment in terms of their size and location of the site. Although the proposed gable of plot 1 would be approximately 4m higher than the end wall of the existing two garages, resulting in an increase in height of development overall, this is balanced with benefits to the occupiers of 16 and 18 Meadow Road by virtue of the removal of the large expanse of brickwork from the existing workshop building, which runs almost the full length of the rear garden at an eaves height of



approximately 5m. Proposed plot 10 would be almost in alignment with those adjacent properties. There will also be the garages to plot 6 and 7 adjacent to the boundary, but between the proposed house and the garage, the view would be open, improving sunlight to the rear gardens of 16 and 18.

The gable to plot 1 is situated some 18m from the main rear face of 16 and 18 Meadow Road. Given the land level difference of approximately 2.5m, between the rear gardens of these properties and the site, Leading in Design SPD would require a set back of 15m from the rear face for a two storey property. The proposal at 1 ½ storeys and at 18m would therefore be acceptable and not be contrary to this guidance.

The presence of plot 10 would result in a potential for greater overlooking of the rear garden of number 7 Meadow Road by virtue of its positioning. There would however be a 10m gap between the front of this dwelling and the side boundary to this property. Number 7 is also set slightly higher than the existing road level, and there is a fence which measures approximately 2.4m from the road level. Given that the proposed rooms on the first and second floors of the proposed plot are bedrooms, and therefore non main habitable windows, and that there are first floor windows in the existing building at the site which could also potentially overlook this property, I do not consider that the proposed plot would result in a serious loss of privacy to the adjacent dwelling.

Although the rear garden of plot 10 is quite short at only 8m, it is quite wide and there is a total of 75sqm altogether. On this basis, I do not consider the proposal is unacceptable. The rear gardens of plot 1 to 3 are also quite small, but not so small in my opinion, to be unusable or unacceptable. Given the problem with the principle of plot 3, it is possible that there may need to be reduced this part of the development to two plots in any re-designed layout, and therefore provide the opportunity for slightly larger garden areas.

### Conclusions

The assessment of the issues relating to the principle of the housing development on this site has been made based on the specific circumstances of the site, and the benefits that the development would provide as a result of the regeneration of this run down site. It should not represent a precedent for similar proposals elsewhere that the Council may wish to resist. On balance it is considered that these benefits outweigh the unsuitability of the location given its location outside of an established service centre.

In terms of the details of the layout, the proposal fails in regard to the proximity of plot 3 to the existing Grey Poplar trees situated outside for the reasons outlined above. The proposal is therefore as a whole, unacceptable, and the recommendation is for refusal. Due to the lack of a completed Section 106 Agreement relating to community provision and facilities, albeit it the applicants have no issue with any aspect of the provision of one, there needs to be an additional reason added for this aspect of the proposal.

## RECOMMENDATION

Refuse - Recommendation - for the following reasons:

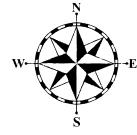
1 - The proposed development by virtue of the siting and design of the dwelling on plot 3 would result in the potential for significant harm to be caused to the roots, and thereby the health, of several semi-mature poplars, located just outside the boundary of the site, and hinder their future growth patterns. The presence of plot 3 would also lead to future pressure for significant works to the trees to improve the amenity for residents and access to natural light leading to concerns about the future safety of the trees. The group of trees are visually significant in the environment, and can be seen from many parts of the village. Their potential loss would be detrimental to the appearance of the site and surrounding area. The location of the trees would also have an equally detrimental effect on the residential amenity of the occupiers of the proposed plot because as a result of their proximity, the dwelling and its private amenity area would be likely to be shaded from direct sunlight for a significant part of the year, resulting in an unsatisfactory level of amenity for future occupiers of that plot. The proposal is thereby contrary to Policies 1, 2 and 26 of the East Midlands Regional Plan 2009, and policies ST/1, EV/1, and H/16 of the Borough of Charnwood Local Plan 2004, Leading in Design SPD 2006, and the principles of PPS 1 Delivering Sustainable Development, in terms of the effect of the development on the trees, and contrary to policy H/16 of the Borough of Charnwood Local Plan 2004, and the principles of PPS 1 Delivering Sustainable Development in terms of the proposed design failing to take into account the presence of the existing trees, thereby resulting in detriment to the residential amenity of future residents of plot 3.

2 - Policy ST/3 of the Borough of Charnwood Local Plan indicates that developers should contribute to the cost of infrastructure and facilities required to support development. This is in accordance with advice contained in Circular 05/2005. Contributions to educational requirements, library facilities, waste provision, health facilities, youth/adult and childrens's play provision and public art are required which would need to be secured by a Section 106 Agreement. Whilst it is acknowledged that the applicants have agreed in principle the provision of these items, and also agreed to the principle of the provision of 3 affordable houses, at the time of the decision of the application no completed agreement under Section 106 of the Town and Country Planning Act is in existence. The proposal is therefore lacking in the provision of these facilities that would have been secured through the contributions. The development could not be controlled by conditions to deliver these community facilities and, therefore, in the absence of a mechanism that secures appropriate contributions to mitigate the harm to the provision of community facilities, the development would place unacceptable burdens on the provision of public facilities in these areas and would not, therefore, fulfil the requirements of the Policies ST/3, RT/3 and RT/4 of the Local Plan.



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**Application No:** P/08/2626/2  
**Location:** 7A Forest Rock Garage, Church Hill, Woodhouse Eaves, Leicestershire, LE12 8RT  
**Scale:** 1:1250

