

Erection of one dwelling and formation of access

Report Item No
A8

Land Adjacent 16 Measham Road Ashby De La Zouch
Leicestershire LE65 2PF

Application Reference
16/00835/FUL

Applicant:
Mr A Keller

Date Registered:
19 July 2016

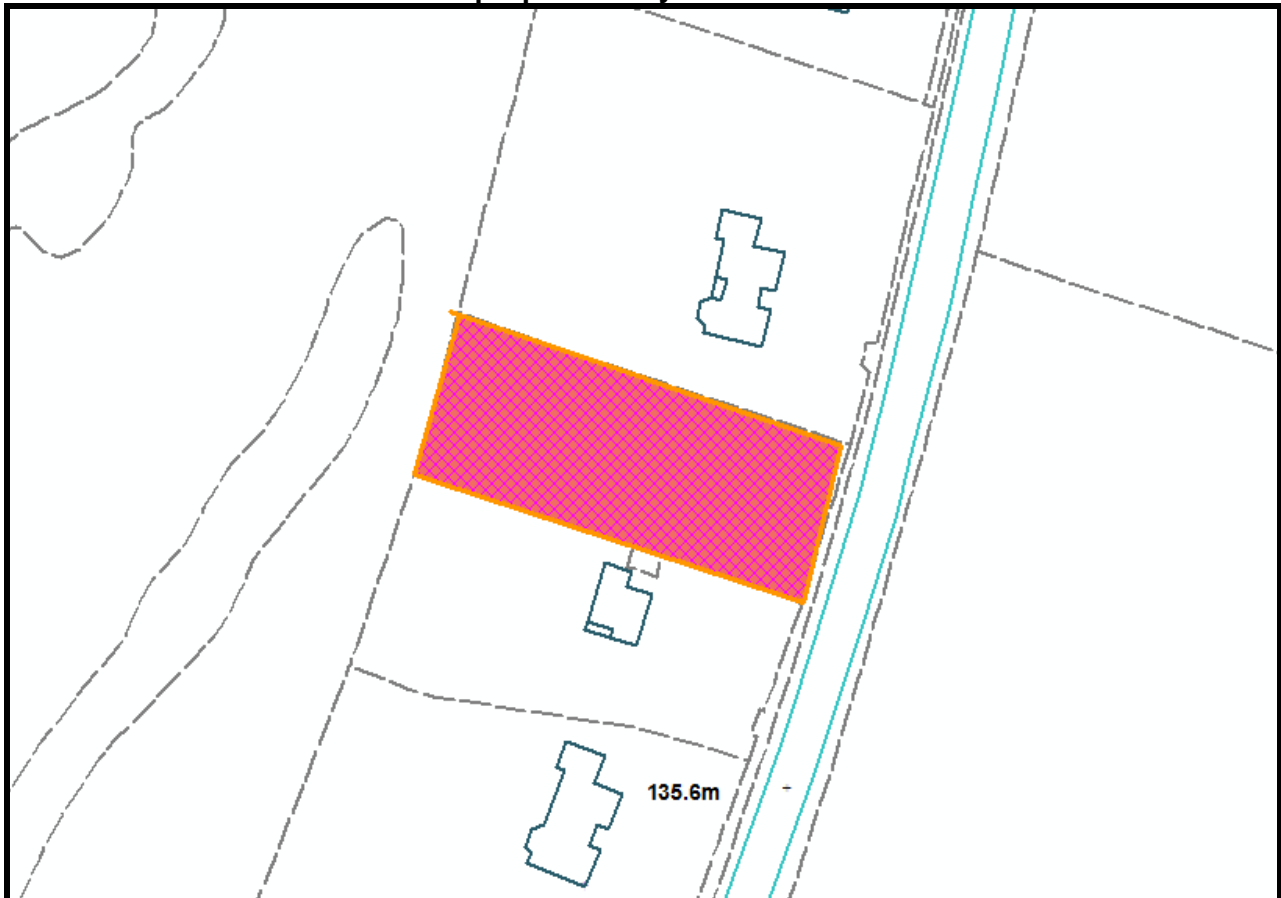
Case Officer:
Jenny Davies

Consultation Expiry:
26 January 2017

Recommendation:
REFUSE

8 Week Date:
13 September 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought before Planning Committee as the planning agent is related to a former councillor who has served within the last five years.

Proposal

Planning permission is sought for the erection of one detached dwelling and formation of a new access on land adjacent to 16 Measham Road, Ashby de la Zouch. A four storey dwelling (including a basement) of a modern design was initially proposed. However amended plans have been submitted which show a dwelling with a more conventional design. The dwelling would be located centrally on the site and would be two storeys high. A new access onto Measham Road Lane would be formed centrally within the site's eastern boundary with the existing access being closed.

Consultations

Two letters of objection (from the same resident) and one letter of support have been received. Ashby de la Zouch Town Council initially objected to the proposal but following submission of amended plans the Town Council now supports the application. Objections raised by the Highway Authority and the Council's Tree Officer have been addressed and there are no objections from 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, a reason for refusal on the basis of the proposal not being socially sustainable in terms of access to services and facilities could not be justified. Whilst the site is outside the Limits to Development and constitutes greenfield land, a reason for refusal on the basis of adverse impact on the character and visual amenities of the countryside could not be justified. The proposal would be a self-build dwelling that would not result in any unacceptable impacts on the natural, built or historic environment and would have limited economic benefits. However 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, which on balance 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

Planning permission is sought for the erection of one detached dwelling and formation of a new access on land adjacent to 16 Measham Road, Ashby de la Zouch. The site is 0.19 hectares in size and is currently overgrown land that does not appear to be in use, located on the western side of Measham Road. The site is adjoined by dwellings to the north and south, a golf course to the west and open fields on the opposite side of the road.

A four storey dwelling (including a basement) of a modern design was initially proposed. However amended plans have been submitted which show a dwelling with a more conventional design. The dwelling would be located centrally on the site and would be two storeys high. Amended plans have also been received to address concerns relating to highway safety and impact on trees, as well as proposing a package treatment plant to deal with foul drainage discharge. The agent has subsequently advised that the application should be determined with a mains sewer connection to the site. The dwelling is proposed to be self-build.

A new access onto Measham Road would be formed centrally within the site's eastern boundary with the existing access being closed. Turning and parking space, including an attached garage, would be provided to the front of the site.

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. Rotherwood House, which is a Grade 2 listed building, lies approximately 135 metres to the north east.

An outline application for one dwelling (01/00689/OUT) was refused by the Council in August 2001 on the grounds of impacts on highway safety and on the character and appearance of the surrounding countryside and the area of special housing character previously covering this part of Measham Road, and setting a precedent. A subsequent appeal was dismissed in May 2002 on the grounds of impact on highway safety.

2. Publicity

4 neighbours notified.

Site Notice displayed 5 August 2016.

Press Notice published Leicester Mercury 10 August 2016. Press Notice published Leicester Mercury 10 August 2016.

3. Summary of Consultations and Representations Received Statutory Consultees

Ashby de la Zouch Council initially objected to the application on the following grounds:

- *The design of the building including the visual appearance and finishing materials are inappropriate for that location. The design is out of keeping with neighbouring properties;*
- *Highway safety - the proposed visibility splay has a shortfall of 20 metres on a road where the traffic survey indicated speeds in the region of 47 to 48 mph.*

Following the submission of amended plans and additional information, the Town Council supports the application.

Leicestershire County Council Ecologist has no objections subject to a condition.

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

Natural England has no objections subject to conditions.

NWLDC Environmental Protection team has no environmental observations.

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

Third Party Representations

Two letters of objection (from the same resident) have been received which make the following comments:

- loss of privacy/direct overlooking from rooflights in the side elevation;
- if the rooflights are either set at a higher position or obscurely glazed, then my objection would be withdrawn;
- the dwelling will be close to the boundary with No. 16 Measham Road and at least a metre should be provided between the dwelling and the boundary, not least to enable the occupier of the new dwelling to gain access for maintenance.

One letter of support has been received which make the following comments:

- the land appears to be a natural infill and in its current state as untended scrub land is very messy;
- the proposal would improve the streetscene and appearance of one of the main access routes into the town;
- the design of the dwelling appears sympathetic and fits in with nearby houses;
- existing dwellings are established and have been in place for many years.

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 and 55 (Delivering a wide choice of high quality homes)

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

Paragraph 69 (Promoting healthy communities)

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

Paragraphs 109, 112, 113, 118 and 119 (Conserving and enhancing the natural environment)
Paragraphs 129, 131, 132, 133 and 134 (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 F1 - National Forest - General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping & Planting
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 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 EN3 - The National Forest
Policy HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
Policy CC2 - Water - Flood Risk
Policy CC3 - Water - Sustainable Drainage Systems

Emerging Ashby de la Zouch Neighbourhood Plan

On 2 May 2016 Ashby de la Zouch Town Council commenced public consultation on a pre-submission Neighbourhood Plan. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development
Policy S3 - Development Proposals outside of the Limits to Development
Policy S4 - Design
Policy H1 - Sustainable Housing Growth
Policy H3 - Windfall Sites
Policy H6 - Promoting Self-Build
Policy T1 - Sustainable Development
Policy ELWB 5 - Biodiversity
Policy ELWB 6 - Trees and Hedges
Policy ELWB 7 - Listed Buildings
Policy DC1 - Community Infrastructure

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

5. Assessment

The main issues for consideration in the determination of this application relate to the principle of the development, its visual impact, its siting and design and its impact on the historic environment, residential amenities, ecology and trees, highway safety and 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 dwellings not being a form of development permitted in the countryside by Policy S3 of both Plans. 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 Ashby de la Zouch benefits from a wide range of local services and is readily accessible by public transport. Some of these services/facilities are within 800m-

1000m (preferred maximum walking distance) of the site, including a primary school, park/recreation ground, a dentist and a pub. It is acknowledged that the town centre is approximately 1.5 km from the site. There is a lit footway along Measham Road/Tamworth Road leading directly to the town centre along a level route and the other services outlined above are also accessible via footways and crossing facilities. A bus stop is approximately 590 metres from the site, which provides a limited daytime service to the town centre. The site is a similar distance from services/facilities as the nearby Willesley Road site for 30 dwellings (14/00520/FULM) which was dismissed on appeal in November 2015 in part on not being ideally located in terms of accessibility to services/facilities, although this was given limited weight. As this application is for one dwelling with a footway running directly in front of the site, in this case, on balance, it is considered that occupiers of the dwelling would not necessarily be dependent on the private car. Taking all of these matters into account it is considered that a reason for refusal on the basis of the site not being socially sustainable in terms of access to services/facilities could not be justified in this case.

As set out in more detail below, the proposal would not result in an 'isolated' dwelling 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. Furthermore the dwelling would be self-build, for which there is support at national level with the introduction of new legislation by way of the Self Build and Custom Housebuilding Act 2015 and guidance published the Department for Communities and Local Government, including the need for the Council to provide a self-build/custom build register. To date 43 people, have registered their interest in such projects within the District of North West Leicestershire. In order to secure the dwelling as a self-build property, a Section 106 Agreement would be required to control the commissioning and construction process of the dwelling and its initial occupation.

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 in both the adopted and submitted Local Plans, and constitutes greenfield land, this is a self-build dwelling that would not have unacceptable impacts on the natural, built or historic environment and would have limited economic benefits. A reason for refusal on the basis of the proposal not being socially sustainable in terms of access to services and facilities could not be justified. However 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 any other material considerations.

Character and Visual Impact

The site is outside the Limits to Development under 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 Policies S2 and S3 of the submitted Local Plan, particularly as the 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. It is, however, recognised that the NPPF does not necessarily preclude development on greenfield land and therefore a determination is also made as to whether the dwelling would be 'isolated' in the context of Paragraph 55, or impact adversely on the rural environment as specified at Paragraph 17 of the

NPPF.

Given that the site is located adjacent and close to existing dwellings, it is not considered to be isolated. The proposal would result in the loss of greenfield land within the countryside. The eastern side of Measham Road is characterised by open fields with trees and hedgerows forming the boundaries. However on this part of the western side it is characterised by detached dwellings, some of which are large in scale. The 2002 appeal decision Inspector stated that *'...the proposed dwelling would form part of an existing ribbon of development along this stretch of Measham Road. In my view this side of Measham Road has a semi-urban appearance due not only to the existing dwellings but also to the boundary walls, detached garaging and other domestic garden buildings....it would not in my view erode the character of the surrounding countryside. It would form sensitive infilling...I conclude therefore that the proposal would be unlikely to harm the character or appearance of the countryside in this part of Measham Road.'*

At the time of the 2002 appeal decision, under Policy H9 of the emerging Local Plan the site lay within a proposed Area of Special Housing Character. However Policy H9 was not saved and as such can no longer be taken into account. Furthermore the appeal decision states that *'...the proposal would be readily assimilated into the existing pattern of development on Measham Road...It would not therefore in my view seriously threaten the visual character of the area.'*

Since 2002 several of the existing dwellings have been extended, some to a large scale, and both adjacent dwellings have been granted planning permission for an extension (No. 18) and a two storey detached outbuilding (No. 16), both of which have been constructed. The site is currently screened from the road by a boundary wall, although views would be opened up due to the position of the new access. As such, given the previous appeal decision and the development to existing dwellings that has taken place since 2002, in this case it is considered that a reason for refusal on the basis of adverse impact on the character and visual amenities of the countryside could not be justified.

Siting and Design

The proposal would result in a density of 5.2 dwellings per hectare. The NPPF states that authorities should set their own approach to housing density to reflect local circumstances. This density is considered appropriate in this location. There is variety in the scale and design of the dwellings along Measham Road and whilst the dwelling would be large in scale, it would not be out of keeping with the character of the area. The site could accommodate all of the necessary requirements (private garden, parking/turning space) without being too cramped or resulting in over-development.

Historic Environment

Section 66 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, 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. 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.

Rotherwood House lies around 135 metres to the north east of the site, which is a Grade 2 listed building. Therefore the impact of the development on the setting of the listed building

should be given special regard as required by the 1990 Act. Rotherwood House is an early 19th Century two storey rendered building with wide eaves, hipped slate roof and sash windows and incorporates a central Doric porch which is considered to be one of its key features. The property is still isolated from the town and largely retains its rural setting. Therefore significant weight is given to preserving the setting of the Grade 2 listed building.

The built fabric of Rotherwood House and any of its special features would not be affected by the proposed development which lies beyond its curtilage. However consideration needs to be given to the impact of the proposed development on the setting of the listed building. The listed building largely retains its rural setting and is well screened from the road by mature conifer trees and a mature hedgerow and trees, so that it is barely visible in views from the site. The site is set apart from the listed building and would be seen alongside existing dwellings on the western side of Measham Road. On this basis it is considered that the proposal would not adversely impact on the setting of the listed building.

Residential Amenities

The dwelling would be sited within 12 metres of the side elevation to No. 16 Measham Road which contains windows serving habitable rooms. The closest part of the new dwelling to No. 16 would be single storey, with the two storey element being 15 metres away, with its roofslope running away from No. 16. Whilst the single storey front projection would be 1.4 metres from No. 16's garage/games room, this does not contain any windows or rooflights facing towards the site. A mature hedge forms the boundary between the site and No. 16. Whilst the dwelling would be located to the south of No. 16, given the above circumstances it is considered that the proposal would not result in significant loss of light or oppressive outlook to the occupiers of No. 16.

Windows and rooflights are proposed in the northern elevation facing towards No. 16. Two first floor side windows are proposed to be obscure glazed, which could be secured by condition, along with the windows being fixed shut. The four rooflights in the main roof to the dwelling would serve first floor rooms, and the bottom of the rooflights would be set approximately 3.3 metres above first floor level. The rooflights in the single storey element would serve the ground floor rooms below and the bottom of the rooflights would be set approximately 3.3 metres above ground floor level. As such it is considered that the proposal would be unlikely to result in a significant level of direct overlooking of No. 16.

The dwelling would be 3.8 metres from No. 18 Measham Road, which has an extension on the boundary containing a side window, along with three first floor side windows to the main dwelling. All of these side windows serve non-habitable rooms. The dwelling would not impact on the 45-degree line from the front doors to No. 18's extension which serve a habitable room. Whilst the dwelling would project five metres beyond the rear of No. 18's extension, it is unlikely to significantly impact on the 45-degree line from the rear kitchen window. The four rooflights in the main roof to the dwelling facing No. 18 would serve first floor rooms, and the bottom of the rooflights would be set approximately 3.3 metres above first floor level and the two first floor side windows would be obscure glazed. As such the proposal would not adversely impact on the occupiers of No. 18 Measham Road from overlooking, loss of light or oppressive outlook.

Trees and Ecology

There are trees and hedgerows on and near the site, the site is covered by vegetation and large areas of grassland are located 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).

A survey found no evidence of badger setts or of badgers using the site. The majority of trees and hedgerows would be retained. Whilst some vegetation would be lost, there is other similar habitat including grassland, nearby. The County Ecologist has no objections in respect of impact on protected species subject to a condition relating to breeding birds. As such it is considered that protected species would not be adversely affected

The survey identified the presence of southern marsh orchids which the County Ecologist advised may indicate species-rich grassland on the site. The applicant's ecologist advised that the orchids were the only wildflower species present, and the County Ecologist has accepted that the site does not meet the criteria for a local wildlife site and as such has no objections.

The site was covered by an Area Tree Preservation Order (T267). However this Order has lapsed and was replaced by a new Order (T271) which relates to specific trees, none of which are located on this site. A mature oak tree located in the front garden to No. 18 Measham Road is however covered by T271.

The Council's Tree Officer initially raised concerns regarding the impact of the access improvements on the protected oak tree and the driveway on an oak tree to the front of the site, and advised that some trees on the site should be retained. Following the submission of amended plans to address these matters the Tree Officer advises that the layout is acceptable, subject to conditions.

Highway Safety

This part of Measham Road is a classified road with a 50mph zone which reduces to 40mph further to the north. As noted above the 2002 appeal was dismissed on highway safety grounds, on the basis that that proposal would intensify the use of the existing access and the available visibility to the south was insufficient. The Town Council also raised initially concerns regarding insufficient visibility.

The application initially proposed that the existing access close to the boundary with No. 18 Measham Road would be modified, which would be in a similar position to the access on the appeal proposal. However the County Highway Authority advised that the visibility splay to the south would not be achievable. As such the Highway Authority initially recommended refusal on the following grounds:

1. The applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and the proposal, if permitted would consequently result in an unacceptable form of development and could lead to dangers for road users.

2. The proposal, if permitted, would lead to the intensification of a vehicular access off a Class III road lacking adequate visibility which would not be in the interests of highway safety.

Following submission of additional information and amended plans showing a new centrally positioned access, the Highway Authority advises that there would still be slight shortfall in the required visibility splay. However the Highway Authority goes on to advise that given that the shortfall is now so minor as to be measured in centimetres it could not reasonably be considered to have a severe impact on highway safety and that it is unlikely that a refusal on highway safety grounds could be defended at appeal.

River Mease Special Area of Conservation

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.

A condition could be imposed requiring discharge of surface water to a sustainable drainage system. The flows from the dwelling needs to be taken into account against the existing headroom at Packington Treatment Works, which serves this area. At March 2016 capacity was available for 3368 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (1444) and those subsequently approved or with a resolution (290). 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. The application initially suggested connection to the mains sewer. However subsequently due to the DCS2 capacity issues, the application was amended to propose a package treatment plant, which is a non-mains system. However as comments have not yet been received from the Environment Agency in respect of this system, the agent has requested that the application be amended to show use of the mains sewer system and be determined on this basis.

It is considered that the limited capacity within DCS2 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.

Other Matters

In response to the concerns raised in the letter of objection that are not covered above, issues of maintenance are not a planning matter that can be taken into account in the determination of this application and can therefore be given very limited weight.

Conclusion

In conclusion, a reason for refusal on the basis of the proposal not being socially sustainable in terms of access to services and facilities could not be justified. Whilst the site is outside the Limits to Development and constitutes greenfield land, a reason for refusal on the basis of adverse impact on the character and visual amenities of the countryside could not be justified. The proposal would be a self-build dwelling that would not result in any unacceptable impacts on the natural, built or historic environment and would have limited economic benefits. However 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, which on balance 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 reason:

- 1 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.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Local Planning Authority has therefore acted pro-actively in line 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.