

Residential development of up to 30 no. dwellings and associated infrastructure (outline - access only)

Report Item No
A1

Talbot Place Donisthorpe Swadlincote Derby DE12 7PU

Application Reference
16/00102/OUTM

Applicant:
Mr R Gray

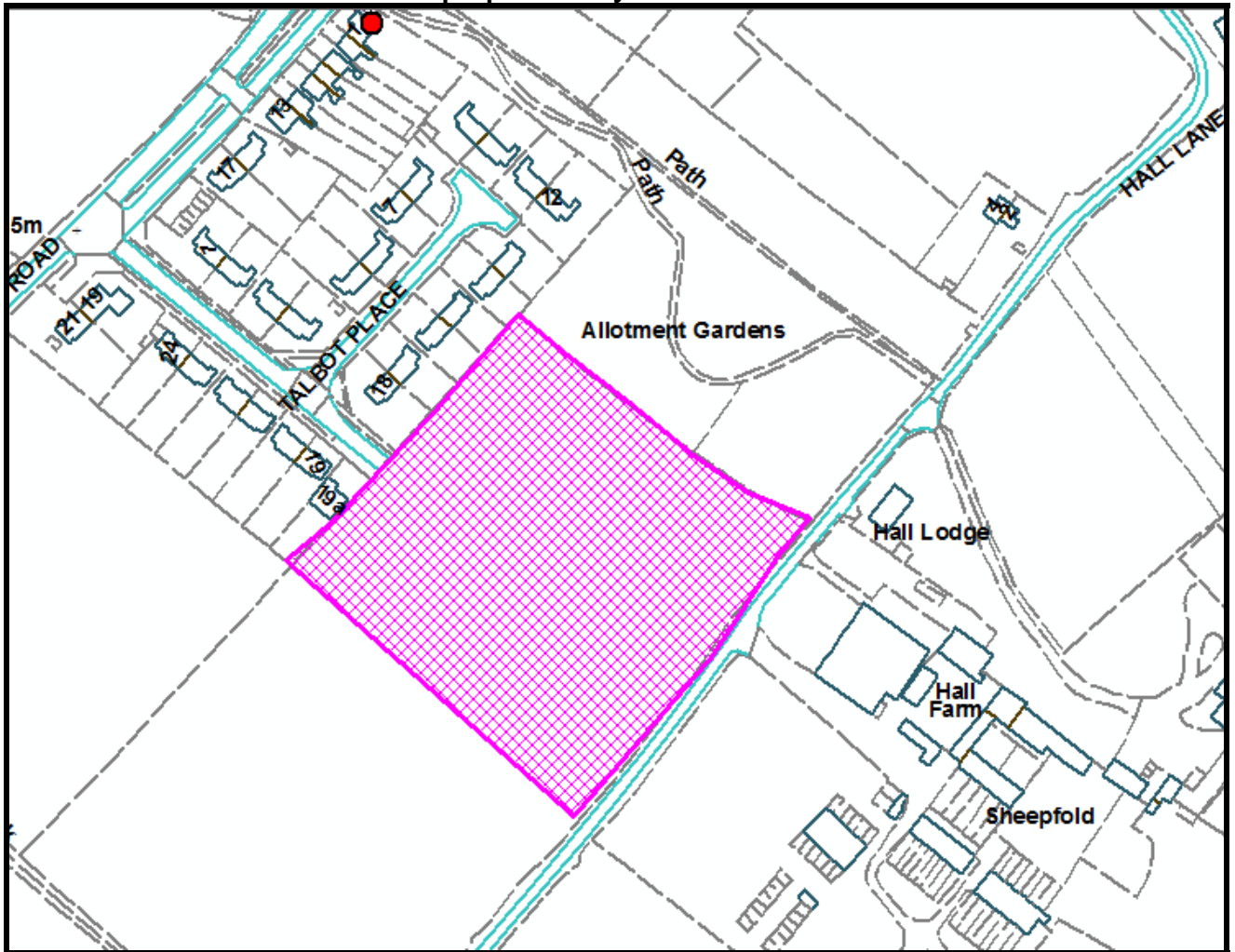
Date Registered:
5 February 2016
Consultation Expiry:
9 March 2016
8 Week Date:
6 May 2016

Case Officer:
James Mattley

Extension of Time:
None Agreed

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Outline planning permission is sought for the erection of up to 30 no. residential dwellings and associated infrastructure at land at Talbot Place, Donisthorpe.

Consultations

No objections have been raised by statutory consultees and there has been one letter of representation received.

Planning Policy

The application site is located outside the Limits to Development, as defined by the adopted North West Leicestershire Local Plan Proposals Map 2002 and submitted Publication Policies Maps June 2016.

Conclusion

In conclusion, the scheme for up to 30 dwellings and associated infrastructure, would result in the urbanisation of the site which would diminish its present open character and would be an incongruous encroachment into the rural environment. Furthermore, 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.

RECOMMENDATION - REFUSE

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for the erection of up to 30 residential dwellings and associated infrastructure at land at Talbot Place, Donisthorpe.

The application is in outline at this stage with details of means of access included for consideration. Vehicular access into the site would be off Talbot Place.

For the avoidance of doubt, layout was originally for consideration, however was removed from the description, at the request of the applicant on 2 February 2017. Accordingly, details of an indicative layout scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

The site is 1.36 hectares and is currently in agricultural use. The site is bordered to the north east by allotment gardens, to the east by 'Hall Farm', to the south by agricultural land and to the west by existing residential development on Talbot Place.

The site lies within the catchment area of the River Mease Special Area and the site is located outside the Limits to Development, as defined by the adopted North West Leicestershire Local Plan Proposals Map 2002 and submitted Publication Policies Maps June 2016.

Planning History:-

None relevant to this application site.

To the south of Talbot Place, outline planning permission has been granted for up to 36 dwellings:-

14/00802/OUTM - Erection of 36 dwellings, formation of access and provision of open space (outline - all matters other than part access reserved) - Approved - 08.07.2015.

2. Publicity

40 Neighbours have been notified.

Site Notice displayed 17 February 2016.

Press Notice published Leicester Mercury 17 February 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Statutory consultees:

Donisthorpe Parish Council requests that the Section 106 funding associated with this development, be passed to the Parish Council for a much needed play area in the village of Donisthorpe and a boundary gap is also required in order to maintain the area between the site and the adjacent allotment site.

Severn Trent raise no objections, subject to the imposition of a condition.

Natural England raise no objections, subject to the imposition of conditions.

Environment Agency has no comments to make.

National Forest request 20% of the site area to be for woodland planting and landscaping.

Leicestershire County Council - Highways raise no objections, subject to the imposition of conditions.

Leicestershire County Council - Ecology raise no objections, subject to the imposition of conditions.

Leicestershire County Council - Archaeology raise no objections, subject to the imposition of conditions.

Leicestershire County Council - Lead Local Flood Authority raise no objections, subject to the imposition of conditions.

NWDLIC Head of Housing advises in line with the Council's Supplementary Planning Document, 30% affordable housing should be secured.

NWLDC Environmental Protection has no environmental observations.

The Council's Conservation Officer raises no objections.

Third Party Representations

One letter has been received stating that they have no specific objection to the development, but that planners fully understand the local topography and that consideration will be had to a drainage system that will have to run up hill and that water pressure will struggle to cope, without improvement.

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

4. Relevant Planning Policy

National Policies

The Planning (Listed Buildings and Conservation Area) Act 1990

National Planning Policy Framework

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

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

determination of this application.

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

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 32 (Promoting sustainable transport)
Paragraph 34 (Promoting sustainable transport)
Paragraph 47 (Delivering a wide choice of high quality homes)
Paragraph 49 (Delivering a wide choice of high quality homes)
Paragraph 54 (Delivering a wide choice of high quality homes)
Paragraph 57 (Requiring good design)
Paragraph 59 (Requiring good design)
Paragraph 61 (Requiring good design)
Paragraph 64 (Requiring good design)
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 109 (Conserving and enhancing the natural environment)
Paragraph 112 (Conserving and enhancing the natural environment)
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 119 (Conserving and enhancing the natural environment)
Paragraph 129 (Conserving and enhancing the historic environment)
Paragraph 131 (Conserving and enhancing the historic environment)
Paragraph 134 (Conserving and enhancing the historic environment)
Paragraph 143 (Facilitating the sustainable use of minerals)
Paragraph 203 (Planning conditions and obligations)
Paragraph 204 (Planning conditions and obligations)

North West Leicestershire Local Plan:

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

Policy S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy E30 - Floodplains
Policy F1 - National Forest General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy L21 - Children's Play Areas

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 this submitted version should be commensurate to the stage reached towards adoption.

S1 - Future Housing and Economic Development Needs

S2 - Settlement Hierarchy

S3 - Countryside

D1 - Design of New Development

D2 - Amenity

H4 - Affordable Housing

H6 - House Types and Mix

IF1 - Development and Infrastructure

IF7 - Parking Provision and New Development

EN1 - Nature Conservation

EN2 - River Mease Special Area of Conservation

EN3 - The National Forest

HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

CC2 - Water - Flood Risk

CC3 - Water - Sustainable Drainage Systems

Other Guidance

National Planning Practice Guidance - March 2014.

The Conservation of Habitats and Species 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.

River Mease Water Quality Management Plan - Developer Contribution Scheme June 2016.

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in 'All Other Settlements' such as Donisthorpe.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within 'All Other Settlements' such as Donisthorpe.

North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

6Cs Design Guide (Leicestershire County Council)

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

5. Assessment

This is an outline application for residential development of up to 30 dwellings with details of access only to be considered at this stage; therefore appearance, landscaping, scale and siting do not form part of the application and will be considered at the reserved matters stage(s).

As such the main considerations with regards to this application are the principle of development, access and highway considerations and other matters.

Principle of Development

Insofar as the principle of development is concerned, and 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 site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the submitted Local Plan. Policy S2 of the submitted North West Leicestershire Local Plan defines Donisthorpe as a 'Sustainable Village' where a limited amount of growth will take place within the defined limits.

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

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. It was previously accepted within application ref: 14/00802/OUTM that Donisthorpe was a reasonably suitable location for new residential development at that site. As that site is in close proximity to this application site and scheme proposed up to 36 dwellings, it is therefore considered to be comparable, on that basis.

The settlement of Donisthorpe provides some day to day facilities, e.g. a primary school, church, community uses, two public houses, play area/open space and a shop. However, it is noted that these facilities are spread between the two key areas of Donisthorpe. There is also a bus service which runs near on, an hourly basis (Monday to Saturday from Burton on Trent to Ashby de la Zouch). The site is located within maximum walking distance (i.e. within 800m to 1km) of some of these services, including bus stops, although it is further to the school. On balance, it is therefore considered that occupiers of the dwellings would not necessarily be dependent on the private car. Taking all of these matters into account, it is considered that the site is socially sustainable in terms of distances to services/facilities.

In terms of the sites sustainability, in the context of the River Mease, 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.

The site would be detached from the Limits to Development on both the Proposals Map to the adopted and submitted Local Plans. On this basis the proposal would be assessed against the context of Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan, particularly as the Local Authority is able to demonstrate a five year supply of housing. Such policies are considered to be supported by the principles of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

Notwithstanding the site adjoining existing residential development to the north-west, off Talbot Place, the site is closely associated with the open rural landscape to the south, east and to the north (with allotment gardens). As a consequence it contributes positively to the open and undeveloped nature of the area which would be its defining characteristic. A scheme for up to 30 dwellings and associated infrastructure, would result in the urbanisation of the site which would diminish its present open character and would be an incongruous encroachment into the rural environment. There is also no overriding need for this type of proposal to come forward on agricultural land, when the Authority has a five year supply of housing and consequently there is conflict with a fundamental principle of the NPPF by virtue of the failure of the development to protect or enhance the natural environment. As the application site is outside the defined Limits to Development it would also conflict with Policy S3 of both the adopted and submitted Local Plans and Policy S2 of the submitted Local Plan.

The provisions of the NPPF do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. The 'Environmental' strand states to fulfil this role development should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change. The development would result in the loss of Greenfield land, is not considered to protect or enhance the natural environment. Therefore the development proposed is not considered to constitute sustainable development, and thus in principle, the development is not considered to be acceptable.

In conclusion, whilst the site would be socially sustainable and proposes affordable housing and there would be some limited economic benefits of the scheme, which would be simply associated with the construction of the dwellings, on balance, this would be significantly and demonstrably outweighed by the un-sustainable nature of the development in the context of the River Mease SAC and the negative environmental impacts of the proposal. Accordingly the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable in relation to the NPPF as well as relevant policies of the adopted and submitted Local Plans.

Access and Highway Considerations

The application has been accompanied by a Transport Statement.

Access is proposed from Talbot Place. The County Highway Authority (CHA) raises no objections, subject to the imposition of planning conditions.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Other Matters

Density and Layout

The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances.

The application proposes 30 dwellings on a 1.36 hectare site equating to a net density of 22 dwellings per hectare (dph). Policy H6 requires a minimum of 40 dph in town centre locations and accessible locations and 30 dph in other locations.

Accordingly whilst this density at 22 dph is lower, it is not considered that a higher density of development could be achieved on the site, without having impacts upon the proposal. Therefore, the scheme is considered to be acceptable in relation to the advice contained in the NPPF and Policy H6 of the Local Plan.

As mentioned within the introduction, this is an outline application for access only, with all matters being reserved for approval at a later stage. Accordingly the layout, design and appearance are not for consideration within this application.

It is, however, considered that in terms of the site location plan provided, that the site is of a sufficient size to be able to accommodate up to 30 dwellings, with landscape, play space and access arrangements.

At this outline stage, the proposal is therefore considered to comply with the provisions of Policy E4 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Impact upon the Setting of a Listed Building

The proposed development must be considered against section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess".

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) 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.

Donisthorpe Hall is Grade II Listed Building, approximately 120 metres from the east of the site. The scheme has been considered by the Council's Conservation Officer who raises no objection and is of the opinion that the proposed development would not harm the setting of Donisthorpe Hall.

The Conservation Officer has suggested that it would be preferable to locate the proposed

public open space to the east of the application site, to better conserve the countryside setting of Donisthorpe Hall and to de-crease the size of the public open space and increase the size of the proposed plots, to better reflect the density of development on Talbot Place.

As layout is not for determination at this stage, the positioning of the public open space is not for consideration. The amount of public space is dictated by the site area (20% for National Forest woodland and planting) and equipped play space is calculated in accordance with the number of dwellings. As such, these matters, including the footprint of dwellings, would be addressed at any subsequent reserved matters stage(s).

Impact upon Residential Amenity

The application is in outline, considering access only and as such scale, layout, landscaping and appearance are to be considered at the reserved matters stage(s). Accordingly the impact on neighbouring occupiers particularly in terms of privacy, loss of sunlight and daylight and overbearing form, will be a primary consideration at the reserved matters stage(s) when the scale, layout and appearance are presented for approval.

It is considered, having regard to the indicative details submitted that a suitably designed scheme could be achieved on this site that will not detrimentally impact upon surrounding residential dwellings.

At this outline stage, the proposal is therefore considered to comply with the provisions of Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). 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.

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.

The River Mease DCS2 was adopted by the Council on 20 September 2016 which has limited capacity available for new development. Having regard to this limited capacity the Authority has had to decide how to deal with applications within the catchment area. In the Authority's opinion, 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 Local Plan. Therefore as the site lies outside the Limits to Development in the adopted Local Plan and submitted Local Plan the Authority is of the view 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.

The flows from the proposed dwellings need to be taken into account against the existing headroom at Donisthorpe Treatment Works. Where there is no existing capacity at the time of determination a condition would normally be proposed which seeks to prevent occupation of the proposed dwellings, until additional capacity has been provided at Donisthorpe Treatment

Works. Accordingly whilst there is no current capacity at Donisthorpe, in time Severn Trent will facilitate the transfer of some capacity to treatment works (Packington and Measham) to create such capacity for the dwellings. As such a reason for refusal based on limited capacity at the treatment works could not be justified.

Drainage and Flood Risk

The site is located in Floodzone 1 and has been accompanied by a Flood Risk Assessment.

The scheme has been considered by Leicestershire County Council - Lead Local Flood Authority (LLFA) who originally required additional information in relation to sustainable drainage and associated calculations.

During the course of the application, additional information has been submitted by the applicant and re-consultation has been undertaken with the LLFA.

The LLFA have confirmed that they raise no objection, subject to conditions in relation to a surface water scheme, management and maintenance and soakaway design.

Accordingly, subject to the imposition of conditions it is considered that the scheme would not result in an un-acceptable adverse impact upon flood risk.

Archaeology

During the course of the application, archaeological works have been undertaken on site, in accordance with the requests from the County Council Archaeologist.

The County Council Archaeologist has subsequently confirmed that trial trenching has been undertaken and archaeological remains have been identified and archaeological evaluation has been reviewed. The County Council Archaeologist have recommended a condition to be imposed.

Ecology

The application has been accompanied by an ecology report which has been considered by the County Council Ecologist who has raised no objection to the application, subject to the imposition of conditions.

Developer Contributions

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.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

Affordable Housing

The Council's Strategic Housing Team have been consulted on the application and have advised that there is a need for affordable housing and that the full 30% should be secured through the proposed development, in accordance with the Council's Affordable Housing Supplementary Planning Document (SPD).

As the scheme proposes up to 30 dwellings, based upon 30 dwellings this would equate to 9 affordable homes and the indicative details presented showing plots 5-9 and 14-17 are considered to be acceptable to the Strategic Housing Team and that a village connection criteria be attached to allocation of the affordable properties, in the first instance.

The Council's preferred position is to seek delivery on site through a Registered Provider (RP), however the Strategic Housing Team have stated that Members of Planning Committee should be aware, that in the event of no firm offers by RPs, a S106 Agreement would ensure that a cascade is in place to provide a commuted sum, to be payable at an equivalent value.

Play Area/Open Space

Under the Council's Play Area Supplementary Planning Guidance (SPG), on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that up to 30 dwellings are proposed, this would require a play area of not less than 600 square metres. The indicative layout shows that provision is proposed to be made for public open space and a Local Equipped Area of Play (LEAP) within the site. Taking into account the overall size of the recreation area, a suitable sized children's equipped play area could be provided at the reserved matters stage. Therefore, the proposal is considered to be in accordance with Local Plan Policy L21 and the SPG. In terms of the range of equipment necessary, for developments of this number of dwellings, the Council's SPG requires that the needs of children up to the age of 14 should be provided for, including a minimum of 8 types of activity.

National Forest

The National Forest Company require 20% of the site area to be for woodland planting and landscaping, which equates to a requirement of 0.27 hectares. The application submission indicates that the development site could accommodate 0.34 hectares, approximately half of which is shown as woodland planting. If the application were to be approved, the S106 Agreement would need to ensure the provision of 0.27 hectares (comprising woodland and landscaping).

River Mease DCS

If the application were to be approved, a contribution under the River Mease DCS would be required, but an exact figure for the contribution cannot be determined at this stage, as the number of bedrooms of the dwellings is not known at this outline stage. The S106 would be worded as such to allow flexibility based upon the number of bedrooms, however it is considered that the maximum contribution based upon 30 dwellings would be £633 per dwelling, equating to £18,990.00

Other Developer Contributions

As a result of the Developer Contributions consultation, the following contributions have been requested:-

Leicestershire County Council (Highways) request:-

- o Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- o Six-month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car
- o Improvements to the two nearest bus stops, including raised and dropped kerbs to allow level access, to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- o Information display cases at the two nearest bus stops at £120.00 per display;
- o Contribution towards equipping the nearest bus stop(s) and suitable bus route with Real Time Information (RTI) system, at total of £5,000;

At the time of writing, no requests have been received from Leicestershire County Council Education, Civic Amenity or Libraries and their requests will be reported by the update sheet.

On consideration of these requests received in respect of this application it is considered that the following meet the tests and should members be minded to approved this application a Section 106 Agreement would secure the following:-

Affordable Housing (30%)

Play and Open Space (on-site)

River Mease (capped at £18,990.00)

National Forest (20% on site planting and landscaping)

Transport (Travel Packs, Bus Passes, Bus Stop Improvements, Information Display Cases and Real Time Information)

Notwithstanding the above, from April 2015, no more than five obligations can be pooled by the charging authority to provide for the same item of infrastructure. Accordingly it will be necessary for the relevant consultees, in relation to the above mentioned requests to demonstrate that no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned).

Conclusion

As set out in the main report above whilst the site would be socially sustainable and would make a contribution to affordable housing provision and there would be some limited economic benefit of the scheme, which would be simply associated with the construction of the dwellings, this would be significantly and demonstrably outweighed by the un-sustainable nature of the development in the context of the River Mease SAC and the negative environmental impacts of the proposal. Accordingly on balance, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable in relation to the NPPF as well as relevant policies of the adopted and submitted Local Plans. It is therefore recommended that planning permission be refused.

RECOMMENDATION:- REFUSE for the following reasons:-

- 1 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform an environmental role, including protecting and enhancing our natural environment and

using natural resources prudently. Paragraph 17 of the NPPF states that planning decisions should recognise the intrinsic value of the countryside. Policy S3 of the adopted North West Leicestershire Local Plan and Policy S3 of the submitted North West Leicestershire Local Plan provide a presumption against non-essential residential development outside the Limits to Development. Policy S3 of the submitted Local Plan states that land identified as countryside will be protected for the sake of its intrinsic character and beauty. Policy S2 of the submitted Local Plan advises that in villages such as Donisthorpe a limited amount of growth will take place within the Limits to Development. The development would adversely affect and diminish the present open character of the environment resulting in significant harm to the character and rural appearance in which it would be set and would represent an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would not therefore constitute sustainable development, contrary to the environmental strand of sustainability enshrined within the NPPF. In addition, the development would be contrary to Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

- 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 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.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. In the Local Planning Authority's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The applicant was invited to withdraw the application but did not agree to this. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.