

**Demolition of farm buildings and erection of five detached dwellings (outline with access and layout included)**

**Report Item No  
A2**

**Quarry Lane Snarestone Swadlincote Derby DE12 7DD**

**Application Reference  
16/01059/OUT**

**Applicant:  
Mr & Mrs J Glover**

**Date Registered:  
21 September 2016  
Consultation Expiry:**

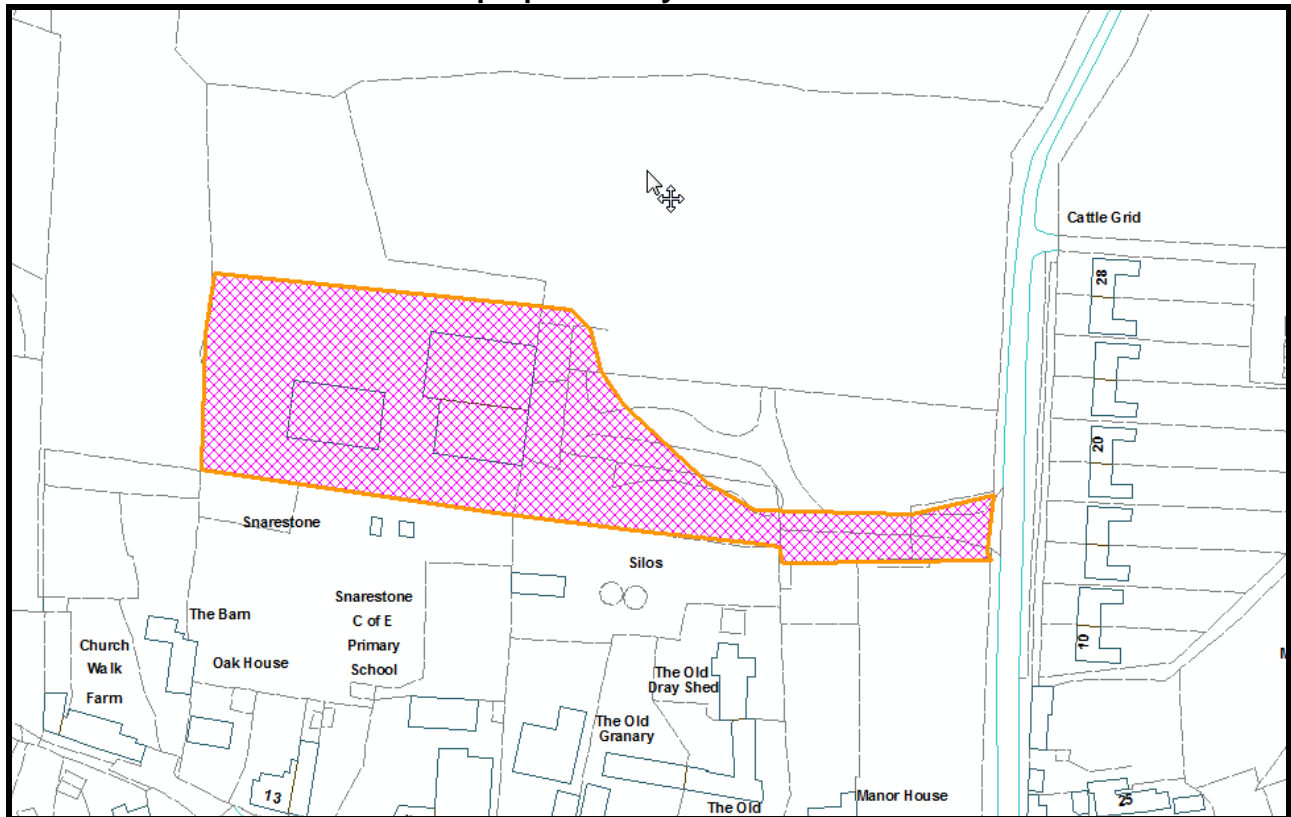
**Case Officer:  
Jenny Davies**

**26 January 2017  
8 Week Date:**

**Recommendation:  
REFUSE**

**16 November 2016  
Extension of Time:  
None Agreed**

**Site Location - Plan for indicative purposes only**



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application is brought before Planning Committee as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to refuse the application have been received.

### **Proposal**

Outline planning permission (with access and layout included for determination) is sought for the demolition of farm buildings and erection of five detached dwellings on land at Quarry Lane, Snarestone. The site lies on the western side of Quarry Lane and an existing access from Quarry Lane would be utilised.

### **Consultations**

Eight letters of support have been received, along with two letters which raise concerns. Snarestone Parish Council does not object. There are no objections raised by other statutory consultees.

### **Planning Policy**

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and in the submitted North West Leicestershire Local Plan. The application has also been assessed against the relevant policies in the NPPF and the adopted and submitted Local Plans and other relevant guidance.

### **Conclusion**

In conclusion, whilst the site is outside the Limits to Development and constitutes greenfield land, the proposal would not have unacceptable impacts on the natural, built or historic environment, would have limited economic benefits and would provide an affordable dwelling. However it is considered that the future occupiers of the dwellings would be reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially sustainable. Furthermore as the site lies outside the Limits to Development, in the context of the River Mease Special Area of Conservation (SAC) the proposal does not constitute a sustainable form of development. On balance these matters would not be outweighed by the benefits of the proposal or any other material considerations. It is therefore recommended that planning permission be refused.

## **RECOMMENDATION - THAT PLANNING PERMISSION BE REFUSED**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Outline planning permission (with access and layout included for determination) is sought for the demolition of farm buildings and erection of five detached dwellings on land at Quarry Lane, Snarestone. The site is 0.65 hectares in size and lies on the western side of Quarry Lane, adjoined by Snarestone Primary School and existing dwellings to the south and east, and farmland to the north and west. The western part of the site is occupied by three modern farm buildings, all of which would be demolished, and areas of vegetation. The eastern part of the site is occupied by hardsurfacing and the access drive.

Five dwellings and five detached garages are proposed on the site of the existing farm buildings and hardstanding. Three of the dwellings would be detached, and the indicative elevations show the other two dwellings to be linked by an archway. An existing access into the site from Quarry Lane would be utilised, which would be re-routed to terminate in a central courtyard. Scale, appearance and landscaping have been reserved for future determination, although two indicative elevational drawings have been submitted.

The supporting information advises that the applicant is agreeable to negotiating in respect of:

- the transfer of land, including a traditional red brick building (which lies adjacent to the site to the south) to Snarestone Primary School and payment of £100,000 to the school;
- civic amenity contribution;
- library contribution;
- health contribution;
- affordable housing - Plot 5 is proposed as a local needs dwelling in perpetuity;
- monitoring costs.

The site lies outside the Limits to Development as identified in the adopted and submitted North West Leicestershire Local Plans and lies within the catchment area for the River Mease Special Area of Conservation/SSSI. The Ashby Canal SSSI lies approximately 98 metres to the west/north west of the site. The Snarestone Conservation Area adjoins the site to the south and Manor Farm, Nos. 13 & 15 Main Street and Snarestone Primary School adjoin the site to the south and are Grade 2 listed buildings. The traditional red brick building referred to above may have had a historic and functional relationship with Manor Farmhouse and therefore may be listed by virtue of being a curtilage building. The former outbuildings to Manor Farmhouse (now converted to dwellings) and Nos. 1 and 2 Quarry Lane are considered to form unlisted buildings of interest. The most recent planning history dates back to the mid-1990s and relates to the erection of farm buildings.

### 2. Publicity

27 neighbours notified.  
 Site Notice displayed 14 October 2016.  
 Press Notice published Leicester Mercury 19 October 2016.

### 3. Summary of Consultations and Representations Received Statutory Consultees

**Snarestone Parish Council** advises that it has unanimously approved this application.

**Historic England** recommends that the application should be determined in accordance with

national and local policy guidance and on the basis of the Authority's specialist conservation advice.

**Leicestershire County Council Archaeologist** advises no archaeological work is required.

**Leicestershire County Council Ecologist** has no objections.

**Leicestershire County Council Highway Authority** has no objections subject to conditions.

**Natural England** has no objections subject to conditions.

**Severn Trent Water** has no objection subject to a condition.

**NWLDC Environmental Protection team** has no environmental observations subject to details of boundary treatments and conditions.

**NWLDC Housing Services** has no objections.

No comments have been received from the Environment Agency by the date of this report. Any comments received will be reported on the Update Sheet.

### **Third Party Representations**

Eight letters of support (including from Snarestone Primary School's headteacher) have been received which make the following comments:

- growth in number of children attending the school and pre-school in recent years;
- number of children on the school roll is anticipated to increase in next few years;
- impact on space at the school to accommodate another class, including loss of an ICT space;
- limited space available at the school which is likely to worsen due to popularity and growth of the school;
- lack of space could impact on the school and quality of children's learning, well being and general school standards;
- becoming more difficult to deliver a full and varied curriculum due to lack of alternative spaces away from the classrooms;
- a new school room would open up more possibilities for the children's education, e.g. providing a space for creative activities, indoor sports, the pre-school, classroom for older children to prepare for next stage of education;
- a new school room would be a valuable asset for staff, the community and the children;
- acquirement and development of the building and land is absolutely necessary for school to pursue highest possible educational experience for pupils;
- new building would also enable community to use school facilities and benefit a wider group of people;
- adapting redundant farm buildings is the best way to extend housing in the village.

Two letters of representation raise concerns in respect of the following matters:

- the houses should be of a more 'affordable' size and type, which would attract young families and first time buyers who are needed in the village and would benefit existing facilities;
- the site lies adjacent to a Conservation Area and a beautiful rural landscape leading to Ashby Canal and is in close proximity to the River Mease which is a Special Area of Conservation;
- the site lies outside the Limits to Development and does not meet any of the criteria for development under Policy S3 of the adopted Local Plan;
- application is based on premise that this is a sustainable development on the basis of the church being used as a village hall, which is incorrect;

- Snarestone is not served by an hourly bus service, and existing bus service is always under threat;
- nearest hourly bus service is over 5km from the village;
- an additional 10 cars would exit onto Quarry Lane, which is single track;
- permission was also recently granted for five holiday lodges further along this road;
- T-junction with Main Street is located within 100 metres of the site entrance which has poor visibility, which is extremely congested at school drop off and collection times, and which is used as turning space;
- current farm traffic is distributed evenly through the day whereas family homes will generate traffic at peak times;
- development would constitute a large percentage increase in the housing stock of a tiny village and should be seen in the light of intensive expansion of housing in nearby Appleby Magna;
- developments at Appleby Magna will cause an increase in traffic through Snarestone;
- confusion regarding the information submitted with the application;
- not necessarily opposed to the development but feel that the premise under which the application is submitted is not correct and this should be addressed so as not to set a precedent for further development along Quarry Lane.

A letter of representation makes comments in respect of a public footpath that crosses the site. However these comments relate to a different application elsewhere on Quarry Lane.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

#### **4. Relevant Planning Policy**

##### **National Planning Policy Framework (NPPF) - March 2012**

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

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

Paragraph 10 (Achieving sustainable development)

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraphs 32 and 35 (Promoting sustainable transport)

Paragraphs 47, 49, 54 and 55 (Delivering a wide choice of high quality homes)

Paragraphs 57, 58, 60, 61 and 64 (Requiring good design)

Paragraphs 69 and 70 (Promoting healthy communities)

Paragraphs 96, 99 and 100 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 109, 112, 118, 119, 120, 121 and 123 (Conserving and enhancing the natural environment)

Paragraphs 129, 131, 132, 133, 134, 137 and 138 (Conserving and enhancing the historic environment)

Paragraphs 203, 204 and 206 (Planning conditions and obligations)

##### **Adopted North West Leicestershire Local Plan (2002):**

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated

otherwise within the assessment below, should be afforded weight in the determination of this application:

- Policy S1 - Overall Strategy
- Policy S3 - Countryside
- Policy E2 - Landscaped Amenity Open Space
- Policy E3 - Residential Amenities
- Policy E4 - Design
- Policy E7 - Landscaping
- Policy E8 - Crime Prevention
- Policy T3 - Highway Standards
- Policy T8 - Parking
- Policy H4/1 - Housing Land Release
- Policy H6 - Housing Density
- Policy H7 - Housing Design

### **Submitted North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to the submitted Local Plan should be commensurate to the stage reached towards adoption.

- Policy S1 - Future Housing and Economic Development Needs
- Policy S2 - Settlement Hierarchy
- Policy S3 - Countryside
- Policy D1 - Design of New Development
- Policy D2 - Amenity
- Policy H4 - Affordable Housing
- Policy H6 - House Types and Mix
- Policy IF1 - Development and Infrastructure
- Policy IF4 - Transport Infrastructure and New Development
- Policy IF7 - Parking Provision and New Development
- Policy EN1 - Nature Conservation
- Policy EN2 - River Mease Special Area of Conservation
- Policy En6 - Land and Air Quality
- Policy HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
- Policy CC2 - Water - Flood Risk
- Policy CC3 - Water - Sustainable Drainage Systems

### **Other Guidance**

- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Practice Guidance 2014
- The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations')
- Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)
- River Mease Water Quality Management Plan - August 2011
- The River Mease Developer Contributions Scheme (DCS)
- The Community Infrastructure Levy Regulations 2010
- 6Cs Design Guide - Leicestershire County Council
- Snarestone Conservation Area Appraisal and Study (2001)
- NWLDC Affordable Housing SPD (2011)

## 5. Assessment

The main issues for consideration in the determination of this application relate to the principle of the development, its visual impact and its impact on the historic environment, residential amenities, trees and ecology, highway safety and on the River Mease Special Area of Conservation.

### Principle of the Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development within the adopted Local Plan and the submitted North West Leicestershire Local Plan, with new dwellings not being a form of development permitted by Policy S3 in the adopted Plan and Policies S2 and S3 in the submitted Plan. Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirement contained in the submitted Local Plan.

Consideration must also be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

In terms of social sustainability, it is considered that Snarestone does not benefit from a wide range of local services, limited to a public house, church, recreational ground and Primary School. The agent advises that the church is also used as a village hall, but this is not clear, in particular as a letter from a local resident advises that this is not the case. A limited two hourly bus service operates Monday to Saturday.

The closest settlements with a shop and other facilities/services and small-scale employment sites, (Appleby Magna and Measham) are in excess of the 800 metre-1km distance that it is considered would deter trips by walking. Whilst these settlements are within the average cycling trip distance, the routes include mostly 50-60mph roads with no streetlighting. Whilst a bus serves both Appleby Magna (five minutes) and Measham (10 minutes), this is limited to a two hourly service. Therefore it is considered that so future residents are likely to choose to use the private car to make journeys to these settlements. The infrequent bus service would also limit the opportunities for residents to travel to work by public transport.

The agent has advised that an application for prior notification could be submitted for the conversion of the existing farm buildings (up to 450 square metres) to three dwellings under Class Q, Part 3 of the General Permitted Development Order 2015. This would roughly be equivalent to conversion of the largest of the buildings on the site. If such an application was submitted the Authority could only have regard to certain matters (set out below), and whether any building operations are reasonably necessary for the building(s) to function as a dwelling.

As such whilst a prior notification could be submitted to convert part of the existing buildings to three dwellings, this provides a limited fallback as such an application has not been formally

submitted, and so a full assessment of the matters that can be considered under Class Q has not been undertaken. It is however acknowledged that transport and highway impacts, noise impacts, contamination risks and flood risk are unlikely to be significant issues given the comments received in respect of the current application. However without full details of a conversion scheme it is not possible to assess design and external appearance, whether it would be impractical or undesirable to convert the buildings and whether any building operations are reasonably necessary for the building to function as a dwelling.

The conversion of the existing buildings under Class Q is likely to give them a modern appearance, which is acceptable in principle under Class Q and which has been approved at other sites in the District. It may also be impractical to convert parts of the buildings to dwellings, given that other buildings would be adjacent or in very close proximity that could still be used for farming. Paragraph 105 of the National Planning Guidance advises that *'It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.'* Therefore the potential for a Class Q conversion of the existing buildings is given very limited weight.

The agent has also advised that the traditional red brick building to the south of the site could also be converted to a dwelling, resulting in four dwellings on the site. However as the applicant is offering this building to the village school alongside the proposed new dwellings (as discussed in more detail below), and that planning permission has not been granted for its conversion to a dwelling, its potential to be converted to a dwelling is also afforded very limited weight.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Given the above, and that very limited weight is given to the potential for four dwellings to be provided at the site by other means, it is considered the future occupiers of the dwellings would be reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially sustainable.

In terms of environmental sustainability the proposal would result in the loss of agricultural land. However given the relatively limited extent of the potential loss of the site (0.65 hectares), it is considered that this is not sufficient to sustain a reason for refusal in this case. Some harm would also arise from the loss of greenfield land located within the countryside. However as set out in more detail below, the proposal would not result in 'isolated' dwellings or any unacceptable impacts on the natural, built or historic environment. There would also be limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

However in the context of the River Mease SAC, as set out in more detail below, the limited capacity available in the adopted River Mease Developer Contribution Scheme Second Development Window (DCS2) should be directed to the most sustainable locations for new development. Therefore as the site lies outside the Limits to Development, in the context of the River Mease SAC, the proposal does not constitute a sustainable form of development.

In conclusion, whilst the site is outside the Limits to Development and constitutes greenfield land, the proposal would not have unacceptable impacts on the natural, built or historic environment, would have limited economic benefits and would provide an affordable dwelling. However it is considered that the future occupiers of the dwellings would be reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially sustainable. Furthermore as the site lies outside the Limits to Development, in the



context of the River Mease SAC, the proposal does not constitute a sustainable form of development, which on balance would not be outweighed by the benefits of the proposal or any other material considerations.

### **Visual Impact**

The proposal would result in a density of 7.7 dwellings per hectare, which is significantly below that sought under Policy H6 of the adopted Local Plan (a minimum of 30 dwellings per hectare). However the NPPF states that authorities should set their own approach to housing density to reflect local circumstances. The submitted Local Plan does not contain a policy setting specific densities. This density is considered appropriate having regard to the character of the area and the location of the site within the countryside.

The proposal would result in the loss of greenfield land within the countryside. However, the proposed dwellings would be set well back from the road, largely on the site of existing buildings and hardsurfacing. It is considered that the layout would reflect a traditional farmstead and some improvements have been made. Development on the site would therefore not be prominent within the streetscene and locality, and would be seen close to existing development, in particular to the south. There is variety in the scale and design of the dwellings in this part of Snarestone and the footprints of the dwellings give an opportunity to reflect local character and distinctiveness. The site could accommodate all of the necessary requirements (private garden, parking/turning space) without being too cramped or resulting in over-development. As such it is considered that harm to the character and visual amenities of the countryside would be limited and the proposal would not conflict with the provisions of adopted Policy E4 and submitted Policy D1.

### **Historic Environment**

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting or a conservation area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess, and to the desirability of preserving or enhancing the character or appearance of a such an area. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the NPPF stipulates 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.

Manor Farmhouse, Nos. 13 & 15 Main Street and Snarestone Primary School adjoin the site to the south and are Grade 2 listed buildings. The traditional red brick building adjacent to the site may have had a historic and functional relationship with Manor Farmhouse and therefore may be listed by virtue of being a curtilage building. The former outbuildings to Manor Farm (now converted to dwellings) and Nos. 1 and 2 Quarry Lane are considered to form unlisted buildings of interest. The site is also adjoined to the south by the Snarestone Conservation Area. Therefore the impact of the development on the setting of the listed buildings and Conservation Area should be given special regard as required by the 1990 Act.

The significance of the school building derives from it being one of the oldest buildings in the village, as it dates from the early 18th century, with part of the existing building and land donated in 1717 by a member of the Charnell family (who were important landowners in the village since the 13th century) to found the Snarestone Endowed School. Manor Farm's significance partly derives from it being one of a group of prestigious houses developed in the 18th century, and the conversion of its former outbuildings reflects the decline in agricultural

activities within the village in the 20th century. Manor Farmhouse's significance also derives from some of its external detailing, which are typical of Georgian properties of architectural pretension. Nos. 13 and 15 Main Street date from the 18th/19th century and their significance in part derives from their group value with the school and the retention of 18th century internal and external features. The significance of the traditional red brick building lies in it being one of the only remaining unconverted traditional farm buildings in the village. The historic centre of the village is centred on the nearby part of the Conservation Area, and Quarry Lane itself provides a strong visual edge and sense of enclosure due to the mature trees and hedgerows to the Manor House.

Significant weight is given to preserving the setting of the Grade 2 listed buildings and Conservation Area. The development would be well separated from Manor Farmhouse and screened by existing boundary walls and mature trees. Whilst there may have been an historic and/or functional relationship between the site and Manor Farm, the sites are now completely separate and the introduction of the modern farm buildings has weakened any such relationship. Whilst there would be a more open aspect between the converted former outbuildings to Manor Farm and the development, they are quite separate. The new dwellings would be adjacent to the boundary with the school, and occupy more of the site and are likely to be of a larger scale overall than the existing buildings. However the existing buildings are of a large scale and height, and already form the backdrop to the school and Nos. 13 and 15 when viewed from Main Street and the school grounds, and form part of the view of the school from Quarry Lane. There is no evidence to suggest there is any direct functional/historic relationship between the site and the school and Nos. 13-15. The layout largely reflects a traditional farmstead and it is considered that dwellings could be designed that would reflect the location of the site adjacent to heritage assets. As such it is considered that the proposal would not adversely impact on the setting of the listed buildings, Conservation Area and unlisted buildings, and would not be harmful to their significance.

The County Archaeologist advises that due to the level of previous ground disturbance at the site no archaeological work would be required.

### **Residential Amenities**

The dwellings would be sited at least 51 metres from No. 17 Main Street and 33 metres from its boundary, with the garages being 47 metres from No. 17 and 31 metres from its boundary. Plot 5 would be 40 metres from the Old Dray Shed and 28 metres from its boundary. Plot 3 would be at least 25 metres from the garden to The Barn. As such it is considered that the proposal would not adversely affect residential amenities in terms of loss of privacy, loss of light and oppressive outlook.

The Council's Environmental Protection team has requested that a boundary treatment is erected to the site's southern boundary (at a minimum a close boarded fence) to show how noise from the primary school playing field/play area would be abated so as not to impact on the amenity space to the new dwellings. However erection of a boundary treatment would impact on both the setting of the school and result in the loss of a mature hedgerow that contributes to the amenities of the area. Furthermore such a request was not made in respect of the dwelling that has been erected immediately to the east of the school (10/01142), whose garden adjoins the school's hardsurfaced sports area. The school playing field is also adjoined by the gardens to at least four existing dwellings. On this basis it is considered unreasonable to require a boundary treatment to be provided.

### **Trees and Ecology**

There are buildings to be demolished, trees and hedgerows on and near the site and large

areas of grassland/gardens nearby, all of which are features that could be used by European Protected Species (EPS) or national protected species. Therefore the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions and to the requirements of the Wildlife and Countryside Act 1981 (as amended).

The County Ecologist advises that there is no need for surveys of the three buildings to be demolished, but there may be a need for a survey of the traditional red brick building should it be converted. However this building lies outside the application site and is not proposed to be converted as part of this application. There are no trees within the site and the trees within the grounds to Manor Farm are unlikely to be affected as the access drive will either remain in its existing position or move further from the trees.

No hedgerows are shown to be removed. Visibility splays have not been requested by the County Highway Authority and the garage to Plot 3 has been moved further away from the southern boundary hedgerow. As such it is considered that protected species would not be adversely affected.

### **Highway Safety**

The site access is located around 90 metres from the junction of Quarry Lane and Main Street and is currently used by farm traffic, which would cease. Visibility splays for a 30mph road could be achieved on both sides of the access, although the frontage hedgerow would need to be cut back. The County Highway Authority advises that Quarry Lane is a rural road with a 30mph limit adjacent to the site and with no recent history of traffic incidents. The geometry of the junction indicated on the drawing would provide safe and acceptable access to the development. The Highway Authority goes on to state that it is satisfied that the proposal is unlikely to lead to an unnecessary increased risk to road users, and advises that in its view the residual cumulative impacts of development are not considered severe in accordance with paragraph 32 of the NPPF, subject to the conditions. Given the above it is considered that the proposal is unlikely to result in a severe impact on highway safety.

### **River Mease Special Area of Conservation/SSSI**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC)/SSSI. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore, an assessment of whether the proposal would have a significant effect on the SAC is required.

A condition could be imposed requiring discharge of surface water to a sustainable drainage system. The flows from the five dwellings need to be taken into account against the existing headroom at Snarestone Treatment Works, which serves this area. At March 2016 capacity was available for 85 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (21) and those subsequently approved or with a resolution (1). As such it is considered that capacity is available at the relevant treatment works for foul drainage from the site.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

Members will be aware that DCS2 was adopted by the Council on 20 September 2016. However there is only limited capacity available for new development until pumping out of foul

drainage discharge from the SAC catchment area takes place. It is considered that this limited capacity should be directed to the most sustainable locations for new development within the District as set out in Policy S2 of the submitted Local Plan. Therefore as the site lies outside the Limits to Development in the adopted Local Plan and submitted Local Plan it is considered that in the context of the SAC and the limited capacity available in DCS2 the proposal does not constitute a sustainable form of development. Development of the site would therefore be contrary to the provisions of Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

### **Developer Contributions**

Whilst only five new dwellings are proposed, more than 1000 square metres of floorspace would be created. Therefore the proposal can be subject to developer contributions under the National Planning Policy Guidance.

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

The supporting information advises that the applicant is agreeable to negotiating in respect of providing:

- the transfer of land, including a traditional red brick building (which lies adjacent to the site to the south), to Snarestone Primary School and payment of £100,000 to the school;
- civic amenity contribution;
- library contribution;
- health contribution;
- affordable housing - Plot 5 is proposed as a local needs dwelling in perpetuity.

Under the Council's Affordable Housing SPD, 30% affordable housing is required on sites of five dwellings or more. The Council's Strategic Housing Team advises that the provision of Plot 5 as a discounted open market property is acceptable and this could be secured in a legal agreement. One affordable dwelling on the site would contribute to social sustainability, although the remaining housing mix would make a limited contribution to the housing needs of the community given that they are all proposed to be larger dwellings.

Although sympathetic to the position of the school in respect of lack of space and increasing pupil numbers, the proposal falls below the threshold of 10 dwellings or more under which the Education Authority (Leicestershire County Council) would be consulted. Furthermore this threshold applies to other developer contributions (other than affordable housing), including civic amenity sites, libraries and healthcare. As such there is no evidence or justification that the land, building and money for the school and the other proposed contributions are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale and kind to the proposal. Therefore it is considered that the proposed contributions would not comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and therefore do not form a material consideration and should not be taken into account in the determination of the application.

### **Other Matters**

The supporting information advises that a working farm in the centre of the village has implications for smell, noise and wider environmental issues such as vermin control. However it is not unusual for farm buildings to be located close to the edge of villages, and there does not

appear to be a history of complaints about the site.

The Ashby Canal SSSI lies approximately 98 metres to the west/north west of the site. Given this distance, that surface water already discharges from the site into the ground, and that a condition could be imposed to prevent pollution of the SSSI from surface water discharge, it is considered that the proposal is unlikely to adversely impact on this SSSI.

The Council's Environmental Protection team requests the imposition of conditions relating to contaminated land due to the agricultural use of the site.

### **Conclusion**

In conclusion, whilst the site is outside the Limits to Development and constitutes greenfield land, the proposal would not have unacceptable impacts on the natural, built or historic environment, would have limited economic benefits and would provide an affordable dwelling. However it is considered that the future occupiers of the dwellings would be reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially sustainable. Furthermore as the site lies outside the Limits to Development, in the context of the River Mease Special Area of Conservation (SAC) the proposal does not constitute a sustainable form of development. On balance these matters would not be outweighed by the benefits of the proposal or any other material considerations. It is therefore recommended that planning permission be refused.

### **RECOMMENDATION, REFUSE for the following reasons:**

- 1 In the opinion of the Local Planning Authority Snarestone is not considered to benefit from a wide range of local services, nor is it considered to be readily accessible via public transport and the scheme would result in future occupiers being reliant upon the private motorcar to access basic day to day needs. It is therefore considered that the development would be contrary to Policy S3 of the adopted North West Leicestershire Local Plan, Policies S2 and S3 of the submitted North West Leicestershire Local Plan and the social strand of sustainability enshrined within the National Planning Policy Framework. As such the development would not constitute a sustainable form of development.
- 2 The River Mease Developer Contribution Scheme Second Development Window (DCS2) was adopted by the Council on 20 September 2016 and allows for a limited amount of capacity for new development in the catchment area of the River Mease Special Area of Conservation (SAC). In the opinion of the Local Planning Authority, the limited capacity should be directed to the most sustainable locations for new development within the District as set out in Policy S2 of the submitted North West Leicestershire Local Plan. The site lies outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan and submitted North West Leicestershire Local Plan. Therefore, in the context of the River Mease SAC and the limited capacity available in the adopted DCS2, the proposal does not constitute a sustainable form of development and would therefore be contrary to the provisions of Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.