

Planning Statement

Outline Application for the Erection of 9 Dwellings

Greenacres, Ashby Road, Stapleton

July 2023

Erection of 9 Dwellings – Greenacres, Ashby Road, Stapleton

Project	Greenacres
Client	Greenacres Outdoors Ltd
Reference	2032
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Version	1.0

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1 Introduction

- 1.1 JMI Planning is a Midlands based town planning consultancy. Its directors are chartered town planners with over 30 years' combined experience in both the public and private sector.
- 1.2 The author of this appraisal, Jon Imber, has worked as both a development control and forward planning officer in local government, and more recently as a senior planning consultant in the private sector. He has extensive knowledge of the planning system and experience of the appeals process. He is a member of the Royal Town Planning Institute.
- 1.3 This statement accompanies plans and drawings prepared by DCI Architecture, a highly regarded local practice with significant expertise in projects of this nature.

2 Site and Planning History

- 2.1 The application site consists of garden centre within a semi-rural area approximately two kilometres north of the settlement of Stapleton.
- 2.2 The site includes a dwelling, retail floorspace, a café, indoor and outdoor display areas and a car park.
- 2.3 Neighbouring uses include dwellings to the north and south and fields to the east and west. There is a petrol filling station and haulage yard beyond the dwellings to the north.
- 2.4 The site is enclosed by a variety of boundary treatments including a brick wall topped with metal railings across the road frontage, an established hedgerow across the

boundary with the dwelling to the north and a timber fence across the boundary with the dwelling to the south. There is a relatively dense plantation of trees to the west.

2.5 The site is accessed off Ashby Road.

2.6 In December 2022 outline planning permission was granted to redevelop the site by the erection of 12 dwellings (LPA reference 21/00863/OUT).

2.7 The site and surroundings are shown on the following aerial photograph: -



Figure 1 - Aerial photograph of site

3 The Proposed Development

- 3.1 The applicant remains committed to redeveloping the site for residential purposes.
- 3.2 Having revisited the approved scheme it is considered that a smaller development of detached dwellings would be a more contextually appropriate solution. It is therefore proposed to develop the site by the erection of nine detached dwellings plus garaging.
- 3.3 The application is made in outline with all matters reserved except for means of access.
- 3.4 The application is accompanied by an illustrative layout which shows how nine two storey dwellings together with associated parking provision and garaging could be accommodated on the site. It should be noted that the precise layout of the proposed dwellings and their scale and appearance are reserved for later approval, meaning that this application is concerned solely with the principle of residential development on the site together with the means of access to the site.
- 3.5 The illustrative layout shows the proposed dwellings arranged around a private drive leading to a central courtyard. It is anticipated that the properties would be of contemporary rural character, and would consist of a mixture of 3, 4 and 5 bedroom family homes.

4 Planning Policy Context

National Planning Policy Framework

- 4.1 Paragraph 2 of the NPPF states that “applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- 4.2 Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. It explains that in the context of decision taking, this means approving proposals that accord with the development plan without delay.
- 4.3 Paragraph 12 confirms that the presumption in favour of sustainable development established by the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date local plan should not usually be granted planning permission, and decisions that depart from an up-to date development plan should only be taken if material considerations in a particular case indicate that the plan should not be followed.
- 4.4 Paragraph 60 of the NPPF expresses a commitment to delivering housing growth. It states “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed”.
- 4.5 Paragraph 126 of the Framework relates to design quality. It states “*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable*

development, creates better places in which to live and work and helps make development acceptable to communities”.

Hinckley and Bosworth Core Strategy (2009)

- 4.6 The Core Strategy identifies Stapleton as a ‘Rural Hamlet’. Paragraph 4.46 of the Core Strategy confirms that *“Because of the limited services in these hamlets, development will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses.”*

Hinckley and Bosworth Site Allocations and Development Management Policies DPD (2016)

- 4.7 The Borough Council’s Site Allocations and Development Management Policies DPD (SADMP) sets out a settlement boundary for Stapleton. The application site lies outside of the settlement boundary.
- 4.8 Policy DM1 of the SADMP reiterates the presumption in favour of sustainable development set out in the NPPF.
- 4.9 Policy DM4 of the SADMP seeks to protect the countryside against unsustainable development. It sets out several categories of development which are considered sustainable in the countryside.
- 4.10 Policy DM10 of the SADMP requires that new development either complements or enhances the character and appearance of its surroundings and does not compromise the amenities enjoyed by the occupiers of nearby properties.

5 Planning Considerations

Principle of Development

- 5.1 The application site lies in a semi-rural area outside of the Stapleton settlement boundary. Policy DM4 of the SADMP is therefore relevant in this instance.
- 5.2 Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside by safeguarding it against unsustainable development. The policy goes on to set out specific categories of development considered sustainable within the countryside. The proposals do not fall within any of these categories.
- 5.3 However, it is pertinent that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. In such circumstances policies which restrict the supply of housing, such as Policy DM4, carry diminished weight. Instead the proposals fall to be considered against policies within the National Planning Policy Framework in accordance with the presumption in favour of sustainable development.
- 5.4 The National Planning Policy Framework sets out a presumption in favour of sustainable development. Paragraph 8 of the Framework identifies three components to sustainable development: economic, social and environmental. Achieving sustainable development requires economic, social and environmental gains to be sought simultaneously.

- 5.6 The site constitutes previously developed land, which the National Planning Policy Framework prioritises over greenfield sites for residential development. The site is well contained in visual terms and the proposals would not be viewed as an isolated encroachment into the countryside. It is respectfully submitted that a well designed residential development on the site would represent an improvement in visual terms over the current garden centre. Whilst it is appreciated that the site is somewhat remote from services and facilities, there is a convenience store attached to the nearby petrol filling station providing essential day to day provisions within walking distance. It is also pertinent that a development of nine dwellings is likely to result in fewer trips to and from the site than the established use. On balance the proposals are considered sustainable in environmental terms.
- 5.7 The proposals would deliver both short-term and longer-term economic benefits. In the short term the proposal would bring about the economic benefits associated with new development including supporting the construction industry both directly through construction jobs on site and indirectly through the supply chain.
- 5.8 In the medium to long term, future occupants of the dwelling are likely to support local services and facilities, helping to safeguard their retention and potentially encourage new services in the area. The proposals would also boost the local labour supply, broadening the choice of suitable candidates for local employers.
- 5.9 The proposals would contribute towards meeting the Council's housing requirement, providing quality family homes to meet a local and national demand.
- 5.10 The proposals therefore constitute sustainable development in environmental, economic and social terms.

5.11 It is also pertinent that the site benefits from extant outline planning permission for residential development. It is well established in planning caselaw that the fall-back position established by an extant planning permission or permitted development right is a material planning consideration. In *R (on the application of Zurich Assurance Ltd) v North Lincolnshire Council* [2012], the Court held that, in order to be a material planning consideration, a fallback only has to have “more than merely a theoretical prospect”. The site benefits from outline planning permission for the erection of 12 dwellings, which would result in a significant uplift in value relative to it continuing in its current use. One way or another, therefore, it is highly likely that the site will be redeveloped for residential purposes. In accordance with *R (on the application of Zurich Assurance Ltd) v North Lincolnshire Council* [2012], the fallback position established by the prior approval should therefore be given considerable weight in the determination of this application.

5.12 The broad principle of residential redevelopment is therefore established.

Design & Visual Impact

5.13 The application site adjoins existing residential properties to the north and south and is effectively therefore an infill plot. It sits within a fairly varied built context, with a mixture of early and late 20th Century properties across the Ashby Road frontage as well as commercial buildings and a petrol filling station. There is existing development behind the principal frontage to north.

5.14 The scheme proposes the erection of nine dwellings bungalows on a site of approximately 0.8 hectare. The density of development is therefore approximately 11.25 dwellings per hectare. Whilst lower than the 30 dwellings per hectare

advocated by Policy 16 of the Core Strategy, this is considered appropriate given the semi-rural location of the application site.

- 5.15 The application is submitted in outline with all matters reserved except for means of access. As such, the precise layout of the site and the scale and appearance of properties has yet to be determined. However, the illustrative layout shows a well-designed scheme which would contribute positively towards the varied character of its surroundings. Dwellings have been arranged to create well-defined spaces, with units sited to terminate views into and within the development, creating attractive vistas.
- 5.16 It is anticipated that the proposed dwellings would be two storeys high, designed to have a traditional rural massing with a contemporary elevational treatment. The dwellings have been arranged to provide active frontages to Ashby Road and towards the internal access road. They would therefore be entirely in keeping with the character and appearance of their surroundings and would contribute positively towards their varied context.
- 5.17 The illustrative layout shows the retention of boundary hedgerows and trees which would filter views of the proposed dwellings and help to assimilate them into their surroundings. Estate fencing and a hedgerow are proposed to replace the existing brick wall across the Ashby Road frontage.
- 5.18 The proposed development would contribute positively towards the varied character of their surrounding and as such comply with Criterion (c) of Policy DM10.

Impact upon Residential Amenity

- 5.19 Whilst detailed designs and layouts of individual dwellings have yet to be prepared, the illustrative layout demonstrates that 9 dwellings can be comfortably accommodated upon the site whilst retaining sufficient separation to neighbouring dwellings so as to avoid unacceptable impacts upon daylight and privacy.

Highway Safety

- 5.20 Paragraph 111 of the NPPF states 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.”*
- 5.21 Access arrangements remain identical to those previously proposed, to which the Highway Authority raised no objections. Leicester Road is subject to a 50mph speed limit and visibility is good in both directions. It is also pertinent that a development of nine dwellings is likely to result in fewer vehicle movements than the established use of the site as a garden centre.
- 5.22 The proposals would not therefore prejudice the safe or efficient use of the highway network.

Other Material Considerations

- 5.23 The site lies within Flood Zone 1 where there is a less than 1 in 1000 annual probability of fluvial flooding. The proposed dwelling will not therefore be at unacceptable risk from flooding and will not materially increase flood risk elsewhere.

- 5.24 There are no other material planning considerations preventing the approval of these proposals.

6 Conclusions

- 6.1 The proposals involve the sustainable redevelopment of previously developed land with extant planning permission for residential development. The broad principle of development is therefore established.
- 6.2 The proposed development has been carefully designed and laid out and would contribute positively towards the character and appearance of the surrounding area.
- 6.3 The proposals will not prejudice the safe or efficient use of the highway network, and will not compromise the amenities enjoyed by the occupiers of neighbouring dwellings.
- 6.4 The proposals therefore constitute sustainable development which accords with local and national planning policies. It is therefore respectfully requested that the application be approved.