

Residential development for three dwellings (Outline - all matters reserved)

Report Item No
A5

Land At Main Street Normanton Le Heath Leicestershire

Application Reference
13/00913/OUT

Applicant:
Mr S Bryan

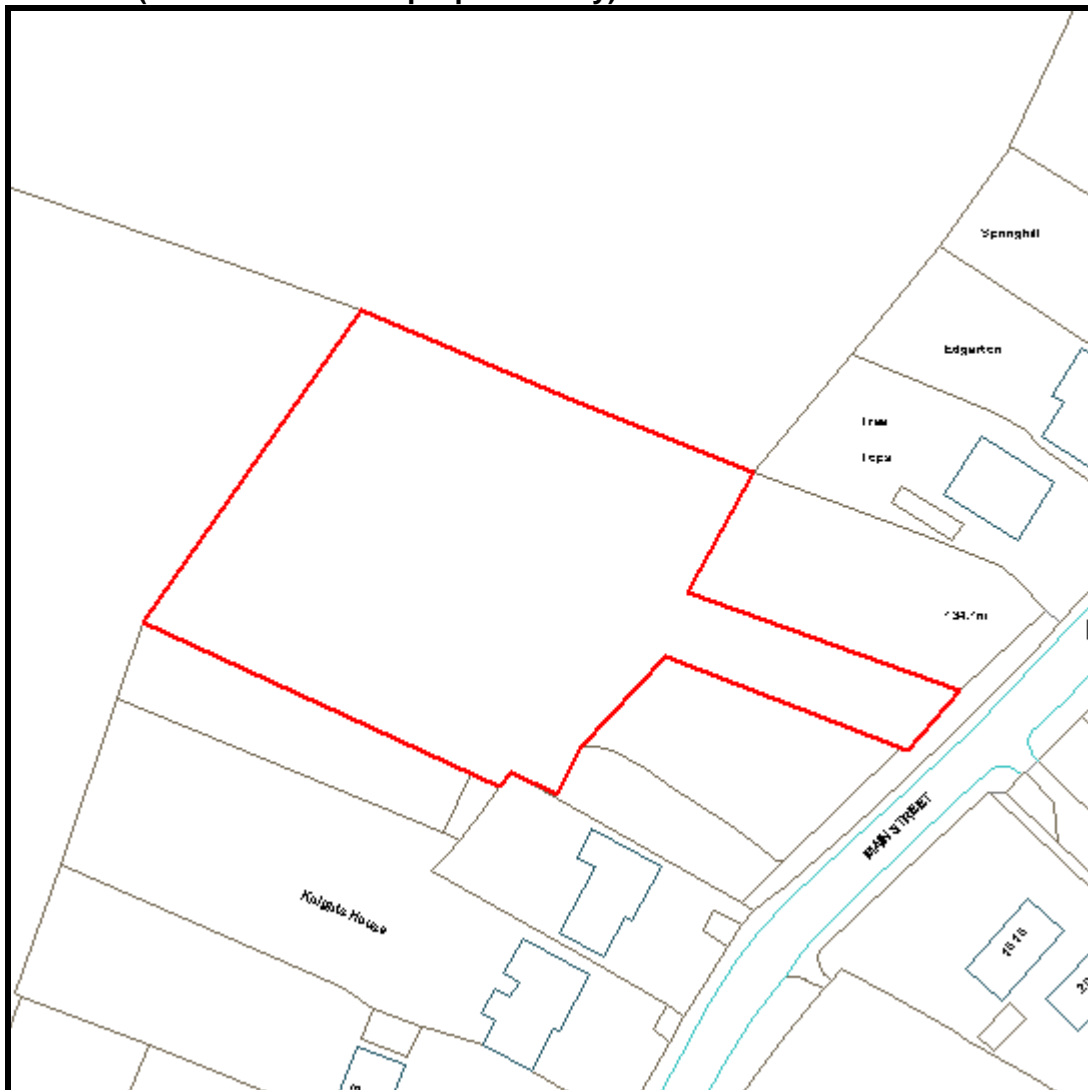
Date Registered
2 December 2013

Case Officer:
Hannah Exley

Target Decision Date
27 January 2014

Recommendation:
REFUSE

Site Location - (Plan for indicative purposes only)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

This application is reported to Members of the Planning Committee at the request of Councillor Smith on the ground that the site is outside the settlement boundaries and that previous applications on the site have been refused.

Proposal

Outline approval is sought for the erection of three dwellings on 0.29 hectares of agricultural land off Main Street, Normanton le Heath. All matters are reserved for consideration at a later stage and therefore, the application submission includes limited documentation. Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

A public footpath O60 is routed through the site.

Consultations

A total of 17 letters of objections have been received from members of the public. Normanton le Heath Parish Meeting raises objection to the proposal and the County Highways Authority raises objection to the application and these are set out in the report below. No other objections have been received from statutory consultees.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and in the countryside which is protected by Policy S3. Also material to the determination of the application and the weight that can be attached to these policies is the supply of housing in the context of the National Planning Policy Framework (NPPF).

The front part of the site lies within a Sensitive Area as designated under Policy E1 of the Local Plan.

Conclusion

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 states that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless material considerations indicate otherwise. The site that is subject to this application is located outside the Limits to Development for the settlement of Normanton le Heath; a village which has no local services and facilities which would help to ensure that occupiers are not heavily reliant on the use of the private car to access such services and facilities. The development of the site for housing would therefore be contrary to the provisions of Policy S3 and would not represent a sustainable form of development for the purposes of the provisions of the NPPF. There are some material considerations to take into account, including the lack of a 5 year supply of land for housing but none of these material planning considerations would outweigh the conflict with development plan policies.

The application site forms part of a large piece of agricultural land within the village that extends up to Main Street and allows long and important open views from within the village of the wider countryside beyond, which contributes to the rural setting and character of the settlement.

There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore, the site, along with the land forward of the site is considered to be an important vista that makes a positive contribution to the rural setting of the village. Therefore, the development of the site for housing would result in an important view out of the centre of the village being lost to the detriment of the rural setting and character of Normanton le Heath. Approval of the proposal would therefore, be contrary to the provisions of Policy E4 of the Local Plan.

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 recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background:

Outline approval is sought for the erection of three dwellings on 0.29 hectares of agricultural land off Main Street, Normanton le Heath. All matters are reserved for consideration at a later stage and therefore, the application submission includes limited documentation. Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

A public footpath O60 is routed through the site.

The application submission was accompanied by the following supporting documents:

- River Mease Statement;
- Planning Statement;
- Heritage Impacts Assessment.

Planning History:

88/1304- Residential Development (Outline) - Refused on the grounds that the proposal would develop an open break in the street frontage that has been designated as a Sensitive area where development will be resisted to maintain the character of the streetscene and the character of the area. An appeal was lodged and was dismissed by the Planning Inspector.

84/0045- Residential Development (Outline) - Refused on the ground that the site forms part of a field extending up to the back of the footway on Main Street and between existing development. To develop the site as proposed would close up this important area of informal open space with its attractive views to the north-west, and would be detrimental to the rural amenities enjoyed by residents of the village.

2. Publicity

12 No neighbours have been notified. (Date of last notification 9 December 2013)

Site Notice displayed 9 January 2014

Press Notice published 22 January 2014

3. Consultations

Normanton-le-Heath Parish Meeting consulted 9 December 2013

County Archaeologist consulted 21 January 2014

County Highway Authority consulted 10 December 2013

Environment Agency consulted 10 December 2013

Head of Environmental Protection consulted 10 December 2013

Natural England consulted 10 December 2013

NWLDC Conservation Officer consulted 10 December 2013

Development Plans consulted 10 December 2013

LCC/Footpaths consulted 10 December 2013

4. Summary of Representations Received

17 letters of neighbour representation have been received, raising objection on the following grounds:

- concerned about large properties being built on greenbelt land, 50m back from the road;

PLANNING APPLICATIONS- SECTION A

- if development is allowed on the site, it should be smaller properties that would better meet local housing needs and not large executive housing;
- smaller properties are needed to enable families to stay in the village;
- any new development should be within the building line of existing development;
- there is no need for a village green and concern about how it would be maintained;
- approval would set a precedent for the development of other greenbelt infill areas in the village;
- the proposal would affect a public right of way which is popular with dog walkers and allows views of an ancient holly hedgerow which runs the whole length of the field;
- the open space is part of Normanton history and should be kept for the enjoyment of residents and walkers;
- the gaps between development have been designated as sensitive areas in order to preserve the nature and layout of the village and therefore should be protected against development;
- the proposal would not create a greater sense of openness or enhance the setting of the village, or give a sense of place to the church as suggested in the supporting information;
- loss of amenities as the proposal would result in the loss of views from neighbouring properties and noise nuisance due to proximity;
- loss of neighbouring property values;
- diversion of the footpath would cause noise and disturbance to the neighbouring property;
- the proposal would result in the loss of the last remaining area in the middle of the village;
- the proposal would diminish the present open character of the area and would be contrary to Policy E1 of the Local Plan;
- the proposal would strain existing infrastructure;
- additional traffic along Main Street which can get congested;
- the proposal would be of no benefit to the village;
- the development would be on land outside the building line and within the countryside;
- there has never been a farmhouse on the field and therefore, the proposal would be out of character and out of keeping with the surrounding properties;
- the access drive to the development would reduce the space available for on-street parking;
- the proposal would mean the loss (by means of diversion) of an ancient footpath that is well used;
- this part of the village is already very crowded with houses and flats and as such many cars are already parked on the narrow road at all times of the day and night, making the road difficult to drive and therefore, the proposal would exacerbate this existing problem;
- the land is unsuitable for development due to the lack of services and environmental issues; there is no bus service and villagers are dependent on the private car to reach services;
- Normanton is thriving and does not need more development to make it sustainable;
- Approval of the proposal would set a precedent for further development within the village;
- the land has archaeological interest (possibly a Roman road);
- previous proposals for development on the site and within the village have been refused and should continue to be resisted;
- the land does not adjoin 40 Main Street as suggested on the website;
- the timing and deadline for comments is unfortunately timed over the Christmas period.

Normanton le Heath Parish Meeting raise objection on the following grounds:

- this green area within the village has been designated in order to preserve the nature and layout of the village and should not be built on;
- the open space is part of Normanton history and should be kept for the enjoyment of villagers, walkers and visitors to the area;
- no further houses should be built in the village due to the lack of amenities and environmental issues associated with increased car usage to reach services and traffic/parking levels in the village;
- large properties would not match housing needs;
- concern that the proposal will set a precedent for more housing;
- the proposal would not create a greater sense of openness or enhance the setting of the village as stated in the supporting information but instead would fill the open space with development;
- there is no need for another village green;
- the pasture land off Main Street is an ancient, beautiful and well used feature of the settlement that is well used due to the footpath which passes through it;
- the space allows views of the countryside beyond the settlement and an ancient holly hedge which runs the length of the field;
- the proposal would adversely affect or diminish the present open character of the sensitive area;
- this part of the village is already very crowded with houses and flats and as such many cars are already parked on the narrow road at all times of the day and night, making the road difficult to drive and therefore, the proposal would exacerbate this existing problem;
- the land is greenbelt and has archaeological interest (possibly a Roman road);
- the proposal should be refused.

County Highways Authority raises objection on the ground that the application fails to demonstrate that the proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport.

Environment Agency has no objections subject to the development according with the River Quality Management Plan and there being capacity at Severn Trent Water treatment works to accommodate the increase in foul flows.

Environmental Protection has no environmental observations.

Natural England has no objections subject to conditions.

NWLDC Conservation Officer advises that the proposal is unlikely to affect the setting of the nearby Grade II(star) listed church and therefore, has no observations to make.

LCC Footpaths Officer raises objection on the ground of the indicative layout shown unless plans amended or a Footpath Diversion Order has been agreed by the County Council.

County Archaeologist has no objections subject to conditions.

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.

- Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:
 - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver 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;
 - take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - support the transition to a low carbon future in a changing climate;
 - contribute to conserving and enhancing the natural environment and reducing pollution;
 - encourage effective use of land by reusing land that is previously developed;
 - conserve heritage assets in a manner appropriate to their significance;
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
 - take account of and support local strategies to improve health, social and cultural wellbeing.

Paragraph 119 states that 'The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.'

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.

The sections of the NPPF that are relevant to this application are:

- 3 - Supporting a Prosperous Rural Economy;
- 4 - Promoting Sustainable Transport;
- 6 - Delivering a Wide Choice of High Quality Homes
- 7 - Requiring Good Design;
- 8 - Promoting Healthy Communities;
- 11 - Conserving and Enhancing the Natural Environment;
- 12 - Conserving and Enhancing the Historic Environment.

North West Leicestershire Local Plan:

The East Midlands Regional Plan (RSS8) has now been revoked and therefore no longer forms part of the development plan. The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in

the NPPF and should be afforded weight in the determination of this application:

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

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

Policy E1 seeks to prevent development within the Sensitive Areas, which would adversely affect or diminish the present open character of such areas.

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.

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

Policy T8 sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

Policy F1 requires new development within the National Forest to reflect the importance of its setting.

Policy F2 sets out the criteria for maximising the potential for landscaping/planting as set out under Policy F1.

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 other things, 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 a number of issues including housing mix, accessibility to centres and design.

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

Submission Core Strategy (April 2012):

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

Other Guidance:

The Habitat Regulations:

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

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

Circular 06/05 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.

River Mease Water Quality Management Plan - August 2011:

This plan draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

The River Mease Developer Contributions Scheme - November 2012:

The Developer Contribution Scheme (DCS) is relevant to development which results in a net increase in phosphorous load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.

The Community Infrastructure Levy Regulations 2010:

The 2010 Regulations provide a legislative requirement that an obligation must meet the following tests:

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

6. Assessment

Principle and Sustainability:

The National Planning Policy Framework (NPPF) states, at paragraph 49, that housing applications should be considered in the context of a presumption in favour of sustainable development. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Policy H4/1 of the North West Leicestershire Local Plan adopts a sequential approach to the release of land for housing, with priority given to previously developed land within or adjoining town centres, then previously developed land within identified centres, followed by allocated housing sites and lastly, other locations where appropriate in the context of other policies in the plan.

The site lies outside the settlement boundary for Normanton le Heath and the proposal would not qualify as an exception to rural restraint policies for housing under the terms of Policies S3, H10, H11 or H12 of the Local Plan. The application site would fall to be determined at the bottom of the hierarchy under Policy H4/1 of the Local Plan i.e within criterion (f) in other appropriate locations. The application site is located outside the Limits to Development for Normanton le Heath, which has no services and facilities and, therefore, occupiers of the proposed new dwellings would be dependent on the private car to reach basic services to meet their day to day needs. The County Highway Authority (CHA) have been consulted on the application and recommends that the application be refused as residential development in this location would run counter to both local and national planning/transport policies relating to sustainable development. The CHA consider that the applicant has failed to demonstrate that their proposal would be in a location where services are readily and safely accessible by walking, cycling and public transport. In conclusion, the proposal would not accord with the sequential approach for housing development advocated in Policy H4/1 of the Local Plan.

The NPPF requires that the Council should be able to identify a five year supply of housing land and include an additional buffer of 5 percent or 20 percent depending on previous performance

in terms of delivery of housing. The appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, found that the 'Sedgefield' approach should be used and that a buffer of 20 percent should be allowed. On this basis, the District Council's most recent calculations indicate that the Council is able to demonstrate a supply of 4.7 which represents a significant shortfall vis-à-vis the requirements of the NPPF.

The consequences of an inability to demonstrate a five year supply are profound. Paragraph 49 of the NPPF advises that "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". The Council would not, in these circumstances, be able to rely on adopted Local Plan Policy H4/1 (Housing Land Release) as, being a policy constraining the supply of housing land, it would be considered to be out of date.

Therefore, Policy H4/1 cannot be considered to be up-to-date. However based on the approach taken in the recent judgment in respect of the application to quash the Secretary of State's decision to dismiss the Stephenson Green appeal, given that Policy S3 does not specifically relate to the supply of housing, notwithstanding the approach taken elsewhere (and including by the Secretary of State on appeal), the provisions of paragraph 49 of the NPPF may not necessarily be applicable to Policy S3 and that, in this sense, the policy would not be considered to be out of date. Nevertheless, consideration must be given to whether the proposals constitute a sustainable form of development given the presumption in favour of sustainable development within the NPPF.

Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to provide an environmental role, including in respect of minimising pollution and mitigating and adapting to climate change, and moving to a low carbon economy. The site is in a location remote from services and public transport and occupiers of the development would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs, not providing for a sustainable form of development compatible with a move towards a low carbon economy, and contrary to the policies and intentions of the NPPF.

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 states that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless material considerations indicate otherwise. The site that is subject to this application is located outside the Limits to Development in the adopted Local Plan in an unsustainable location and its development for housing would therefore be contrary to the provisions of Policy S3 of the Local Plan and the provisions of the NPPF. There are some material considerations to take into account, including the lack of a 5 year supply of land for housing but none of these material planning considerations would outweigh the conflict with development plan policy and the provisions of the NPPF.

Density:

Policy H6 of the North West Leicestershire Local Plan both seek 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. The NPPF states that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances.

With a site area of 0.29 hectares, the proposal would have a density of 10.3 dwellings per hectare. When having regard to the proposed density, the size of the site and the character of the surrounding area, it is considered that the proposal for three dwellings would represent an efficient use of land in this instance. Furthermore, additional dwellings on the site would only exacerbate concerns about sustainability as outline above. Therefore, the scheme is considered to be acceptable in relation to the advice contained in the NPPF and Policy H6 of the Local Plan.

Character of the Area:

The front part of the site falls within an area designated as a 'Sensitive Area' under Policy E1 of the Local Plan. This policy provides that development will not be permitted within the Sensitive Areas, identified on the Proposals Map, which would adversely affect or diminish the present open character of such areas and the contribution they may make to the character, form and setting of settlements, the streetscene generally or the relationship with adjoining countryside. The supporting text for the policy provides that *'The need to protect open areas within or closely related to urban areas is widely recognised. There are many instances of important open areas within or adjoining settlements which contribute positively to the character of the settlement concerned, its streetscene or its setting or approaches. It is important that such areas are kept free from development in view of the contribution they make to local environmental quality.* The policy identifies types of sensitive areas of open land; including important open breaks in street frontages and important settings and approaches to settlements.

In considering an earlier appeal lodged against an outline application for residential development on the agricultural land adjacent to the public highway (the whole of the designated 'Sensitive Area') an inspector commented as follows:

'Normanton le Heath is a small village with strong linear form along Main Street. On the north-west side of Main Street, between the B5326 and Normanton Lane, the frontage has been developed apart from the appeal site. The development could be regarded as infilling, i.e infilling a small gap in an otherwise built up frontage, however, in this case, the appeal site has been specifically excluded from the limits to development and designated a Sensitive Area in the recently adopted plan, to which, I must give considerable weight. The site has several trees along the road frontage and there are fine views from Main Street across the site towards the rolling countryside in the direction of Packington and Ashby de la Zouch. This is the only substantial gap on the north-west side of Main Street and offers the only significant view of the countryside to the north. Outbuildings associated with farms and garages restrict the views between the existing dwellings. I therefore consider that this is an important vista to retain. I also consider that this open land contributes to the rural character of the village particularly due to its proximity to the designated Sensitive Area around the church on the opposite side of Main Street. Since 1984 it has been the aim of the Local Planning Authority to retain this area as open land within the village and I find no overriding reason to depart from this Policy. I conclude that this open land makes a significant contribution to the form and character of Normanton le Heath and that the proposed development would harm the character and appearance of the village streetscene.' The appeal was dismissed.

The current application proposal is an outline proposal with all matters reserved and therefore, that part of the site which falls within the designated 'Sensitive Area' could be left open and excluded from built development, and therefore, it is not considered that the proposal would be contrary to Policy E1 of the Local Plan.

The application site forms part of a large piece of agricultural land within the village that extends up to Main Street and allows long and important open views from within the village of the wider

countryside beyond, which contributes to the rural setting and character of the settlement. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore, the site, along with the land forward of the site is considered to be an important vista that makes a positive contribution to the rural setting of the village. Therefore, the development of the site for housing would result in an important view out of the centre of the village being lost to the detriment of the rural setting and character of Normanton le Heath. Approval of the proposal would therefore, be contrary to the provisions of Policy E4 of the Local Plan.

Design:

The need for good design in new residential development is outlined not only in Local Plan Policy 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.

It is noted that layout, scale, appearance and landscaping are all included as matters to be considered at a later stage. In terms of the indicative layout proposed, three large dwellings built in a courtyard arrangement are shown. Given the rural nature of the site, whilst it is not considered an inappropriate approach to seek to emulate a farm courtyard arrangement, when having regard to the prominence of the site from the public footpaths/open countryside beyond the site and the location of the development on the edge of the settlement, it is considered that the siting of large buildings towards the rear of the site would not be appropriate. However, as all matters are reserved, this application which specifically proposes the erection of three dwellings (with no specific layout), should not be refused on this issue.

The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and as such local planning authorities should ensure that the potential consequences are taken into account when a planning application is considered. The Rights of Way Officer at Leicestershire County Council advises that the dwelling and garden on plot 1 and the garden on plot 2 (as shown on the indicative layout) would impinge on the line of public footpath O60, and therefore, raise objection to the proposed indicative layout. When having regard to the size of the site, it is considered that three dwellings could be accommodated on the site without adversely affecting the line of the public footpath. As all matters are reserved, it is considered that this application which specifically proposes the erection of three dwellings (with no specific layout), should not be refused on this issue.

In these circumstances the development would be considered to comply with Policy H7 of the Local Plan, although it is noted that detailed consideration of access, layout, scale, appearance and landscaping will need to be made at the reserved matters stage.

Highway Safety:

A linear strip of land at the front of the site, links the main part of the site with the public highway and it is considered that this part of the site is of sufficient width to allow adequate vehicular access into the site to be achieved and this has been verbally confirmed by the County Highways Authority. Notwithstanding comments by residents about the proposal contributing to existing on-street parking problems, the wider site is of sufficient size to enable adequate parking and turning to be provided within the site for the proposed new dwellings and therefore, the proposal would comply with the provisions of Policy T3 and T8 of the Local Plan.

Residential Amenities:

The narrow strip of land which links the site to the highway is over 10m from the nearest neighbouring properties and therefore, it is not considered that any noise and disturbance from comings and goings of vehicles into the site would give rise to any significant adverse impact on the amenities of neighbouring residents. In terms of built development, it is considered that the site is of sufficient size to accommodate three dwellings and allow for the diversion of the public footpath (if necessary) without adversely impacting on neighbouring residents. The proposal is therefore, considered acceptable for the purposes of Policy E3 of the Local Plan.

Impact upon Heritage Assets:

Paragraph 131 of the NPPF requires amongst other things new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework stipulates that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The application site lies to the north west of the Grade II (star) listed Holy Trinity Church which is sited on the opposite side of Main Street. The proposed development would be visible in views of the church from the public footpath which crosses the application site. However, there are currently existing buildings between the site and the church which already obscure views of the church building. The Conservation Officer has been consulted on the application and advises that the proposed development of the site for three dwellings would be unlikely to affect the setting of the Grade II(star) listed building.

Concern has been raised by local residents and the Parish Meeting about the archaeological remains that may be potentially present on the site, and therefore, may be affected by the proposals. The County Archaeologist has been consulted on the application proposals and advises that the Leicestershire and Rutland Historic Environment Record (HER) notes that the projected line of a Roman road, the 'Via Devana' (HER ref.: MLE4345), appears to run c. 200m to the south of the application area. Whilst it is unlikely that the proposed development will, consequently, disturb evidence of the road, its presence in the vicinity raises the potential that there may be as yet unrecorded Roman remains in the area. The proposed development also lies squarely within the historic settlement core of the medieval and post-medieval village (MLE16886); this is the area within which it is anticipated to find evidence of Anglo-Saxon and later settlement and activity. The potential for such remains is enhanced by the location of the site close to Holy Trinity church, first recorded in the 13th century. The place name Normanton-le-Heath is suggested to indicate a farmstead and settlement established by Norwegian Viking settlers, however, it is not mentioned in the Domesday Book.

The County Archaeologist has reviewed historic mapping and available aerial photographs for the site, and it appears there were some earthworks in the area of the proposed development in the 1960's, these appear to survive at least in part until the 1990's but were damaged by ploughing/cultivation in or before 2001. The residential development is situated some distance back from the Main Street and it is likely that the main focus of any medieval and post-medieval archaeological remains will be in the vicinity of the proposed village green. However, rear yards, ancillary structural remains, evidence of refuse disposal, domestic and agricultural industry, etc., may all occur on site, whilst the proposed access road (and services) would affect remains toward the frontage.

In accordance with National Planning Policy Framework (NPPF), as assessment of the proposals has indicated that the development is likely to have a detrimental impact upon any heritage assets present, archaeological recording will be required 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 of development. In that context, the County

Archaeologist raises no objection to the proposal subject to conditions requiring an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording.

Accordingly, subject to conditions, it is not considered that heritage assets would be adversely affected by the proposal and therefore, accords with the relevant principles of the NPPF.

River Mease:

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The River Mease Water Quality Management Plan (WQMP) was drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been adopted to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

Although the site lies within the catchment of the River Mease, Severn Trent Water Ltd have advised that waste water from the site would be pumped to Ravenstone Sewerage Treatment Works which lies outside the River Mease catchment. The proposed development of the site for housing would not contribute additional wastewater within the River Mease catchment and, therefore, would be subject to the requirements of the DCS.

In terms of surface water run-off, the River Mease Statement advises that surface water would be dealt with by a soakaway system. Given the outline nature of the application with all matters reserved, it is considered that a scheme for the surface water drainage on the site could be dealt with by an appropriately worded condition. Therefore, subject to a drainage condition, it is considered that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Other:

The proposal would result in the loss of Grade 3 agricultural land. However, when having regard to the size of the site, it is not considered that the proposal would result in a significant loss of agricultural land in the area.

With regard to comments raised by local residents that have not already been covered in the above text, the application does not include the provision of a village green, although the remaining land between the site and the highway which is outside the application site is noted as a village green on the indicative layout. The application is a greenfield site but is not

designated as Greenbelt as suggested by some local residents. Loss of views from neighbouring properties and loss of neighbouring property values are not planning matters that can be taken into account in the determination of this application. In terms of concern about the proposal setting a precedent, it is a fundamental principle of planning legislation that each application should be assessed on its own merits.

Conclusion

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 states that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless material considerations indicate otherwise. The site that is subject to this application is located outside the Limits to Development for the settlement of Normanton le Heath; a village which has no local services and facilities which would help to ensure that occupiers are not heavily reliant on the use of the private car to access such services and facilities. The development of the site for housing would therefore be contrary to the provisions of Policy S3 and would not represent a sustainable form of development for the purposes of the provisions of the NPPF. There are some material considerations to take into account, including the lack of a 5 year supply of land for housing but none of these material planning considerations would outweigh the conflict with development plan policies.

The application site forms part of a large piece of agricultural land within the village that extends up to Main Street and allows long and important open views from within the village of the wider countryside beyond, which contributes to the rural setting and character of the settlement. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore, the site, along with the land forward of the site is considered to be an important vista that makes a positive contribution to the rural setting of the village. Therefore, the development of the site for housing would result in an important view out of the centre of the village being lost to the detriment of the rural setting and character of Normanton le Heath. Approval of the proposal would therefore, be contrary to the provisions of Policy E4 of the Local Plan.

RECOMMENDATION - REFUSE, for the following reason(s):

- 1 The site that is subject to this application is located outside the Limits to Development where there is a presumption against development non-essential residential development as set out in Policy S3 of the adopted Local Plan. Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to provide an environmental role, including in respect of minimising pollution and mitigating and adapting to climate change, and moving to a low carbon economy. The site is in a location remote from services and public transport and occupiers of the development would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs, not providing for a sustainable form of development compatible with a move towards a low carbon economy, and contrary to the policies and intentions of the NPPF. The development of this site for housing would therefore, be contrary to Policy S3 of the adopted Local Plan and the provisions of the NPPF.

- 2 Policy E4 of the North West Leicestershire Local Plan requires that in determining planning applications, regard should be had to the wider setting of new buildings and that new development should respect the character of its surroundings, in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the streetscene generally. The application site forms part of a large piece of agricultural land within the village that extends up to Main Street and allows long and important open views from within the village of the wider countryside beyond, which contributes to the rural setting and character of the settlement. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore, the site, along with the land forward of the site is considered to be an important vista that makes a positive contribution to the rural setting of the village. Therefore, the development of the site for housing would result in an important view out of the centre of the village being lost to the detriment of the rural setting and character of Normanton le Heath. Approval of the proposal would therefore, be contrary to the provisions of Policy E4 of the Local Plan and the provisions of the NPPF.