
Erection of 16 Dwellings (Outline application - all matters reserved except for part access)

**Report Item No
A2**

**Land Off Dawsons Road Osgathorpe Loughborough
Leicestershire**

**Application Reference
14/00574/OUT**

**Applicant:
Mr I, S & S Armett, Broad and Broad**

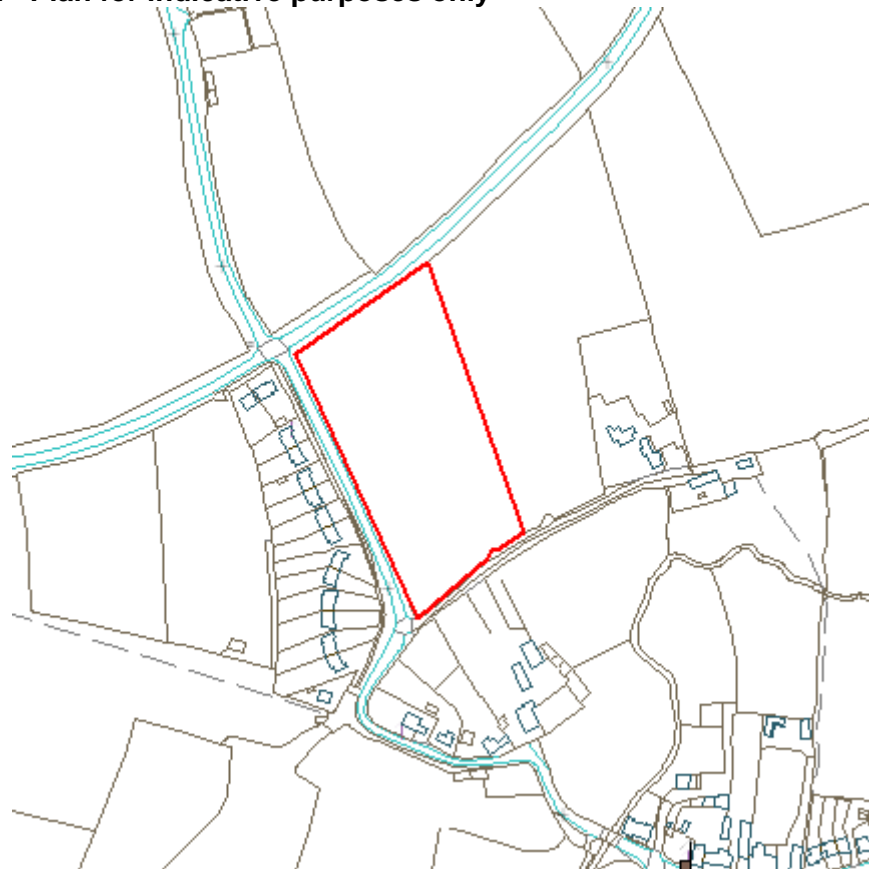
**Date Registered
23 June 2014**

**Case Officer:
Adam Mellor**

**Target Decision Date
22 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

This is an outline planning application with details of a proposed access for 16 dwellings on 0.73 hectares of agricultural land to the north and north-east of existing residential properties on Dawsons Road, Osgathorpe. The site is situated outside the defined limits to development as identified on the North West Leicestershire Local Plan Proposals Map.

The public house (Storey Arms), within the village, has been registered as a community asset and as part of the application it was proposed that a contribution of £300,000, in lieu of any affordable housing contribution, would be made available to the Parish Council for the purchase and restoration of this asset. A local referendum, administered by North West Leicestershire District Council, posed the following statement for consideration by the parishioners: -

"Do you agree with the following statement: I support the outline planning application for 16 houses comprising three local needs housing, 13 market dwellings and a play area. Given the lack of an up to date housing needs survey an offsite contribution will be made but redirected to the Parish Council. This payment will be £300,000 and on the understanding this will be for the securing of the site of the Storey Arms. There will be a 125 year lease to the Parish Council on the land to the rear to become a wildlife corridor and there will be a covenant on the use of materials as per the latest site layout."

The referendum was held on the 7th August 2014 and a turnout of 59.25% voted 124 to 78 against this statement and as a result the agent has now specified that consideration should be given to the direction of the money (£300,000) to the Parish Council to use at their discretion to provide for community facilities (which may include the purchase of the Storey Arms and its subsequent improvement).

Consultations

42 representations against the development and three in support of the development have been received with the Parish Council also objecting to the development proposals. The County Highways Authority has objected to the application on sustainability grounds with all other statutory consultees raising no objections.

Planning Policy

It is considered that the development would result in conflict with the social and environmental strands of sustainability as well as Paragraphs 17 and 50 of the National Planning Policy Framework, Policies S3, E22, H4/1 and H8 of the North West Leicestershire Local Plan and the District Council's Affordable Housing Supplementary Planning Document.

Conclusion

The report indicates that the site is a greenfield site outside Limits to Development, is located within an Area of Particularly Attractive Countryside and that Osgathorpe is not a sustainable settlement with or without the retention of the Storey Arms Public House.

The proposed development would result in the development of land outside of the defined Limits to Development and the erection of 16 dwellings and associated built infrastructure would diminish the present open character of the Area of Particularly Attractive Countryside which

would be contrary to Policy E22 of the Local Plan. The release of this land for the proposed residential scheme would result in an adverse impact to the rural environment due to the physical intrusion into the rural environment and as such would represent unwarranted development in the countryside. A heavy reliance on the private car by any future occupants will also lead to increases in vehicular fumes into the atmosphere which would not support the approach to a low carbon economy. The Council is currently able to demonstrate an adequate supply of housing and there are no other over-riding material planning considerations that outweigh the conflict with the Area of Particularly Attractive Countryside. In these circumstances the proposed development of the site is unacceptable in principle and 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.

Although contributions would be provided for certain services, albeit in different settlements, a play area and local needs housing, the positive contribution they make to the scheme are heavily outweighed by the under provision of affordable housing, either on-site or off-site, and the lack of services within Osgathorpe which would contribute towards people's day to day needs and as such the development would also conflict with the social strand of sustainability and Paragraph 17 of the NPPF.

A failure to provide an appropriate Section 106 contribution towards social infrastructure in the form of affordable housing would also result in conflict with the social strand of sustainability as well as Paragraphs 17 and 50 of the NPPF and Policy H8 of the Local Plan as well as the Affordable Housing SPD.

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

Outline planning permission is sought for the erection of 16 dwellings (outline application - all matters reserved except for part access) at land off Dawsons Road, Osgathorpe. The application site measures 0.73 hectares and is located to the north and north-east of existing residential properties on Dawsons Road. Whilst all matters other than part access are reserved for subsequent approval, an illustrative layout plan has been submitted showing the proposed dwellings, together with landscaping, and a public open space/children's play facility. The site is situated outside the defined limits to development, as indicated on the North West Leicestershire Local Plan Proposals Map, and is also within an area identified as an area of particularly attractive countryside.

It is proposed that a vehicular access into the site would be formed off Dawsons Road at a distance of 77.0 metres from the junction of Dawsons Road with Ashby Road and 75.0 metres from the junction of Dawsons Road with Armetts Lane.

The public house (Storey Arms), within the village, has been registered as a community asset and as part of the application it was proposed that a contribution of £300,000, in lieu of any affordable housing contribution, would be made available to the Parish Council for the purchase and restoration of this asset. A local referendum, administered by North West Leicestershire District Council, posed the following statement for consideration by the parishioners: -

"Do you agree with the following statement: I support the outline planning application for 16 houses comprising three local needs housing, 13 market dwellings and a play area. Given the lack of an up to date housing needs survey an offsite contribution will be made but redirected to the Parish Council. This payment will be £300,000 and on the understanding this will be for the securing of the site of the Storey Arms. There will be a 125 year lease to the Parish Council on the land to the rear to become a wildlife corridor and there will be a covenant on the use of materials as per the latest site layout."

The referendum was held on the 7th August 2014 and a turnout of 59.25% voted 124 to 78 against this statement and as a result the agent has now specified that consideration should be given to the direction of the money (£300,000) to the Parish Council to use at their discretion to provide for community facilities (which may include the purchase of the Storey Arms and its subsequent improvement).

A design and access statement, Building for Life 12 assessment, draft heads of terms for a section 106 agreement, heritage impact statement, affordable housing statement and habitat survey have been submitted in support of the application.

A previous application for the erection of a dwellinghouse was refused on the 14th January 1975.

2. Publicity

28 No. neighbours have been notified (Date of last notification 25 June 2014)

Site Notice displayed 4 July 2014

Press Notice published 9 July 2014

3. Consultations

County Highway Authority consulted 25 June 2014
Osgathorpe Parish Council consulted 25 June 2014
Severn Trent Water Limited consulted 25 June 2014
Head of Environmental Protection consulted 25 June 2014
Natural England consulted 25 June 2014
County Archaeologist consulted 25 June 2014
LCC ecology consulted 25 June 2014
NWLDC Conservation Officer consulted 25 June 2014
LCC Development Contributions consulted 25 June 2014
NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 25 June 2014
Development Plans consulted 25 June 2014
Head Of Leisure And Culture consulted 25 June 2014
Manager Of Housing North West Leicestershire District Council consulted 25 June 2014
Police Architectural Liaison Officer consulted 25 June 2014
LCC/Footpaths consulted 25 June 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 identified that although they will not comment formally on the application they would advise that any surface water drainage scheme should look to reduce the level of flows leaving the site through the use of a Sustainable Urban Drainage Scheme (SuDs).

Leicestershire County Council - Archaeology no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

Leicestershire County Council - Developer Contributions in relation to infrastructure matters, seek commuted sums towards library facilities of £990.00 and civic amenity of £342.00 with no contributions required for landscaping or biodiversity enhancements. With regards to education a sum of £28,601.87 is requested for the high school sector and £29,368.26 for the upper school sector, with no contribution towards the primary school sector, which would result in a total of £57,970.13 being payable.

Leicestershire County Council - Ecology has no objections as all hedges would be retained in the layout although the retention and future management of these hedgerows should be subject to a planning condition with any new hedgerows being of a locally native species.

Leicestershire County Council - Footpaths Officer no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

Leicestershire County Council - Highways objects to the application on the basis of the site being unsustainable but raises no representation in respect of highway safety.

Leicestershire County Council - Lead Local Flood Authority identifies that they are not opposed to development where it can be achieved without any detrimental impact on the flood

risk to surrounding properties and land. They anticipate that the proposed development will conform to the National Planning Policy Framework (NPPF), by attenuating surface water run-off to Greenfield run-off rate.

Natural England no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

NHS Leicester, Leicestershire and Rutland no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

NWLDC - Affordable Housing Enabler states that *"if 16 properties are to be developed on this site the 30% would equate to 5 properties and the Council's preferred position is to seek delivery on site with the properties provided through a Registered Provider (RP). If this does not prove possible (e.g. due to insufficient Registered Provider capacity) the Council would be seeking an offsite commuted sum in lieu of onsite delivery to be utilised to increase the provision of affordable housing in areas where housing needs have been identified anywhere in the District; Where possible in our smaller rural settlements, the Strategic Housing Team would look to meet the needs of residents with a local connection to the village to aid sustainability and to assist residents who may support needs that wider family members could not provide. However larger development sites in these settlements would still need to assist the wider affordable housing requirements from our housing register."*

NWLDC - Conservation Officer considers that the development would not adversely affect the setting of the listed building subject to sufficient landscaping being planted along the south-eastern boundary and the play area remaining in the position indicated.

NWLDC - Environmental Protection has no objections.

NWLDC - Footpaths Officer has no objections and outlines that there are no footpath diversion applications necessary for the development.

NWLDC - Leisure and Culture no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

Osgathorpe Parish Council object to the application following the results of the public poll and also raise issues in respect of surface water run-off not being adequately addressed in the application submission given the proximity of the site to a watercourse.

Police Architectural Liaison Officer no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

Severn Trent Water no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

Third Party Representations

42 representations have been received objecting to the application with the objections raised summarised as follows: -

- Traffic movements throughout the village, via narrow roads, will result in detriment to highway safety given the narrowness of the roads (single tracks) and the vehicular capacity of these roads;
- Osgathorpe is not a sustainable settlement for new development;
- Applicant is trying to 'buy' planning permission by offering money for the retention of the Storey Arms Public House;
- The Village Design Statement, adopted by the Parish Council in November 2011, outlines that although peace and quiet are not visual amenities it was the highest rated characteristic of the settlement which would be impacted on by the introduction of this development;
- On-street parking of vehicles on Dawsons Road will impact adversely on highway safety given the position of the site access;
- The development will be on land outside the village envelope and which is defined as an Area of Particularly Attractive Countryside and as such the proposal would be visually intrusive and contrary to the village plan and village design statement;
- Item 4.2 of the Osgathorpe Village Design Statement outlines that "there should be no large scale developments (greater than 10 properties) permitted in and around the village," If localism is to mean anything then the views of the village should outweigh opportunistic opportunities such as this;
- The village would be adversely affected by disproportionately large developments such as that proposed;
- Views from our properties would be adversely impacted on;
- A play area exists on Orchard Close but this is not accessible to children of the village and the position of the play facilities on the application site would be no better;
- Dwellings on site will result in overlooking impacts onto my rear amenity area as well as an increase in noise and disturbance;
- The scale of the development would be overbearing and out of scale with the rest of the village;
- There will be a negative impact on hedges and trees on the site;
- The social housing within the village already accommodates occupants from outside of the parish;
- The Local Authority now has a five year housing land supply and as such there is not a need for a development of this nature;
- Osgathorpe does not benefit from a shop, school, doctor's surgery, playground, village hall, employment or hourly bus service;
- The development would result in implications to the localised flooding impacts experienced in the village given the increase in water volumes of Westmeadow Brook which have been exacerbated by climate change (increase in rainfall);
- Increase in noise levels within the village by virtue of an increase in population numbers;
- Surface water run-off from the existing pasture is reasonably slow and depends on the natural attenuation existing when heavy rainfall occurs, a housing development with significant areas of hard landscaping affords little natural attenuation with the vast majority of rainfall channelled directly into the surface water drainage system;
- No off-site assessment of the impacts of the development on the flora and fauna in and around Osgathorpe has been provided and as such water run-off from the site could result in pollution implications to Westmeadow Brook;
- An alteration in the volume of water flowing in Westmeadow Brook will increase the risk of pollution which will be contrary to the Riparian Rights, which common law protect, and as such should not be accepted;
- The school at Griffydam and surgery in Belton are over subscribed and could not accommodate additional people;

- Vote undertaken by the Parish has pre-empted the decision of the District Council by outlining that even if the scheme was voted against it would still be approved;

Three representations in support of the development have been received with the comments raised summarised as follows: -

- Little consideration given to the supply of inexpensive dwellings for local offspring, therefore resulting in an exodus from the village. It is felt that the village could benefit from some local needs housing;
- Development will help to sustain the local services and the provision of a contribution to the purchase and upkeep of the Storey Arms will be more beneficial than a contribution towards social housing;

One representation has been received neither objecting to nor supporting the development which comments as follows: -

- There will be residents in the village that have views either supporting or against the Dawsons Road application, but the Parish poll was not the vehicle for hearing those views. If the Dawsons Road housing application is permitted then I would call on NWLDC to ensure that section 106 monies are safeguarded and applied as widely as possible for the wider public good.

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, amongst other things, that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

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 38 outlines that for larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties;

Paragraph 39 indicates that if setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles;

Paragraph 47 outlines that to boost significantly the supply of housing, local planning authorities should, amongst other things, identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

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 50 identifies that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type and tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take

account of changing market conditions over time;

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 59 indicates that local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally;

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 64 outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions;

Paragraph 73 indicates that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required;

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 use, 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 109 outlines that the planning system should contribute and enhance the natural and local environment by, amongst other things:

- preventing both new and existing development from contributing to or being put at unaccepted risk from being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate;

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;

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;

Paragraph 123 outlines that planning policies and decisions should aim to avoid noise from giving rise too significant adverse impacts on health and quality of life as a result of new development;

Paragraph 131 outlines that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

Paragraph 132 states 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional;

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use;

Paragraph 141 indicates that local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (any any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted;

Paragraph 173 states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of the development identified in the plan should not be subject to such a

scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable;

Paragraph 203 indicates that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition;

Paragraph 204 outlines that planning obligations should only be sought where they meet all of the following tests:

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

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 E8 indicates that development will be permitted only where appropriate crime prevention measures are incorporated as an integral part of the design, layout and landscaping features of the proposal;

Policy E22 seeks to prevent development which would adversely affect Areas of Particularly Attractive Countryside;

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 T10 indicates that development will be permitted only if, where appropriate, provision is

made for the requirements of effective public transport operation and the needs of passengers;

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;

Policy H8 sets out the criteria for the provision of an element of affordable housing as part of any development proposal;

Policy L21 indicates that new housing development will be required to incorporate the provision of a children's play area, except where the development is a discrete site of less than 10 dwellings; or all play space needs arising from the development can be adequately met by existing facilities within walking distance;

Policy L22 states that major new development, including that of allocated sites, will only be permitted where adequate provision is made for open space for formal recreation use;

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;

Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire

The County Council's Statement of Requirement for Developer Contributions in Leicestershire sets out the circumstances in which developer contributions will be required in respect of County and District service areas, as well as other public services, and the level of contributions required;

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;

District Council's Play Area Design Guidance Supplementary Planning Guidance

Sets out the requirements for on-site children's play provision and specifies that a rate of 20 square metres per dwelling;

Play Area Design Guidance Note

Policies L21 and L22 of the Local Plan are supplemented by the District Council's adopted Play Area a Design Guidance Note (July 2001). In relation to open space for formal recreation use the Guidance Note, which makes reference to the use of the NPFA standards (paragraph 4.5), notes inter alia that "if on site provision is not feasible a commuted sum towards upgrading of existing facilities in the locality will be sought" (paragraph 4.3) and that "formal recreation open space will generally be regarded as sports pitches (whether natural or artificial turf) and any associated changing facilities" (Paragraph 4.4);

Affordable Housing Supplementary Planning Document

The Council adopted a revised Affordable Housing Supplementary Planning Document (SPD) on 18th January 2011 and this indicates that the amount of affordable housing sought on all sites of 5 or more dwellings in areas such as Osgathorpe will be 30%;

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 the Development and Sustainability

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:

- Church (St Mary's Church, Church Lane) - 464 metres;
- Public House (Storey Arms Public House, 41 Main Street) - 787 metres (using public footpath N2 over brook) or 907 metres should the footpath be inaccessible;
- Bus Stop (Dawsons Road) - 70 metres;
- Play Facilities (to be provided as part of the development) - 50 metres;

In terms of the distance to amenities, the inspector in the Moira Road, Ashby appeal referred to DoT statistics which show 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 about 8km. The now withdrawn submission version North West Leicestershire Local Plan: Core Strategy did not identify Osgathorpe as a "sustainable village" and the bus service provided to the village (Paul S Winson Coaches No. 129) between Ashby De La Zouch and Loughborough sees the first bus arrive in the village (at the bus stop opposite the Storey Arms Public House) at 07:46 with the last bus to Loughborough departing at 16:59 and the last bus returning to Ashby arriving at 18:10. This service runs Monday to Saturday with only five buses during the operational hours which means the service is less than hourly.

With regards to the services available within the village the public house (Storey Arms) has been registered as a community asset and as part of the application it was originally proposed that a contribution of £300,000, in lieu of any affordable housing contribution, would be made available to the Parish Council for the purchase and restoration of this asset. A local referendum, administered by North West Leicestershire District Council, posed the following statement for consideration by the parishioners: -

"Do you agree with the following statement: I support the outline planning application for 16 houses comprising three local needs housing, 13 market dwellings and a play area. Given the lack of an up to date housing needs survey an offsite contribution will be made but redirected to the Parish Council. This payment will be £300,000 and on the understanding this will be for the securing of the site of the Storey Arms. There will be a 125 year lease to the Parish Council on the land to the rear to become a wildlife corridor and there will be a covenant on the use of materials as per the latest site layout."

A turnout of 59.25% voted 124 to 78 against this statement and as a result the agent has now specified that consideration should be given to the direction of the money (£300,000) to the Parish Council to use at their discretion to provide for community facilities (which may include the purchase of the Storey Arms and its subsequent improvement).

Paragraph 203 of the NPPF outlines that local planning authorities should consider whether *"unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."* The crux of the contribution towards the purchase and restoration of the Storey Arms is an attempt to make a development which would be considered unacceptable, as discussed in more detail below, acceptable. Although sympathetic to the approach taken by the applicant's in trying to maintain one of the few services available to Osgathorpe, it is considered that even in the event that parishioners voted 'yes' to the proposition, the money made available would not necessarily have guaranteed the longevity of the public house being kept operational with the re-direction of funds to the Parish Council, to use at their discretion for community facilities, also not overcoming the shortfall in the service provision which would lead to Osgathorpe being considered sustainable. In this context, therefore, an acceptance of this position would be contrary to the intentions of

Paragraph 203 as with or without the public house, Osgathorpe would not be considered sustainable from an accessibility point of view. The offer of £300,000 is therefore not CIL compliant.

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 16 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 Moira 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 6.35 years.

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.*"

The site is located within an Area of Particularly Attractive Countryside (APAC) which the

adopted Local Plan confirms is considered to represent the most significant and important rural landscape area locally. This designation is subject to saved Policy E22 which states the following: -

"Development will not be permitted which would adversely affect or diminish the present open character and attractive rural landscape and/or be detrimental to natural habitats and scientific interest of the following Areas of Particularly Countryside, identified on the Proposals Map:

- (a) *Land to the east of Greenhill, Thringstone, Whitwick and Worthington, including part of Charnwood Forest;*
- (b) *Land in the vicinity of Staunton Harold; and*
- (c) *Land at Gospall's Wharf, Snarestone.*

Built development will be permitted only where it is appropriate to the established character of the designated area in terms of scale, siting, detailed design and materials of construction.

In addition the District Council will seek to:

- (a) *Undertake or encourage measures to protect and enhance the landscape, wildlife, habitat, archaeological and scientific interest of the designated area, including planting, nature conservation measures and the provision of nature interpretation and appreciation facilities;*
- (b) *Secure the positive management of land within the designated areas to enhance and maintain its wildlife habitat and features of scientific and archaeological interest;*
- (c) *Protect and conserve particular features which contribute to the special character of the designated areas, such as dry stone walls in the Charnwood Forest."*

The land slopes upwards from south-east to north-west and it is considered that the provision of 16 dwellings, and the associated built infrastructure, within the APAC would diminish the present open character of the area and result in an urbanising impact and, therefore, would conflict with the intentions of Policy E22 of the Local Plan. In terms of the built development being proposed, on the basis of the indicative site layout plan, this would be in close proximity to Dawsons Road and would extend to the junctions with Ashby Road and Armetts Lane with a play area being situated in the south-western corner of the site with retained hedgerows to the existing boundaries and new hedge planting and fencing to the newly formed boundaries of residential properties along with tree landscaping. Although landscaping would be retained to the site boundaries, and reinforced with additional planting, this would not negate the overall impacts on the development on the open character of the area by virtue of the views which would be established from Ashby Road and Dawsons Road. The construction of buildings on the land would also 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.

It is also considered, taking into account the views of the Planning Inspectorate relating to a recent appeal decision at Tea Kettle Hall in Diseworth (APP/G2435/A/13/2208611), that due to the distance from shops, services and employment opportunities, as well as the severely limited bus service through the village, that the private car would be the most likely mode of transport for the majority of trips to and from the proposed dwellings. This would involve lengthy trips in an unsustainable mode of transport for shopping, work and leisure purposes which again would conflict with the environmental aims of the NPPF which seek to use natural resources prudently and move towards a low carbon economy.

Although the development would be constructed on agricultural land this land is Grade 3 Agricultural Land and as such would not be considered the best and most versatile agricultural land (defined as Grades 1, 2 and 3a of the Agricultural Land Classification) in the context of Paragraph 112 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."*

In making an assessment of the development against the social role of sustainability consideration has been given to the views of the Planning Inspectorate relating to a recent appeal decision at Tea Kettle Hall in Diseworth (APP/G2435/A/13/2208611) with it being noted that Diseworth was considered a *"sustainable village"* in the now withdrawn North West Leicestershire Local Plan: Core Strategy.

The social role would benefit from the provision of 16 dwellings which would include three local needs housing, although a need for such dwellings has not been demonstrated, with a mix of housing (2, 3 and 4 bedroom properties) being supported and contributing to the housing needs of different groups in the community. An under provision of affordable housing is proposed on the site and the off-site contribution towards such provision is to be re-directed to the Parish Council, and as such there would be conflict with the District Council's Affordable Housing SPD. This issue is discussed in more detail in the Viability of the Development section of this report.

A development of this scale will also require the provision of an on-site play area, which will be at a scale commensurate with the development, and as such may not provide a level of facility which could be utilised by all of the community and financial contributions are also sought for education (schools in Ibstock and Ashby), libraries (Shepshed) and civic amenity (Lount and Shepshed).

However, the social role, as defined in Paragraph 7 of the NPPF, requires the supply of housing to be linked to accessible local services which meet the needs of the community and support its health, social and cultural well being. As identified above Osgathorpe does not benefit from many services and as such residents would consequently be relatively isolated from shops, medical services and cultural or recreational facilities. The submitted design and access statement indicates that Belton, around 1.5 miles from the site, would be the nearest settlement which would provide a shop and other services (including a doctor's surgery) with the nearest centre offering significant employment opportunities being Coalville and Shepshed. The public transport provision, being on a two hourly basis and not extending into the evening hours, would also restrict opportunities to access services other than via the private car. As a consequence, in the terms of the social role as defined by the NPPF, the accessibility to a range of local services for residents of the proposed housing would be severely limited.

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 with associated benefits to the local economy.

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, which include 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, on land which would not be considered sequentially preferable for development should the limits to development be extended, would be unwarranted and could potentially set a precedent for the further expansion of the settlement of Osgathorpe into the surrounding fields to the further detriment of the rural environment. A development of this nature would also conflict with Local Plan Policy E22 which seeks to restrict development that would adversely affect or diminish the present open character and attractive rural landscape.

It is accepted that the contribution to the economic growth associated with the proposed development would ensure that the scheme would sit well in terms of the economic dimension. With regards to the social role it is acknowledged that a development of this scale would provide contributions to services (albeit in different settlements), a play area and local needs housing, which would be considered positive aspects in the social dimension, these however are outweighed by the negative factors involved in an under provision of affordable housing and the accessibility of future residents to local services given the under provision of such services in Osgathorpe. Insofar as the environmental role is concerned, the proposed development would result in the development of land outside the defined Limits to Development, the erection of 16 dwellings and associated built infrastructure would diminish the present open character of an APAC and the heavy reliance on the private car to access basic services would not support the move to a low carbon economy.

Consequently it is considered that the support to the economic and social benefits relating to the proposal would not outweigh the negative social aspects or the environmental impacts of the development and as such development of the site is unacceptable in principle and would not represent sustainable development in terms of the social or environmental roles.

Means of Access and Transportation

All matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned). The point of access proposed show vehicular access via a new junction onto Dawsons Road directly opposite Nos. 41 and 43 Dawsons Road. Whilst the illustrative layout shows internal access roads and a pedestrian link onto Dawsons Road, these would be dealt with at the reserved matters stage(s), although their impact on the overall potential accessibility and connectivity of the site still ought to be considered.

The County Highways Authority has raised a representation to the application on the basis of the sustainability of the site but has raised no objections in respect of highway safety implications.

It is noted that the submitted design and access statement indicates that consultation was

undertaken with the County Highways Authority prior to the submission of the application with the comments raised stating: *"the site is considered to be in an unsustainable location and it is likely we would recommend refusal on this basis as there are no services within walking distances...An access appears to be able to be achieved and visibility splays of 2.4 x 43 metres would apply...The access and internal layout should be designed to the requirements of the 6CsDG."*

In the context of these comments of the Highway Authority, it is considered that the provision of a vehicular access in the position indicated on the indicative plan would be acceptable and would not cause significant highway safety implications by virtue of the level of visibility achieved in both directions being acceptable. Although on-road parking exists on the western side of Dawsons Road the presence of vehicles in the highway has not been identified as a particular concern by the County Highways Authority and, in any case, any vehicle exiting the development site would have a sufficient level of visibility in both directions to ensure that an adequate assessment of the movement of vehicles in both directions is undertaken before exiting the site. With regards to the adequacy of the highways network in and around Osgathorpe being able to 'cope' with a potential increase in vehicular movements it is noted that the County Highways Authority has raised no objections to the development on this basis and the lack of control over the movement of vehicles throughout the village means that these roads could be subject to an increase in vehicular movements with or without the development. Given that Paragraph 32 of the NPPF outlines, amongst other things, that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe,"* it is considered that the above conclusions outline that a residential development on the site would not have a severe impact on highway safety as to justify a refusal of the application. In these circumstances the development would also accord with Policy T3 of the Local Plan.

The potential provision of a pedestrian footway from the site entrance to the junction with Armetts Lane, with a pedestrian link from the development onto this footway at the position of the play area, would also improve the highway safety merits of the scheme by ensuring future residents would be able to safely cross the road at points other than the site entrance.

No representation to the development has been received from the County Council Rights of Way Officer and as such it is considered that the provision of the access and development of the site would not result in detriment to the safe usage of the right of way which will ensure compliance with Paragraph 75 of the NPPF.

The specific parking arrangements for each individual property would be assessed and addressed following the submission of any subsequent reserved matters application and as such the particular requirements of Paragraph 39 of the NPPF as well as Policy T8 of the Local Plan would be satisfied at that time.

Density

Policy H6 of the 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 0.73 hectares, the proposal would have a density of 21.92 dwellings per hectare based on the provision of 16 dwellings. Although this density would fall 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.

Neighbours' and Future Occupants' Amenities

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves are concerned, these would need to be assessed at the reserved matters stage(s), notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 16 units could not be provided on the site in a manner which would not adversely impact upon neighbours' amenities.

In terms of the issues raised by residents in respect of overbearing and overlooking impacts it is considered that the indicative layout identifies that Plot 1 would be set 21.5 metres from the north-eastern (side) boundary of No. 126 Ashby Road, with Plot 2 being situated 27.0 metres from the same boundary. Plot 16 would be set 25.5 metres from the north-eastern (front) elevation of No. 41 Dawsons Road. It is considered that these distances would be acceptable in preserving the amenities of neighbours, particularly in the circumstances that the layout is indicative only, with it also being noted that these distances would be greater than that between the south-eastern (rear) elevation of No. 124 Ashby Road and the north-western (side) boundary of No. 49 Dawsons Road which is 19.0 metres.

Concerns have been expressed that the development will result in an increase in dirt and noise, from a rise in vehicular movements and activity on the site, however it is considered that whilst the provision of a residential scheme along Dawsons Road would increase the volume of traffic this increase would not be significantly detrimental to amenities to justify a reason for the refusal of the application. This view is taken given that there are no controls in place to restrict the movement of vehicles along Dawsons Road and the fact the vehicular movements of any future occupants of the scheme would be similar to those of existing residents. The scheme relates to the provision of 16 dwellings and in the context that a residential use would not be considered a noisy use it would also be difficult to justify a refusal of the application on the basis that the tranquillity area would be adversely affected by the introduction of new residents.

Although dirt and noise would be associated with the construction of the scheme it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as Environmental Health has raised no issues to the development in this regard, it is considered that the imposition of an hours condition would be unreasonable.

With regards to future amenities it is considered that any subsequent scheme assessed under a reserved matters application could establish an acceptable level of amenity for future residents.

The issues raised in respect of the loss of a view would not constitute a material planning consideration and as such does not warrant further deliberation in the assessment of the application.

Overall the proposed development would not conflict with the principles of Paragraph 123 of the NPPF or Policy E3 of the Local Plan.

Landscape and Visual Impact, Design and Impact on the Historic Environment

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. Policy E4 requires new development to respect the character of its surroundings.

The application site slopes modestly from south-east to north-west and is currently defined by mature hedgerows of between 1.5 to 1.6 metres in height, with three trees and a group of trees being situated to the south-eastern, north-eastern and south-western boundaries. Residential properties exist to south-west and south of the site (on Dawsons Road), with two properties (Leas Cottage and Fields Farm House) being situated to the south-east of the site on Armetts Lane. Dawsons Road also serves as a public footpath, bridleway and cycleway. Properties within the area are largely two-storey semi-detached or detached types.

A Building for Life 12 Evaluation (BfL12) has been submitted in support of the application which scores the scheme on the basis of red/amber/green ratings rather than a points based scoring system. The evaluation concludes that the scheme would score all green points. The Council's Urban Designer has assessed the Building for Life 12 Evaluation, and the submission as a whole, and considers that in the circumstances that Osgathorpe would not be considered a sustainable settlement it would not be possible to score questions 2 (facilities and services) and 3 (public transport) as anything other than red and in the circumstances that BfL12 has been adopted by the District Council as a measure for assessing urban design quality the Urban Designer would not be in a position to endorse the proposals.

Although this is the case the District Council's Urban Designer has provided the following comments on the indicative layout: -

- *"The layout has the potential to be more traditional/'village like' if the highways design was softer - at the moment highways are rather over engineered, dominating the scheme to a great extent. A softer, more rural land would be appropriate;*
- *There is an opportunity to create a village green where the play area is shown, framing this better through building shape and orientation. This green should be complemented by the existing properties across the road. The form, layout/orientation and relationship between plots and parking for 11-13 is not right and fails to capitalise on the tree as a focal point/feature to be celebrated more;*
- *The buildings in this part of the village are set back from the street and whilst I question the placement of 14-16, I can equally see merit in doing this form from a spatial definition point of view;*
- *Field boundaries tend to be linear, so the new curved boundary is somewhat odd. I would simply suggest creating a linear/right angled boundary - much like you see in the adjacent field (so keep the alignment, just 'iron out' the curves;*
- *Appearance - outline only;*
- *Hipped garages would reduce the visual impact of garages along the un-built boundary;*
- *Recess garages into plots further to maximise parking provision (ref: plots 1, 8/9; suggest 4/5 open car ports with outbuilding attached to the side for storage."*

A key challenge for any future reserved matters application, should the principle of development be accepted, will relate to the creation of a scheme which has character and how a place with local or otherwise distinctive character can be created by drawing influence from the positive

and distinctive characteristics of Osgathorpe. This could be achieved by drawing upon selected local characteristics of dwellings and their materials within the vicinity of the site, i.e. window details, brick and cill details, verge and eaves detailing, and combining these with a strong landscape character which in turn creates a locally distinctive identity.

Although the comments of the District Council's Urban Designer are noted it is considered that the scheme is not sufficiently advanced to be assessed fully against BfL12. Whilst acknowledging that any development in Osgathorpe would not accord with questions 2 and 3, and in the circumstances that the District Council's Urban Designer concludes that *"any approval should be accompanied by a condition requiring a BfL assessment to be submitted to ensure compliance with questions 1 and 5 -12 in order to ensure any scheme is well designed and built to a good standard,"* it is considered that an appropriate scheme could be secured at the reserved matters stage should the principle of the development be accepted.

The Council's Conservation Officer has raised no objections to the development in the context of implications to the setting of heritage assets at Brookside Farmhouse (No. 16 Dawsons Road) and Hallington House (No. 18 Dawsons Road) subject to the provision of landscaping along the south-eastern boundary of the site and the retention of the play area in the position indicated on the indicative layout plan. In the circumstances that these matters would be addressed accordingly at the reserved matters stage it is considered that the development would not conflict with the intentions of Paragraphs 131, 132 and 134 of the NPPF.

Overall, the development is considered to accord with Paragraphs 57, 59, 60, 61 and 64 of the NPPF and Policy E4 of the Local Plan. The specific requirements of Policy H7 of the Local Plan would be achieved through any reserved matters application submitted for the detailed design of the proposals.

Viability of the Development

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

- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development; and
- Fairly and reasonably related in scale and kind to the proposed development;

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

The relevant developer contributions are listed below: -

Affordable Housing

The Affordable Housing Supplementary Planning Document indicates that on all development sites providing five or more properties a requirement of 30% affordable housing would be required with the Council's preferred position for this to be provided on site.

The Council's Affordable Housing Enabler officer has indicated that *"if 16 properties are developed on this site the 30% would equate to 5 properties and the Council's preferred position is to seek delivery on site with the properties provided through a Registered Provider (RP). If this does not prove possible (e.g. due to insufficient Registered Provider capacity) the Council would be seeking an off-site commuted sum in lieu of onsite delivery to be utilised to increase the provision of affordable housing in areas where housing needs have been identified anywhere in the District."*

Where possible in our smaller rural settlements, the Strategic Housing Team would look to meet the needs of residents with a local connection to the village to aid sustainability and to assist residents who may have support needs that wider family members could not provide. However larger development sites in these settlements would still need to assist the wider affordable housing requirements from our housing register."

It is considered that in light of the design of the scheme the Strategic Housing Team would look to secure the following mix for the affordable housing element -

- 3 x 2 bed houses to be provided as Affordable Rented properties; and
- 2 x 3 bed houses to be made available as some form of low cost home ownership properties;

Although this would provide a lower than policy requirement with regard to the tenure split it would aid scheme viability and would be supported by the Strategic Housing Team.

Within the submitted Affordable Housing Statement it is indicated that the applicant is proposing to provide three affordable properties on site as two bed houses with a commuted sum, in lieu of affordable housing, to support the purchase of the Storey Arms Public House. It is noted that the referendum hosted by the Parish Council, on the 7th August 2014, identified that this approach was not supported by members of the community and the Strategic Housing Team comment that *"any commuted sum negotiated and accepted in lieu of onsite affordable housing provision is ring fenced for the provision of affordable housing and cannot be ascribed to alternative uses. The Strategic Housing Team would seek to ensure any monies provided in lieu of onsite affordable housing provision would be used to secure affordable housing anywhere in the District."*

The Affordable Housing Statement also indicates that the affordable properties would be provided as local needs housing with occupancy restrictions and the Strategic Housing Team is more than happy to seek to attach a local lettings policy, in line with those used on Rural Exception Sites, to any new affordable homes provided on this proposed development.

The agent bases the fact that any additional affordable housing contribution should be redirected to the Parish Council for their own use on the lack of any housing need assessment being available for Osgathorpe, however, this would not justify the redirection of such funds given that the intentions of the Affordable Housing SPD are that any off-site provision should be targeted for affordable housing anywhere in the District. It also has not been demonstrated that the scheme would not be viable for any off-site contribution towards affordable housing as well as any additional contribution to the Parish Council.

Given the insufficient provision of affordable housing, either on-site or off-site, and the lack of substantial justification as to why the scheme would discord from policy, even in the circumstances of a negative vote towards the redirection of money to the Parish Council for the purchase of the Storey Arms, it is considered that the development would not provide for the amount of relevant social infrastructure which would be required for a development of this size. In these circumstances there would be further deviation from the social strand of sustainability and Paragraph 50 of the NPPF as well as conflict with Policy H8 of the Local Plan and the District Council's Affordable Housing Supplementary Planning Document.

Education

In respect of the proposed education contributions, Leicestershire County Council comments as follows: -

Primary School Requirements

The site falls within the catchment area of Griffydam Primary School. The School has a net capacity of 105 and 98 pupils are projected on roll should this development proceed; a surplus of 7 places after taking into account the 4 pupils generated by this development. An education contribution will therefore not be requested for this sector.

High School Requirements:

The site falls within the catchment area of Ivanhoe College. The College has a net capacity of 949 and 1063 pupils are projected on roll should this development proceed; a deficit of 114 pupil places (of which 112 are existing and 2 are created by this development). There are no other high schools within a three mile walking distance of the site. A claim for an educational contribution in the high school sector is therefore justified. In order to provide the additional high school places anticipated by the proposed development, the County Council requests a contribution of **£28,601.87**. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ivanhoe College.

Upper School Requirements:

The site falls within the catchment area of Ashby School. The school has a net capacity of 1841 and 2038 pupils are projected on roll should this development proceed; a deficit of 197 pupil places (of which 195 are existing and 2 are created by this development). There are no other upper schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified. In order to provide the additional upper school places anticipated by this proposed development, the County Council requests a contribution of **£29,368.26**. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ashby School.

The applicant has agreed to meet the education financial request.

Libraries

The County Council have indicated that the library facilities contribution is outlined in the Statement of Requirements for Developer Contributions in Leicestershire (December 2007). It is considered that the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development on Dawsons Road is within 4.9km of Shepshed Library on Hall Croft, the nearest local library facility which would serve the development site, and as such a contribution of **£990.00** (rounded to the nearest £10) would be requested.

The contribution would be used for an additional 63 items of lending stock, plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service. The money requested has been calculated in accordance with the following formula: -

3 x 2 bedroom houses/apartments @ £54.35 per house/apartment;
13 x 3/4/5 bedroom houses/apartments @ 63.41 per house/apartment.

The applicant has agreed to meet the libraries financial request.

Civic Amenity

The County Council have indicated that the civic amenity contribution is outlined in the

Statement of Requirements for Developer Contributions in Leicestershire (December 2007). It is considered that the proposed development is of a scale and size which would have an impact on the delivery of civic amenity waste facilities within the local area. In these circumstances a contribution of **£342.00** (rounded to the nearest pound) is sought. The nearest civic amenity sites to the proposed development are located at Shepshed and Lount and residents of the proposed development are likely to use either of these sites with the calculation based on 16 units multiplied by the current rate for the Shepshed Civic Amenity site of £42.71 and £0.00 for the Lount site respectively, reduced by 50% for each site.

The applicant has agreed to meet the civic amenity financial request.

NWLDC - Leisure and Cultural Services

Under the District Council's Play Area Design Guidance Supplementary Planning Guidance (SPG), on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 16 dwellings are proposed, this would require a play area of not less than 320 square metres. A play area in excess of this size is identified on the indicative layout plan and the provision of such play facilities, and their future management, would be secured via planning conditions and subsequent legal agreement on any consent granted.

Ecology and Trees

The County Council Ecologist has raised no objections to the application and no representation has been received from the Council's Tree Officer. As part of the development proposals it is intended that all existing vegetation would be retained, apart from the removal of partial sections of the hedgerow along Dawsons Road to accommodate the vehicular access, pedestrian entrance and visibility splays. The mature trees on the site are located to the site boundaries and as such can be retained within any future layout progressed under any reserved matters submission without significant implications to their integrity. It is considered that the retention of the existing trees within the site will be important given the positive contribution they make to the visual amenities of the streetscape and surrounding area.

In terms of the comments raised with regards to the implications of surface water run-off to the species of fauna and flora within Westmeadow Brook it is noted that this is not designated as a Special Area of Conservation (SAC) or Site of Special Scientific Interest (SSSI) and the consultation responses from the County Council Ecologist and Environment Agency have raised no objections in respect of this issue. Although this is the case it is considered that the imposition of a surface water condition, should permission be granted, on any consent could ensure any scheme progressed incorporated measures such as treatment trains which would capture and prevent polluted surface water run-off from reaching the brook and as such impacting on its integrity.

In these circumstances, therefore, it is considered that subject to an appropriate scheme being agreed at a subsequent reserved matters stage(s), should permission be granted, to retain existing trees on the site and the imposition of relevant conditions relating to drainage the development would not result in conflict with Paragraph 118 of the NPPF, Circular 06/05 or Policies E2 or E7 of the Local Plan.

Flood Risk and Drainage

The site lies within Flood Zone 1 as defined by the Environment Agency as having a low probability of flooding. As the site does not exceed 1 hectare in size, there is no formal requirement to provide a Flood Risk Assessment (FRA) or formal consultation undertaken with the Environment Agency.

Severn Trent Water has been consulted on the application but no comments have been received at time of writing. A chasing request has been made and should any comments be received, they will be reported to Members via the update sheet.

Although there is no formal need to consult with the Environment Agency (EA), following the concerns raised by members of the public in respect of localised flooding impacts associated with Westmeadow Brook, which does lie within Flood Zones 2 and 3, the EA were consulted. The EA have commented that: *"we would advise that in any final surface water drainage scheme there will be an opportunity to reduce the level of flows leaving the site through the use of SuDs. We also advise that you seek the views of Leicestershire County Council in their capacity as Lead Local Flood Authority, on the proposal."*

Consultation has also been undertaken with the Lead Local Flood Authority at the County Council who have stated that: *"Although the proposed development is outside of the flood zones, and is not shown to be at risk from surface water flooding. Concerns have been raised regarding the impact on the low lying areas of the village. Properties have not currently been flooded internally, but the water levels experienced are very high (reported between 60-90cm) and any further increase has the potential to flood properties...The Lead Local Flood Authority are not opposed to development, where it can be achieved without any detrimental impact on the flood risk to surrounding properties and land. It is to be anticipated that the proposed development will conform to the National Planning Policy Framework, by attenuating surface water run-off to Greenfield run-off rate."*

Clarification was requested from the applicant in respect of the precise means of surface water run-off from the site and the following information was provided: *"I confirm that the field currently drains into the watercourse to the south-east boundary of the field alongside Armetts Lane, it is our opinion that the only risk identified could be from accelerated surface water run-off from the development should it be allowed to freely drain off site...Therefore a Sustainable Urban Drainage System (SuDs), will be designed and incorporated into the final layout of the proposed development during the "Reserved Matters" application process. Since the design of such a system is dependent upon the final design and layout of the dwellings and infrastructure proposed in detail; a SuDs scheme will incorporate, where appropriate, swales and geocellular storage systems and where appropriate a hydrobrake system, all to ensure that the post development surface water run-off will not exceed that from the present land use, within the current required parameters."*

In the circumstances that a scheme of surface water drainage for the site could be conditioned on any consent granted for the proposal, and this scheme could ensure that the current run-off rate from the fields was not exceeded, it is considered that the implications of the development on the localised flooding impact would not be sufficiently detrimental as to warrant a refusal of the application.

With regards to the means of foul drainage it is considered that the imposition of a relevant condition, on any consent granted, could achieve a scheme which would be acceptable to the relevant sewerage undertaker (Severn Trent Water).

Overall, therefore, the development would not conflict significantly with the intentions of Paragraph 103 of the NPPF.

Archaeology

No representation to the application has been received from the County Council Archaeologist and in this context it is considered that the development of the site would not result in significant

implications to archaeological remains and would accord with Paragraph 141 of the NPPF.

Other Matters

Although numerous representations have been received identifying that the development would be contrary to the Osgathorpe Village Design Statement it is noted that this document has not been formally adopted by the District Council, as a supplementary planning document, and as such no weight can be given to the aspirations of this document in the determination of the application.

Conclusion

The report above indicates that the site is a greenfield site outside Limits to Development, is located within an Area of Particularly Attractive Countryside and that Osgathorpe is not a sustainable settlement with or without the retention of the Storey Arms Public House.

The proposed development would result in the development of land outside of the defined Limits to Development and the erection of 16 dwellings and associated built infrastructure would diminish the present open character of the Area of Particularly Attractive Countryside which would be contrary to Policy E22 of the Local Plan. The release of this land for the proposed residential scheme would result in an adverse impact to the rural environment due to the physical intrusion into the rural environment and as such would represent unwarranted development in the countryside. A heavy reliance on the private car by any future occupants will also lead to increases in vehicular fumes into the atmosphere which would not support the approach to a low carbon economy. The Council is currently able to demonstrate an adequate supply of housing and there are no other over-riding material planning considerations that outweigh the conflict with the Area of Particularly Attractive Countryside. In these circumstances the proposed development of the site is unacceptable in principle and 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.

Although contributions would be provided for certain services, albeit in different settlements, a play area and local needs housing the positive contribution they make to the scheme are heavily outweighed by the under provision of affordable housing, either on-site or off-site, and the lack of services within Osgathorpe which would contribute towards people's day to day needs and as such the development would also conflict with the social strand of sustainability and Paragraph 17 of the NPPF.

A failure to provide an appropriate Section 106 contribution towards social infrastructure in the form of affordable housing would also result in conflict with the social strand of sustainability as well as Paragraphs 17 and 50 of the NPPF and Policy H8 of the Local Plan as well as the Affordable Housing SPD.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 Osgathorpe is a settlement which benefits from few services or an appropriate level of public transport and as such would not be considered a sustainable settlement for the scale of the development proposed. The application site is on unallocated Greenfield land located outside the limits to development of Osgathorpe, as defined on the Proposals Map to the North West Leicestershire Local Plan, and is also within an Area of Particularly Attractive Countryside. Policy S3 of the adopted North West Leicestershire

Local Plan provides a presumption against non-essential residential development in the countryside and Policy E22 of the adopted North West Leicestershire Local Plan states that development will not be permitted which would adversely affect or diminish the present open character and attractive rural landscape and/or be detrimental to natural habitats and scientific interest. Paragraph 17 of the National Planning Policy Framework (NPPF) also indicates that planning should recognise the intrinsic character and beauty of the countryside. The NPPF also outlines that socially development should provide the supply of housing required to meet the needs of present and future generations with accessible local services and the support of their health, social and cultural well being. Although the scheme would be considered acceptable in terms of the economic strand of sustainable development the scheme would fail the environmental and social elements as it would adversely affect and diminish the present open character and attractive rural landscape of this part of the Area of Particularly Attractive Countryside, would physically intrude into the rural environment and would create a development where future occupants would be heavily reliant on the private car to access the most basic of services thereby leading to greater vehicular emissions and not supporting the approach to a low carbon economy. An under provision of affordable housing as part of the development and insufficient local services and public transport provision to support the basic needs of future residents would also lead to such residents being socially isolated. An approval, therefore, would be contrary to the environmental and social strands of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF and Policies S3, E22 and H4/1 of the Local Plan.

- 2 The development proposal would fail to make an appropriate Section 106 contribution towards social infrastructure in the form of affordable housing which would also result in conflict with the social strand of sustainability as well as Paragraphs 17 and 50 of the NPPF, Policy H8 of the North West Leicestershire Local Plan and the District Council's Affordable Housing Supplementary Planning Document.

Notes to applicant

- 1 Outline planning permission has been refused for this proposal for the clear reasons set out in this decision notice. It is considered that the application is not acceptable in principle and as such the Local Authority has not entered into dialogue to seek any amendments. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).