

Erection of 3 no. detached dwellings together with associated garaging

Report Item No
A7

Land At The Junction Of Melbourne Road And Gelsmoor Road Newbold Leicestershire

Application Reference
14/00627/FUL

Applicant:
Mr Richard Aldridge

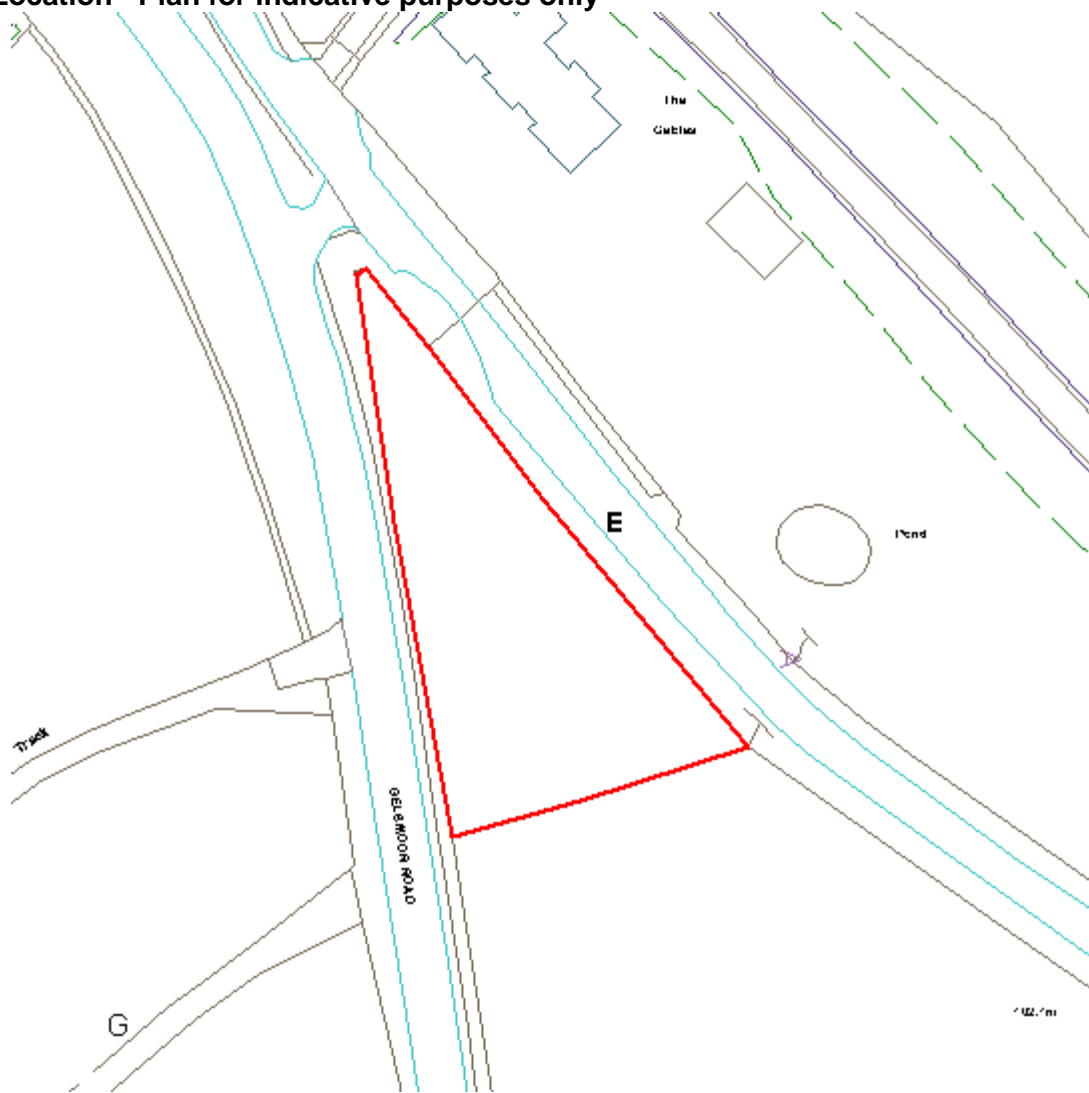
Date Registered
7 July 2014

Case Officer:
Adam Mellor

Target Decision Date
1 September 2014

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the agent for the application is related to three serving councillors (Caroline Large, Charles Meynell and Richard Blunt).

Proposal

The application relates to the erection of three two-storey detached dwellings on 0.156 hectares of agricultural scrub land to the south-west of Gelsmoor Road and north-east of Melbourne Road with the land being triangular in shape. Vehicular access into the site would be gained from Gelsmoor Road, which itself is accessed off Melbourne Road, with parking provision and turning facilities being made available within the site boundaries. It is noted that the site is situated outside the defined limits to development as identified in the Local Plan.

Consultations

Ten representations supporting the development and one representation objecting to the development have been received with no representation provided by Worthington Parish Council. The County Ecologist and Council's Tree Officer object to the application, with the County Footpaths Officer and County Highways Authority requesting clarification on the right of vehicular access onto Gelsmoor Road which also forms public footpath M103. All other statutory consultees have no objections.

Planning Policy

It is considered that the development would result in conflict with the environmental strand of sustainability and Paragraphs 17 and 118 of the National Planning Policy Framework as well as Policies S3, E7, F1 and H4/1 of the North West Leicestershire Local Plan.

Conclusion

The report above indicates that the site is a greenfield site outside the defined Limits to Development. The release of this land for the proposed residential scheme would result in adverse implications to the rural environment, by virtue of the site's detachment from the recognised limits to development and physical intrusion into the rural environment, and as such would represent unwarranted development in the countryside. The loss of a veteran tree, and future impacts on the integrity of an additional veteran tree, as well implications to biodiversity and ecology would result in a development which, overall, would conflict with the environmental strand of sustainability and Paragraph 17 of the NPPF as well as Policies S3 and H4/1 of the Local Plan.

At present the scheme has not provided suitable mitigation measures for the loss of species rich grassland on the application site and as a result of this an approval of the scheme would conflict with the intentions of Paragraph 118 of the NPPF.

In the circumstances that there is not a recognised need for the development in this location it is also considered that the removal of a tree identified as a veteran tree would result in conflict with the intentions of Paragraph 118 of the NPPF as well as Policies E7 and F1 of the Local Plan.

It is therefore recommended that the application be refused.

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

Planning permission is sought for the erection of three detached dwellings together with associated garaging at land at the junction of Melbourne Road and Gelsmoor Road, Newbold, Coleorton. The site of 0.156 hectares lies on the south-western side of Gelsmoor Road and north-eastern side of Melbourne Road and is triangular in shape with it being noted that the land is outside the defined limits to development as identified in the North West Leicestershire Local Plan. A linear form of detached residential properties, which vary in their designs, lie to the north and south of the site with the Gelsmoor Inn being situated to the south-east and open countryside is predominant to the east and west of the site.

The land is currently identified as agricultural scrub land and it is proposed that vehicular access into the site would be gained off Gelsmoor Road, which also forms public footpath M103, with Gelsmoor Road itself being accessed off Melbourne Road. It is proposed that three two-storey detached dwellings would be provided which would have the following dimensions: -

Plot 1:

This property would have a width of 9.3 metres by 6.0 metres in length and use of a pitched gable ended roof with an eaves height of 5.5 metres and overall height of 9.5 metres. It is indicated on the floor plans that the dwelling would provide a hall, water closet, dining room, kitchen, utility and lounge at ground floor area and four bedrooms, a bathroom and en-suite at first floor level for the occupants.

Plot 2:

This property would have a width of 9.3 metres by 6.0 metres in length and use of a pitched gable ended roof with an eaves height of 5.7 metres and overall height of 9.7 metres. It is indicated on the floor plans that the dwelling would provide a hall, water closet, dining room, kitchen, utility and lounge at ground floor level and four bedrooms, an en-suite and bathroom at first floor level for the occupants.

Plot 3:

This property would have a width of 9.8 metres by 6.8 metres in length and use of a pitched gable ended roof with an eaves height of 5.2 metres and overall height of 8.1 metres. A two-storey projecting gable would extend 1.6 metres from the eastern part of the north-western (front) elevation with a width of 4.6 metres and use of a pitched gable ended roof with an eaves height of 5.2 metres and overall height of 7.6 metres. It is indicated on the floor plans that the dwelling would provide a hall, water closet, dining room, utility, kitchen and lounge at ground floor level and five bedrooms, two en-suites and a bathroom at first floor level for the occupants.

Plots 1 and 2 would be served by a detached double garage which would have dimensions of 6.0 metres in length by 6.6 metres in width and use of a pitched gable ended roof with an eaves height of 2.6 metres and overall height of 5.1 metres. Plot 3 would be served by a single detached garage which would have dimensions of 6.0 metres in length by 3.3 metres in width and use of a pitched gable ended roof with an eaves height of 2.6 metres and overall height of 4.1 metres.

A design and access statement, protected species survey and great crested newt survey and arboricultural survey have been submitted in support of the application. An additional ecological assessment in respect of the removal of a tree on the site was received on the 22nd July 2014.

Following the receipt of the comments of the County Highways Authority amended plans were

requested to indicate that at least three off-street parking spaces per dwelling could be achieved as well as increasing the internal dimensions of the garages. Amended plans were received on the 11th August 2014 and these show that the detached double garage would now have dimensions of 6.6 metres in width by 6.6 metres in length and use of a pitched gable ended roof with an eaves height of 2.7 metres and overall height of 5.5 metres. The detached single garage would have dimensions of 3.6 metres in width by 6.6 metres in length and use of a pitched gable ended roof with an eaves height of 2.6 metres and overall height of 4.2 metres. Each property would benefit from three off-street parking spaces.

A previous application for the erection of three dwellings (outline) (Ref: 91/0304/P) was refused on the 22nd May 1991 and was subsequently dismissed by the Planning Inspectorate at appeal on the 12th March 1992.

2. Publicity

10 no neighbours have been notified.(Date of last notification 22 July 2014)

Site Notice posted 30 July 2014

Press Notice published 30 July 2014

3. Consultations

Clerk To Worthington Parish Council consulted 21 July 2014

Environment Agency consulted

LCC/Footpaths consulted

NWLDC Tree Officer consulted

County Highway Authority consulted 22 July 2014

Severn Trent Water Limited consulted 22 July 2014

Head of Environmental Protection consulted 22 July 2014

Natural England consulted 22 July 2014

NWLDC Tree Officer consulted 22 July 2014

LCC ecology consulted 22 July 2014

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Environment Agency has no comments to make on the proposals.

Leicestershire County Council - Ecology considers that the ecology report supporting the application is satisfactory and that no protected species would be impacted on. A holding objection is placed on the scheme, however, given the potential loss of the species rich grassland for the development and the lack of suitable mitigation proposed.

Leicestershire County Council - Highways has no objections subject to conditions although it has been requested that the applicant demonstrates that they have a right of access along Gelsmoor Road footpath into the site as well as providing sufficient off-street parking.

Leicestershire County Council - Rights of Way has indicated that the applicant needs to demonstrate that he has the necessary authority for enabling vehicular rights to be exercised over the footpath (M103) given that highway rights were extinguished following an Order granted by the Magistrates' Court on the 14th August 1968. Should a right be demonstrated

then no objections are raised subject to the inclusion of relevant notes to the applicant on any consent granted.

Natural England has no objections subject to their standing advice being considered.

NWLDC - Environmental Protection has no objections.

NWLDC - Environmental Protection (Contaminated Land) has no objections subject to the imposition of contaminated land conditions on any consent granted due to the use of the neighbouring site as railway land and the presence of coal measures below the site.

NWLDC - Tree Officer outlines that if all four trees are to be retained than only two dwellings should be proposed and should three dwellings be proposed than suitable mitigation planting should be provided using advanced nursery stock for the loss of the tree in the centre of the eastern boundary. Plot 1 should be no closer to the tree at the northern point of the site than as shown.

Severn Trent Water has no objections subject to a note to applicant being imposed on any consent given the presence of a public sewer on the application site.

Worthington Parish Council no representation received to date. Any comments to be reported on the Committee Update Sheet.

Third Party Representations

Ten representations have been received in support of the application from the occupants of Keepers Cottage, Rempstone Road, Home Close, Gelsmoor Farm, Rempstone Road, 26 School Lane, 5 and 28a Ashby Road, 73 Worthington Lane, 7 Melbourne Road, 20 Vicarage Close and 58 Wood Street, Ashby De La Zouch as well as the owner of Newbold Homes Ltd which are summarised as follows: -

- land is currently scrub land and development would represent re-use of an underused site;
- the provision of the dwellings will provide support to the local services which will help sustain them and prevent their closure;
- houses would be of a high standard using local materials and this should be encouraged;
- access to the site would be adequate and would meet the County Highway standards;
- dwellings would relate well to adjoining houses and would be in close proximity to the facilities;
- Council's reluctance to support growth in rural villages, such as Newbold, has led to an undersupply of houses and increased prices so that they are not affordable;
- dwellings would improve the look of the entrance to the village;
- security the site would afford to people walking to and from the Gelsmoor Pub;

One representation has been received from the occupant of Railway Cottage, Melbourne Road which neither objects to or supports the development proposals but outlines concerns in respect of the use of the access off Melbourne Road given the speed of vehicles using this road and the potential for an increase in accidents and outlines that the dwellings should not result in vehicles parking in front of Railway Cottage, or The Gables, given that access is required at all times;

One representation to the application has been received from the occupants of The Gables, Melbourne Road who object to the application and who's comments are summarised as follows:

-
- the development lies outside the village boundary and if granted would set a precedent in that nearby countryside would be vulnerable to similar applications;
- the development would narrow the divide between Newbold and Coleorton;
- development would result in additional use of an access which is not considered appropriate to cater for additional vehicles and there would be conflict with the public footpath;
- the provision of three dwellings would result in an overuse of the site and that there should be no more than two dwellings on the site;
- the frontage of the properties should be onto Melbourne Road given that other properties have accesses onto this road;
- development will interfere with the amenity and quiet enjoyment of existing residents.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 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.

Paragraph 17 indicates that planning should always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings; and take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

Paragraph 28 outlines that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things:

- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship;

Paragraph 32 outlines that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe;

Paragraph 49 outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites;

Paragraph 55 indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are a group of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances such as, amongst other things:

Paragraph 57 outlines that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes;

Paragraph 60 outlines that planning policies and decisions should not impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness;

Paragraph 61 outlines that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment;

Paragraph 75 outlines that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails;

Paragraph 103 indicates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere;

Paragraph 112 outlines that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality;

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying particular principles; it also indicates that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged and veteran trees found outside ancient woodland, unless the need for, and benefits of, the

development in the location clearly outweigh the loss;

Paragraph 120 outlines that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account;

Paragraph 121 outlines that planning policies and decisions should also ensure that, amongst other things:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development;

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria;

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting;

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting;

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement;

Policy H4/1 sets out a sequential approach to the release of land for residential development,

and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services;

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing development;

Submission Version Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy;

Other Guidance

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters;

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

6. Assessment

Principle of Development

In terms of the principle of development, 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)).

With regard to the adopted North West Local Plan, the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development and as the development proposal would not meet the criteria for development in the countryside an approval of the application would be contrary to the provisions of Policy S3.

Notwithstanding the countryside location, and whilst the proposals would be contrary to the adopted Development Plan, in determining the application regard must be had to other material considerations, including other policies, such as other Development Plan Policies and National policies.

In terms of the North West Leicestershire Local Plan, Policy H4/1 identifies that, in releasing appropriate land for housing, the Council will have regard to:

- up-to-date housing land availability figures;
 - the latest urban capacity information;
 - the need to maintain an appropriate supply of available housing land;
 - lead times before houses will be expected to be completed and build rates thereafter;
- and
- other material considerations.

Whether or not this site would be considered "appropriate" is a matter of judgement having regard to its location outside Limits to Development. This policy nevertheless sets out criteria relevant to release of land. In terms of the sustainability credentials of the site, it is located the following (approximate) distances away from a range of services:

- Public House (Gelsmoor Inn, Rempstone Road) - 240 metres;
- Newbold Church of England Primary School (School Lane) - 336 metres;
- Leisure/Community Facilities (School Lane) - 445.0 metres;
- Bus Stop (Junctions of School Lane/Ashby Road/Worthington Lane) - 565 metres;

In terms of distance to amenities, the Inspector in the Moira Road, Ashby appeal referred to Department of Transport (DoT) statistics which showed that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1km, cycling about 4.5km and by bus 8km. The site is detached from the built up settlement of Newbold but is within reasonable walking distance, on maintained footpaths, of the majority of services available within Newbold. Whilst Newbold was not identified as a 'sustainable village,' in the now withdrawn submission version North West Leicestershire Local Plan: Core Strategy, the settlement does benefit from two bus services. The 155 is an hourly service that operates Monday to Saturday between 7am and 7pm and is a circular route between Coalville and Castle Donington including East Midlands Airport and the 129 (Cresswell Coaches Services) operates Monday to Saturday every 2 hours between 7:30am and 5:30pm and provides routes to Ashby and Loughborough.

Having regard to the location of the site it is considered that residents of the development would have access to some services and facilities in the village by walking with other facilities and employment opportunities being accessed by the use of public transport. Taking all of the above into account, it is considered that the site is located within a sustainable location in terms of accessibility.

Housing Land Supply and Limits to Development

In terms of the contribution that this scheme would make towards the Council's five year housing land supply it is considered that this would be limited given that the scheme only relates to the provision of three dwellings.

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 appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, concluded that the Council's 5 year housing land supply calculation should be based on the "Sedgefield" approach (i.e. an approach requiring planning authorities to deal with any past under-supply within the first 5 years rather than to spread this over the whole plan period) an approach now expressly preferred in the recently published National Planning Practice Guidance, and thus even more likely to be favoured by appeal inspectors going forward. The

Moir Road inspector also applied a buffer of 20% for persistent under delivery. As such, officers have recently been advising Members of the Council's inability to demonstrate a five-year supply of deliverable housing sites. The consequence of this has been that the Council has not been able to rely on adopted policies S3 and H4/1 in determining housing applications as they are *"relevant policies for the supply of housing"* for the purposes of Paragraph 49 of the NPPF which, Members are aware *"should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites."*

As reported to Committee on the 8th July 2014, however, a recently completed County-wide Strategic Housing Market Assessment (SHMA) has provided the Council with an up-to-date objectively assessed housing requirement, on which basis, the Council is now able to demonstrate a supply of 7.04 years (i.e. an excess of 2.04 years beyond the five year requirement and 1.04 years beyond the five year plus 20% buffer requirement).

As a result of the above, Policies S3 and H4/1 should no longer be considered 'out-of-date' in the context of Paragraph 49 of the NPPF - indeed these are Development Plan policies to which the Council should again now properly have regard to in determining future planning applications. Whilst the weight to be applied to these policies against other material considerations is a matter entirely for members, officers would advise members, in applying weight to any conflict with Policy S3 in the overall planning balance, to bear in mind the fact that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of the Plan Period (i.e. to 2006).

However, it is accepted that the NPPF's provisions 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. These are set out in more detail below:

Environmental

The NPPF outlines that the environmental role should contribute to *"protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

Whilst the land on which the housing would be constructed is not agricultural land, and historically formed an area of scrub, the development would result in the loss of greenfield land which is identified in the adopted Local Plan as being countryside and as such the scheme would not protect or enhance the natural environment. As part of the works it would also be necessary to remove a tree which demonstrates aged characteristics and as such Paragraph 118 of the NPPF, as well as Policies E7 and F1 of the Local Plan, would be of relevance which outlines that permission should be refused for developments which result in the loss or deterioration of irreplaceable habitats such as aged and veteran trees *"unless the need for, and benefits of, the development in that location clearly outweigh the loss."* As discussed in more detail below there is no recognised need for a development of this nature on this particular site and as such there is conflict with Paragraph 118 of the NPPF as well as Policies E7 and F1 of the Local Plan. At this point in time the County Council Ecologist also objects to the application in the circumstances that the development of the site could result in the loss of species rich grassland which could not be mitigated by any on-site provision, due to the land being within residential gardens, and as such this would result in further conflict with the intentions of Paragraph 118 of the NPPF.

Social

The NPPF outlines that the social role should support *"strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being."*

Newbold provides a limited range of services and facilities which help meet the needs of local residents and the provision of additional housing would bring additional residents into the area which would help sustain these local facilities and services which is a key intention of Paragraph 28 of the NPPF. Whilst a scheme which provided a greater mix of dwellings would have been more desirable, given that only four and five bedroom properties are proposed, it would not be a requirement for affordable housing to be provided on a scheme of three dwellings and as such the housing mix proposed would be appropriate in the overall context of sustaining the local services and facilities.

The limited area of the site, and amount of dwellings proposed, would not lead to there being a requirement for an on-site play facility but in the circumstances that the site is within walking distance of leisure facilities it is considered that residents would be able to support their health needs.

Economic

The NPPF outlines that the economic role should contribute to *"building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure."*

In the short term the construction of the development would provide opportunities for local employment and in the longer term new housing would help to support and underpin demand for local businesses and services by bringing people into the settlement.

Conclusions in respect of the Principle of Development and Planning Policy

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration and includes a presumption in favour of sustainable development.

The site is outside Limits to Development, as defined in the adopted North West Leicestershire Local Plan and, as such, the scheme would be in conflict with the relevant Development Plan and other policies designed to protect the countryside from inappropriate development, and including Local Plan Policy S3, a policy designated to protect the countryside for its own sake. Paragraph 17 of the NPPF also outlines that decisions should *"recognise the intrinsic character and beauty of the countryside,"* and it is considered that the physical intrusion into the countryside of this type of development, which would be significantly detached from the recognised limits to development, would be unwarranted and could potentially set a precedent for the further expansion of the settlement of Newbold into the surrounding fields to the further detriment of the rural environment. The loss of a veteran tree and potential impacts on biodiversity and ecology would also cause conflict with the intentions of the environmental strand of sustainability.

Although accepting the views of supporters to the scheme, in that the provision of additional dwellings would assist in supporting and sustaining the local facilities and services which are available in Newbold, it is considered that more suitable sites with a better relationship with the

built settlement of Newbold should be explored before the acceptance of the release of land in this particular location. As a result of this it is considered that the support to the economic and social sustainable strands of the NPPF would not outweigh the conflicts with the environment strand of sustainability and as such the development of the site is unacceptable in principle and would not represent sustainable development in terms of the environmental role.

Density

Policy H6 of the North West Leicestershire Local Plan seeks to permit housing development which is of a type and design to achieve as high a net density as possible taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per hectare elsewhere.

With a site area of 0.156 hectares, the proposed development would have a density of 19.23 dwellings per hectare. Whilst this density would fall significantly below that advised in Policy H6, this policy also identifies that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority values good design in its approach to residential development and there would be a need to retain and reinforce the landscaping of the site it is considered that the density proposed would represent an efficient use of the land in this instance. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission. On the basis that the density of the scheme would be below that generally anticipated for residential development it is also difficult to support the view that the residential scheme would be an overdevelopment of the site.

Residential Amenity

The nearest residential property to the site is The Gables, Melbourne Road which is a single storey detached property to the north-east of the site. Plot 1 would lie 41.0 metres from this property and this distance, coupled with the mature landscaping to the site boundaries, would ensure that the residential scheme would not impact adversely on the amenities of neighbours in terms of overbearing, overshadowing and overlooking impacts.

With regards to the movement of vehicles associated with the dwellings it is considered that the level of traffic generated by the occupants of the dwellings would not be significant and would not be too dissimilar to having a development on corner site with a road running close to the dwelling and its rear garden, which was considered in an appeal to be an acceptable yardstick for an acceptable standard (Appeal Ref: APP/G2435/A/08/2065885/WF). It is considered that the level of noise generated by the three properties would not be sufficiently detrimental to the neighbouring amenities, particularly given the above appeal decision, and the retention of the landscaping to the site boundaries as well as the proximity of the site to Melbourne Road and Rempstone Road.

A distance of 18.0 metres would exist between the northern (front) elevation of Plot 2 and southern (side) elevation of Plot 1 and this distance would be acceptable in ensuring that any future occupants would not be adversely impacted on in terms of overbearing and overshadowing impacts. With regards to overlooking impacts it is noted that Plot 3 would contain two windows at first floor level (serving an en-suite and a secondary window to a bedroom) in its south-western (side) elevation which would provide views towards the immediate rear amenity area of Plot 2. In these circumstances it is proposed that these windows be conditioned to be obscure glazed and have a restricted opening in order to protect future amenities with the size of the secondary bedroom window reducing the potential for a perceived

impact of overlooking to occur.

Overall the development would accord with the principles of Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The application site slopes modestly from north to south and is currently defined by a mature hedgerow of 2.0 metres in height, four trees also lie on the boundary of the site. Three residential properties exist to the north-east of the site which are addressed as Melbourne Road but are set back from the principle highway and are served by a small access road which also has a junction with School Lane. The former Gelsmoor Road lies to the north-east of the site which also serves as public footpath M103. It is noted that the three dwellings in close proximity to the site are single storey detached types.

Given the overall height of the current boundary treatments the site is relatively visible from Melbourne Road, particularly when travelling in southern direction from Lount towards Coleorton. The northern (side) and western (rear) elevations of Plot 1 and northern (front) and western (side) elevations of Plot 2 would be the most visible elements of the scheme presented to the public domain. It is considered that the majority of these elevations, with the exception of the western (side) elevation of Plot 2, would have windows and details which would enhance the design characteristics of the scheme and ensure that it would not impact adversely on the character of the streetscape. Although the dwellings which lie in close proximity to the site are single storey the land levels to the north, beyond the site, rise upwards and as such it is considered that the two-storey properties would be viewed in the context of their relationship with other built forms which would also ensure that they would not be at odds with the character and appearance of the immediate environment, or be viewed in isolation.

Public footpath M103 runs along the north-eastern boundary of the site and whilst the dwellings would be visible by users of this footpath the landscaping retained to the site's boundaries would reduce the overall visual implications with the development being seen in the context of a setting with other built forms. The built forms would also not obstruct any views established from the footpath onto important features within the landscape beyond the application site.

In terms of the design of the properties themselves it is considered that they would be acceptable and would include design features which the Local Authority considers desirable (chimneys, eaves and verge detailing, stone cills, brick headers, porches and timber windows and doors) and these features would be consistent and in keeping with the design of properties within the village which are considered to make a positive contribution to the visual amenity of the area (such as Birch Tree Barn, School Lane). The inclusion of timber windows, doors and porches would also reinforce the National Forest identity of the dwellings. The footprints of the dwellings and detached garages are also considered to be consistent with dwellings within the vicinity of the site and as such the overall design of the dwellings would be positive to the character and appearance of the wider area.

In terms of the vehicular access it is considered that the implications to the existing hedgerow are minimal given that the works required have been kept to the necessary minimum. The

parking arrangements for the scheme would also not detract from the character of the area given that they would be well related to the dwellings and would be largely screened by the hedgerows to the site boundaries.

Although the materials to be used in the construction of the dwellings have been partially specified in the application forms not all the materials have been noted and as such it is considered that it would be appropriate to condition any planning consent to ensure that samples of the materials to be used are submitted for approval to ensure that appropriate materials are utilised.

Overall the layout, design and scale of the dwellings are considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60, 61 and 75 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

Highway Safety

The County Highways Authority and County Footpaths Officer have raised no objections to the development subject to it being demonstrated that a right of access exists along Gelsmoor Road, which also constitutes public footpath M103. The County Highways Authority also considers that amended information should be provided to demonstrate that adequate off-street parking provision can be accommodated within the application site.

The agent for the application has submitted information to outline that a vehicular right of way has been established over the land for over 50 years, with a continued use, and it was noted from the site visit that a field access into the land to the south of the site is provided from the former Gelsmoor Road. The County Council Footpaths Officer is to ascertain the extent of the public footpath, i.e. is it the width of the old road or is it of a prescribed size, and any information which is provided will be reported to Members on the Committee Update Sheet. In any case it is considered that the road would be of a sufficient width to cater for both vehicular and pedestrian traffic without sufficient detriment to either user, subject to the relevant notes to the applicant suggested by the County Footpaths Officer being imposed on any consent granted.

In terms of general highway safety it is considered that the access into the site off Gelsmoor Road would be acceptable for the amount of dwellings proposed and would be of a sufficient width to allow two vehicles to pass one another so that no vehicle is left 'waiting' on Melbourne Road whilst another vehicle exits. Adequate visibility at the junction with Melbourne Road is also demonstrated on the submitted plans and as a result of this it is considered that the vehicular movements associated with the three dwellings would not result in significant detriment to highway safety.

With regards to the off-street parking requirements it is considered that the detached garages would be of a sufficient size to accommodate a vehicle and additional off-street parking would be provided within the site to ensure three off-street parking spaces are provided. The amount of off-street parking would be considered adequate for a scheme of this nature with any issue associated with a vehicle obstructing a right of access to land being a matter which would be dealt with by the police.

Overall, and subject to the extent of the public footpath being clarified, the development would not result in detriment to highway users (both vehicular and pedestrian) or result in vehicles being parked within the highway and as such the proposal would accord with Paragraphs 32 and 75 of the NPPF and Policies T3 and T8 of the Local Plan.

Ecology

Although the County Ecologist and Natural England have no objections to the impacts on protected species, given the findings of the submitted protected species survey, the County Ecologist has placed a holding objection to the application given the potential loss of a species rich grassland which could not be mitigated for within the application site given that the land would be within residential gardens and as such difficult to enforce or control in the future. The County Ecologist is to undertake a site visit to ascertain whether the remainder of the land within the applicant's control, situated to the south of the development site, could be utilised for compensatory habitat enhancements and any conclusions made from this visit will be reported to Members on the Committee Update Sheet.

At present, however, the scheme as proposed would conflict with the intentions of Paragraph 118 of the NPPF given the loss of species rich grassland which would be of Local Wildlife Site quality.

Landscaping

The Council's Tree Officer provided advice at the pre-application stage to indicate the extent of the root protection areas (RPA's) for each tree and that should there be a need for the removal of an Ash tree, along the north-eastern boundary, to accommodate Plot 1 than suitable mitigation planting of an advanced nursery stock should be provided. There is, however, no overriding need to remove the Ash tree which would be considered a 'veteran' tree although this tree could not be retained should three dwellings be proposed. The advice also identified that Plot 1 should be no closer to the Ash tree at the northern point of the site than the 8.5 metres presently shown on the submitted plans.

Paragraph 118 of the NPPF indicates that planning permission should be refused for developments which result in the loss or deterioration of irreplaceable habitats, which would include aged and veteran trees, unless the *"need for, and benefits of, the development in that location clearly outweigh the loss."* Policies E7 and F1 of the Local Plan also seek to maintain existing features such as trees and hedgerows. Whilst the Council's Tree Officer considers that the loss of the Ash, along the north-eastern boundary, could be mitigated for if there was a need for the development in the circumstances that it is concluded that the development of this site would not be suitable there would be conflict with the intentions of the above policies.

Although the amendments to the scheme, to accommodate the requests of the County Highways Authority, have resulted in Plot 1 being positioned one metre closer to the Ash tree at the northern point of the site it is considered that this repositioning of the property would not have significantly adverse impacts on the integrity of this veteran tree given that the property would be in excess of this distance from the tree's root protection area.

Overall, however, in the circumstances that there is not a need for a development of this nature in this location it is considered that an approval of the application would result in conflict with Paragraph 118 of the NPPF as well as Policies E7 and F1 of the Local Plan given the loss of a veteran tree.

Other Matters

The Council's Environmental Protection team have raised no objections to the development with regards to ground contamination or land instability subject to conditions and given that the site does not fall within the Coal Mining Referral Area, although this area does lie to the immediate north-east and south-east of the site, it is considered that the proposals would not lead to land instability issues to neighbouring properties which would ensure compliance with Paragraphs 120 and 121 of the NPPF.

It is noted that the application site and the properties within the vicinity of the site do not fall within a Flood Zone. Details of drainage would be dealt with under separate legislation (Building Regulations and Severn Trent Water) and as such any issues relating to how surface water run-off would be managed would be addressed at that time, although the application submission indicates that surface water run-off would be directed to an existing watercourse. In the circumstances that the site is not within a Flood Zone it is anticipated that any surface water run-off solution would not further exacerbate any localised flooding issue. As such the development would not conflict with Paragraph 103 of the NPPF.

Conclusion

The report above indicates that the site is a greenfield site outside the defined Limits to Development. The release of this land for the proposed residential scheme would result in adverse implications to the rural environment, by virtue of the site's detachment from the recognised limits to development and physical intrusion into the rural environment, and as such would represent unwarranted development in the countryside. The loss of a veteran tree, and future impacts on the integrity of an additional veteran tree, as well implications to biodiversity and ecology would result in a development which, overall, would conflict with the environmental strand of sustainability and Paragraph 17 of the NPPF as well as Policies S3 and H4/1 of the Local Plan.

At present the scheme has not provided suitable mitigation measures for the loss of species rich grassland on the application site and as a result of this an approval of the scheme would conflict with the intentions of Paragraph 118 of the NPPF.

In the circumstances that there is not a recognised need for the development in this location it is also considered that the removal of a tree identified as a veteran tree would result in conflict with the intentions of Paragraph 118 of the NPPF as well as Policies E7 and F1 of the Local Plan.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 The application site is on unallocated Greenfield land located outside the limits to development of Newbold as defined in the adopted North West Leicestershire Local Plan. Policy S3 of the adopted North West Leicestershire Local Plan (Local Plan) provides a presumption against non-essential residential development in the countryside with Paragraph 17 of the National Planning Policy Framework (NPPF) indicating that planning should recognise the intrinsic character and beauty of the countryside. Although the scheme is considered acceptable in terms of the social and economic strands of sustainable development the scheme would fail the environmental element, which outlines the development should protect and enhance the natural, built and historic environment, given its detachment from the settlement boundary of Newbold and physical intrusion into the rural environment. The implications to trees displaying veteran characteristics and inadequate mitigation for the loss of species rich grassland would also result in conflict with the environmental strand of sustainability. An approval of the scheme would therefore be contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, and would also be contrary to Policies S3 and H4/1 of the Local Plan.

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- 2 The scheme has not compensated for the loss of species rich grassland resulting from a development of the site and as such an approval of the scheme would conflict with the intentions of Paragraph 118 of the National Planning Policy Framework which aims to conserve and enhance biodiversity.

- 3 There is no recognised need for the development in this location and as such the removal of a tree displaying veteran characteristics would result in conflict with the intentions of Paragraph 118 of the National Planning Policy Framework, which outlines that development resulting in the loss of aged or veteran trees should be refused, as well as Policies E7 and F1 of the North West Leicestershire Local Plan which indicates that developments should seek to retain existing features of a site such as trees.