

Residential development of up to 16 dwellings and associated infrastructure (outline - means of access for approval)

Report Item No
A4

Land At Worthington Lane Newbold Coalville Leicestershire

Application Reference
16/00542/OUTM

Applicant:
Mr R. Aldridge

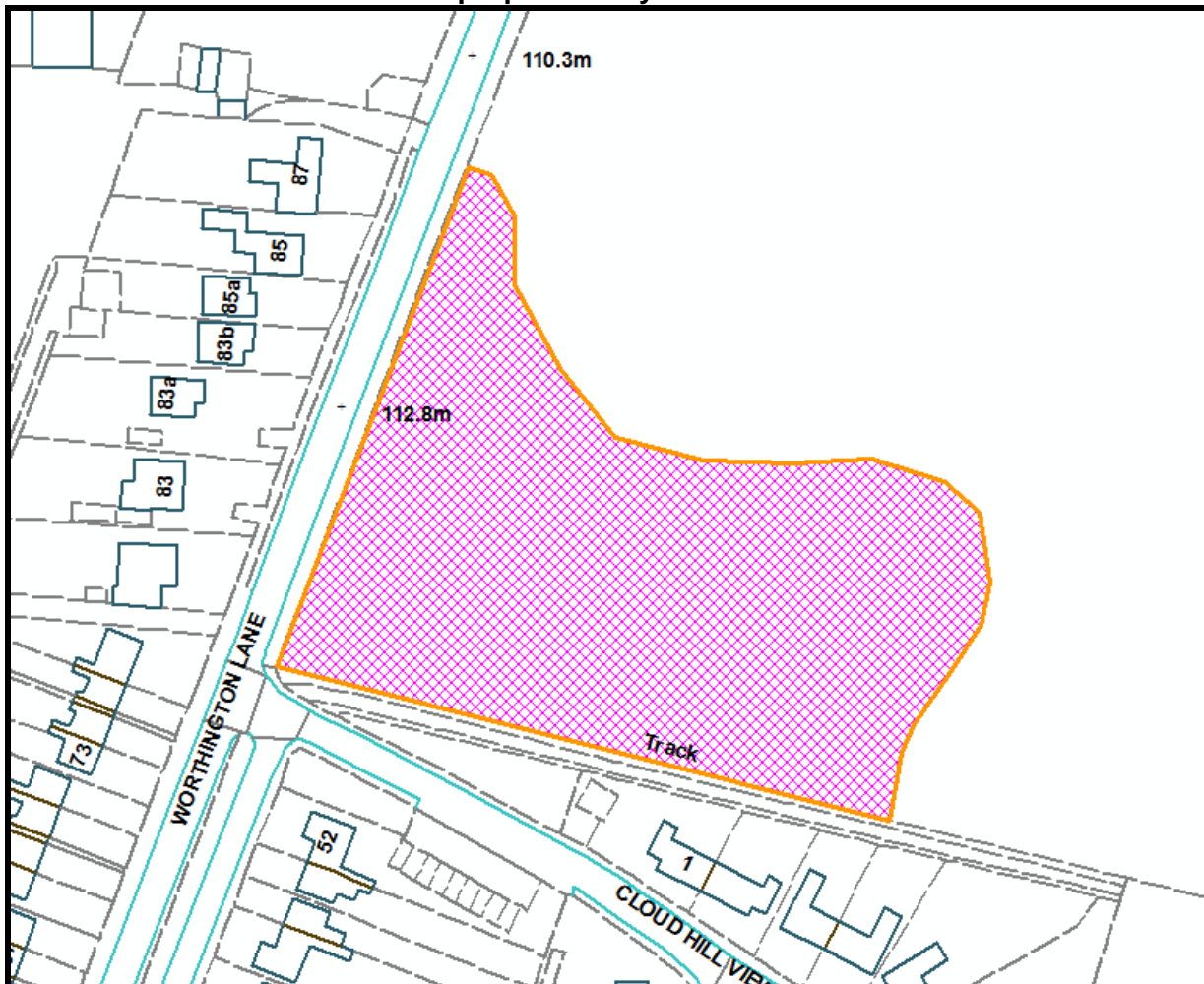
Date Registered
29 April 2016

Case Officer:
Adam Mellor

Target Decision Date
29 July 2016

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 at the request of Councillor Stevenson to allow the Committee to assess the sustainability credentials of the development.

Proposal

Outline planning permission with part access for approval is sought for the erection of 16 dwellings and associated infrastructure on a 1.08 hectare site located on the eastern side of Worthington Lane. The application site is situated outside the defined Limits to Development and is currently utilised for agriculture.

Consultations

A total of 45 representations have been received with 16 of those representations opposed to the development and 29 in support of the development. Consultation responses from Worthington Parish Council, County Council Highways, NHS, NWLDC Leisure and Culture, NWLDC Street Management and Severn Trent Water are outstanding and will be reported to Members on the Update Sheet. All other statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

The development would conflict with the core principles of the social and environmental strands of sustainability enshrined within the National Planning Policy Framework (NPPF) as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the publication version Local Plan.

Conclusion

The site is a greenfield site outside Limits to Development, and Newbold is not a settlement which could sustain a scale of development as that proposed, this being 16 dwellings.

The proposed development would result in the construction of dwellings, and associated infrastructure, on land outside the defined Limits to Development. The agricultural field makes a positive contribution to the character and appearance of the rural environment and landscape. Given the substantial urbanisation of the land which would occur, should the development be permitted, this would diminish its present open character and would represent an incongruous encroachment of development into the countryside. As a consequence of this the development would fail to protect or enhance the natural environment and as a result would be contrary to a fundamental principle of the NPPF. A heavy reliance on the private car by any future occupants to access basic services would also lead to an increase in vehicular fumes into the atmosphere which would not support the approach to a low carbon economy. The application site is outside the Limits to Development, residential development on a greenfield site is not a permitted form of development outside these limits, so the development is contrary to Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan.

In addition Newbold would not be considered a sustainable settlement to support the scale of the development proposed, given the limited service provision and the lack of facilities to meet

the 'day to day' needs of any future occupants, and as a consequence there would also be conflict with the social strand of sustainability enshrined within the NPPF.

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 (with means of part access included for determination) is sought for the erection of 16 dwellings and associated infrastructure on land at Worthington Lane, Newbold. The application site is 1.08 hectares (developable area 0.72 hectares) in size, is situated on the eastern side of Worthington Lane and currently is utilised for agricultural purposes. It is identified on the Proposals Map for the adopted Local Plan that the site is outside the defined Limits to Development with the surrounding area comprising agricultural land to the north and east, and with residential properties of varying designs and scales within the settlement of Newbold being located to the west and south.

It is highlighted on the indicative layout plan supplied that a mix of dwellings would be provided including two x 2 bedroom single storey dwellings, four x 2 bedroom semi-detached dwellings, four x 3 bedroom semi-detached dwellings, three x 4 bedroom houses and three x 5 bedroom houses. These would be arranged around a central access road with two separate private drives with the access point off Worthington Lane being created directly opposite nos. 83 and 83a Worthington Lane.

A planning statement, incorporating a design and access statement, affordable housing statement, Building for Life 12 assessment, open space assessment, community involvement statement and draft heads of term have been submitted in support of the application.

No recent relevant planning history was found.

2. Publicity

19 neighbours have been notified (date of last notification 10 May 2016)

Press Notice published 18 May 2016

Site notice posted 18 May 2016

3. Consultations

Worthington Parish Council consulted 10 May 2016

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

County Archaeologist

LCC ecology

NWLDC Urban Designer

LCC Development Contributions

NHS Leicester, Leicestershire And Rutland Facilities Management

Head Of Leisure And Culture

Manager Of Housing North West Leicestershire District Council

Police Architectural Liaison Officer

LCC Flood Management

Head Of Street Management North West Leicestershire District Council

4. Summary of Representations Received

The following summary of representations is provided. Members may inspect full copies of

correspondence received on the planning file.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Developer Contributions requests a contribution of £104,430.33 for the education sector.

Leicestershire County Council - Ecology has no objections subject to conditions.

Leicestershire County Council - Highways no representation received to date, any response will be reported to Members on the Update Sheet.

Leicestershire County Council - Flood Management has no objections subject to conditions.

NHS Leicester, Leicestershire and Rutland Facilities no representation received to date, any response will be reported to Members on the Update Sheet.

NWLDC - Affordable Housing Enabler has no objections subject to the affordable housing being secured.

NWLDC - Environmental Protection has no objections.

NWLDC - Leisure and Culture no representation received to date, any response will be reported to Members on the Update Sheet.

NWLDC - Street Management no representation received to date, any response will be reported to Members on the Update Sheet.

Police Architectural Liaison Officer no representation received to date, any response will be reported to Members on the Update Sheet.

Severn Trent Water no representation received to date, any response will be reported to Members on the Update Sheet.

Worthington Parish Council no representation received to date, any response will be reported to Members on the Update Sheet.

Third Party Representations

16 representations have been received objecting to the development with the comments raised being summarised as follows: -

- Village school does not have the capacity to accept the children of the new families.
- There are an extremely limited number of jobs within the village and a lack of public transport.
- The village does not have the infrastructure (i.e. a shop, post office, village hall) to support the amount of additional housing proposed.
- Newbold is only a small village and has already provided additional small infill housing developments;
- There would be adverse impacts to the amenities of existing residents.
- The development would be on land outside the village boundary and is on agricultural land.
- The proposal would change the rural character of the village.

- There would be a significant increase in vehicular movements through the village which would compromise highway safety given the current nature of the highways.
- There would be a heavy reliance on the private car to access basic services and employment opportunities which is contrary to the NPPF.
- The vehicular access into the site would not be acceptable and would cause highway safety concerns.
- The settlement of Newbold has no gas supply and therefore there would be additional movements of vehicles associated with the delivery of goods to be used for heating.
- NWLDC has sufficient housing development up to 2031.
- Existing residents would lose their views.
- There would be an adverse impact on the visual appearance and intrinsic character of the village.
- There is a direct conflict with Local and National Planning Policy should this development proceed.
- There will be a reduction in property values.
- Houses within the village for sale are not selling therefore there is no requirement for this additional development.
- Brownfield sites should be developed before consideration is given to greenfield sites.
- Flood risk assessment does not relate to this particular site.
- Worthington Methodist Church does not have a 'village hall' as suggested within the design and access statement.

29 representations have been received supporting the development with the comments raised being summarised as follows: -

- Development would be of benefit to the village.
- Development would have a nice housing mix.
- The provision of landscaping will mitigate the visual impacts.
- The access is on a stretch of road where there is excellent visibility.
- Newbold requires new housing in order to sustain the services which it has.
- There is limited traffic through the village so the proposed increase generated by the development will not impact adversely on highway safety.
- Newbold has the available services and employment opportunities to ensure that it is a sustainable settlement for new development.
- There is a playing field and playing area which are of benefit to the future residents.
- New dwellings which are being constructed in the village are in high demand and therefore these properties would sell quickly.
- The different housing proposed will support various age groups.
- The development would fit within the landscape of Newbold particularly in the approach from Worthington.
- Lack of new housing has 'driven-up' house prices meaning that they are now unaffordable.
- Adequate off-street car parking could be provided for the dwellings.
- Landscaping provision helps protect the amenities of existing residents.
- Traffic calming provision is welcomed.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with

the NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

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

Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Core planning principles);
Paragraphs 18 - 20 (Building a strong, competitive economy);
Paragraph 28 (Supporting a prosperous rural economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 34 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 47 (Delivering a wide choice of high quality homes);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 50 (Delivering a wide choice of high quality homes);
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 54 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 56 (Requiring good design);
Paragraph 57 (Requiring good design);
Paragraph 59 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 63 (Requiring good design);
Paragraph 64 (Requiring good design);
Paragraph 75 (Promoting healthy communities);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 109 (Conserving and enhancing the natural environment);
Paragraph 112 (Conserving and enhancing the natural environment);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 121 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural environment);
Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);
Paragraph 206 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

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

Policy S3 - Countryside;
Policy E2 - Landscaped Amenity Open Space;
Policy E3 - Residential Amenities;
Policy E4 - Design;

Policy E7 - Landscaping;
Policy E8 - Crime Prevention;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy T10 - Public Transport;
Policy T13 - Cycle Parking;
Policy T20 - East Midlands Airport - Airport Safeguarding;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;
Policy L21 - Children's Play Areas; and
Policy L22 - Formal Recreation Provision.

Publication Version North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the advanced stage that has now been reached it is considered that weight can be attached to the following policies: -

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H4 - Affordable Housing;
Policy H6 - House Types and Mix;
Policy Ec5 - East Midlands Airport: Safeguarding;
Policy IF1 - Development and Infrastructure;
Policy IF3 - Open Space, Sport and Recreation Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance

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

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in Newbold.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Newbold.

North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the requirements in respect of

children's play provision in association with residential development.

6Cs Design Guide (Leicestershire County Council)

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

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

6. Assessment Principle and Sustainability

In accordance with the provision 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 Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the publication version Local Plan.

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

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

With regards to the sustainability credentials of the site, it well related to the following services which are within an acceptable walking distance of 800 metres, or 1000 metres for a school: -

- Public House (Cross Keys, 9 Worthington Lane - 481 metres);
- School (Newbold Church of England Primary School, School Lane - 843 metres);
- Bus Stop for Two Services (Robert Coaches Air Link Service 155 one hourly between Coalville and East Midlands Airport Monday to Saturday - 134 metres on Worthington Lane and Cresswell Coaches Service 129 between Ashby and Loughborough (two hourly service between 7:30am and 5:30pm Monday to Saturday - 598 metres on the junctions of Ashby Road with School Lane and Worthington Lane);
- Small Children's Play Area (Henry Dane Way - 198 metres);

It is possible to access these services via maintained footpaths which are well lit subject to a

connection being made from the site entrance to the existing footway.

From a social perspective the development would also benefit from the provision of sixteen dwellings which would include five affordable properties with a mix of 2, 3, 4 and 5 bedroom dwellings being supported and contributing to the housing needs of different groups in the community.

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 meets the needs of the community and support its health, social and cultural well being. Whilst accepting that in the determination of previous applications within the settlement of Newbold a view has been taken that the development would be socially sustainable, such proposals have been for a limited number of dwellings, the most proposed being 3, and they have been concentrated to the southern part of the settlement whereby access to a post-office/shop on Lower Moor Road is achievable on foot (this being a service which would meet the 'day to day' needs of the future occupants). Also, in acknowledging that some employment opportunities do exist within the settlement it has to be recognised that these jobs would be of a specialist nature. Therefore, not easily available to all future occupants of the proposed development, with the majority of these opportunities not being within a convenient walking distance of the application site. Given the scale of the development proposed it is considered that the limited service provision available within a convenient walking distance of the site would not sustain future occupants and as a consequence they would be heavily reliant on the private car to undertake their day to day activities.

It also has to be recognised that Policy S2 of the publication version Local Plan, which can be attached some weight in the decision making process, highlights that Newbold is a 'small village' (a settlement which has limited services) where development is restricted to conversions of existing buildings or the redevelopment of previously developed land. Given that the site is on greenfield land and represents the provision of new residential development there is direct conflict with the intentions of this Policy.

Overall the scale of the development proposed would not be socially sustainable given the inability of future residents to access a basic level of service provision which would meet their 'day to day' needs.

From an environmental sustainability perspective the land is recognised as agricultural land which would be considered greenfield land.

Policy S3 of the adopted Local Plan highlights the forms of development which would be permitted outside the defined Limits to Development and whilst Policy S3 of the publication version Local Plan expands on the types of development which would be considered appropriate, both Policies exclude residential development on greenfield sites. These policies are considered to be supported by the principles of Paragraphs 17 and 109 of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

The application site currently abuts the Limits to Development on its western and southern side although, in the circumstances that the settlement is not considered sustainable in the publication version Local Plan, it would no longer have any Limits to Development with the entire settlement being within the 'countryside'. Whilst, at present, the application site abuts the Limits to Development it is an open hedged agricultural field and as a consequence makes a positive contribution to the character and appearance of the rural environment and the

landscape of which it would form a part of. A development of the site with the provision of 16 dwellings, and its associated infrastructure, would result in a substantial urbanisation of the site which would diminish its present open character, and which would be an incongruous encroachment into the rural environment which should be protected for its own sake. In this circumstance it would conflict with a fundamental principle of the NPPF by virtue of its failure to protect or enhance the natural environment. As the development site is outside the defined Limits to Development it would also conflict with Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan.

Whilst a determination is made that the proposed development will impact adversely on the 'openness' of the rural environment, it is considered that the dwellings would not be 'isolated' in the context of Paragraph 55 of the NPPF due to the relationship the site would have with dwellings to the west and south.

Taking into account the views of the Planning Inspectorate relating to an appeal decision at Tea Kettle Hall in Diseworth (APP/G2435/A/13/2208611), it is considered that the heavy reliance on the private car by future occupants to access basic services would involve lengthy trips in an unsustainable mode of transport for shopping, work and leisure purposes. This would also result in a conflict with the environmental aims of the NPPF which seek to use natural resources prudently and move towards a low carbon economy.

The application site falls within Grade 2 of the Agricultural Land Classification and therefore represents 'Very Good' Best and Most Versatile (BMV) land. Whilst the site falls within Grade 2 BMV it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in a loss of between 20 and 50ha, and those of 50ha above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. A loss of 1.08 hectares of agricultural land is not considered to represent a significant loss and, therefore the scheme is considered to be acceptable in this regard and would not conflict with Paragraph 112 of the NPPF. It is also noted that the proposal would not disrupt the agricultural operations undertaken on the remaining land.

In conclusion any support warranted to the economic benefits of the scheme, which would be simply associated with the construction of the dwellings, would be significantly and demonstrably outweighed by the negative social and environmental impacts of the proposal. Accordingly the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable in relation to the NPPF as well as relevant policies of the adopted Local Plan and publication version Local Plan.

Density and Housing Mix

With a developable site area of 0.72 hectares the proposed development would have a density of 22.22 dwellings per hectare which would be below the 30 dwellings per hectare advised by Policy H6 of the adopted Local Plan in locations other than those which are well served by public transport and accessibility to services.

Whilst 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. Given that the site would define the edge of the settlement and expands into the rural environment, good design principles would lead to the development 'feathering' out towards its edges to make the perimeter softer with landscaping also being

important in allowing the development to integrate with the natural environment. Given the dedication to soft landscaping and the 'feathering' of development, greater space would exist between dwellings and in order to meet such design principles the density proposed would be the most viable option. Although the low density would result in conflict with Policy H6, this in itself would not be considered a suitable reason to warrant a refusal of the application. Given the conflict with Policy H6, it is considered that the representations received highlighting that the development is an over intensive form of development could not be supported.

It is proposed that a mix of 2, 3, 4 and 5 bedroom dwellings would be provided within properties which would either be single or two storeys in height. This is considered to represent an appropriate housing mix on the site for a development of this scale. As such the proposals would accord with Paragraph 50 of the NPPF as well as Policy H6 of the publication version Local Plan.

Viability of the Development

A request has been made for Section 106 contributions towards education and affordable housing. This has been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Paragraphs 203 and 204 of the NPPF.

The requested developer contributions are listed below.

Affordable Housing

The Council's Affordable Housing Supplementary Planning Document (SPD) states that in Newbold schemes for 5 or more dwellings should provide 30% of the proposed units as affordable housing (i.e. five units) with the Council's preferred position for this to be provided on site. Whilst national planning policy on affordable housing has recently changed following the decision in *West Berkshire District Council & Reading Borough Council v Department for Communities and Local Government [2015]*, this is not applicable to this development proposal given that the scheme proposes more than 10 dwellings.

The Council's Affordable Housing Enabler has advised that there has been a lack of affordable homes provided on developments in rural areas and therefore any sites which are brought forward should meet the housing needs of those with a local connection to the village as well as the needs identified from the wider district. A Strategic Housing Need Survey was conducted in 2015 and this identified a need for seven dwellings in Newbold with a mix as follows: -

- 1 x 2 bed 4 person house (affordable rented);
- 1 x 3 bed 5 person house (affordable rented);
- 1 x 3 bed 5 person house (shared ownership);
- 1 x 2 bed house (open market);
- 1 x 3 bed house (open market);
- 2 x 4 bed houses (open market);

It is acknowledged by the Affordable Housing Enabler that the tenure mix would be agreed at the reserved matters stage but the following mix would be their optimum: -

- 1 x 2 bed 4 person house (affordable rented);
- 1 x 3 bed 5 person house (affordable rented);
- 1 x 2 bed 3 person single storey house (affordable rented);
- 2 x 3 bed 5 person houses (shared ownership);

Should a single storey property be provided for rent then the Affordable Housing Enabler would be willing to reduce the affordable housing contribution to four dwellings.

In drafting the Section 106 agreement to secure the affordable housing provision it is advised that mechanisms are put in place to ensure that alternative delivery mechanisms are in place should no firm offers be made by Registered Provider's, i.e. to ensure that on-site delivery is made, or that an off-site commuted sum payment is made.

The applicant is willing to meet the affordable housing requests and therefore the development is considered compliant with Policy H8 of the adopted Local Plan and Policy H5 of the publication version Local Plan.

Education

Leicestershire County Council (Education) request a primary school contribution of £46,460.20 for Newbold Church of England Primary School, a high school contribution of £28,601.87 for Ivanhoe High School and a upper school contribution of £29,368.26 for Ashby School. No request has been made for the special school sector. The reasoning for the request outlines that no more than five obligations (including this proposed) have been sought for the scheme project and as such no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned).

A total contribution of £104,430.33 is therefore sought for education and the applicant has confirmed their intentions to meet this financial request.

Other Requests

No consultation response has been received from the NHS or Police in respect of any relevant contributions applicable to these service areas. Should any comments be received they will be reported to Members on the Update Sheet.

Overall, the development would be compliant with Paragraphs 203 and 204 of the NPPF.

Play Area/Open Space

No representation has been received from the Council's Leisure Section in respect of whether any on-site play provision should be made or whether an off-site contribution would be sufficient in this instance. The layout plan shows that no on-site play equipment would be provided but a small area to the north-western boundary would be available as public amenity space.

It is considered that the lack of 'on-site' provision, or contribution to improve facilities in the area would conflict with the aims of Paragraph 73 of the NPPF and Policy L21 of the adopted Local Plan. Whilst this is the case, it is noted that Policy IF3 of the publication version Local Plan specifies that on-site play provision, or any off-site contribution, would only be applicable on development schemes of 50 dwellings or more. Therefore, a reason to refuse the application on this basis could not be sustained, particularly as no request has been made by the Council's Leisure Section, as well as the fact that future occupants of the dwellings would be served by the recreation facilities available at the public open space off School Lane to the south-west of the site and the childrens play facilities at Henry Dane Way.

Accessibility

All matters are reserved for subsequent approval except for part access. The point of access shown on the submitted plans would be opposite nos. 83 and 83a Worthington Lane. Whilst the

illustrative layout shows internal access roads and the provision of a footway to connect with that to the south of the site, 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.

Whilst the comments of the County Highways Authority are awaited in respect of the suitability of the proposed development, they have verbally confirmed that there would be no objections in principle to the formation of a vehicular access to serve a development of this scale. This is on the basis that it would be located within the 30 mph zone and that clear visibility would be achieved in both directions given that the carriageway is relatively linear with no sharp bends. Whilst there is the potential for on-street parking opposite the site entrance, the presence of such vehicles is unlikely to hamper the use of the vehicular access given that a suitable level of visibility would be achieved in both directions to enable vehicles exiting the site to assess the movement of vehicles on Worthington Lane before moving into the highway. With regards to the adequacy of the highways network around Newbold being able to 'cope' with a potential increase in vehicular movements, it is noted that there are no controls over the movement of vehicles through the village at this time and therefore the existing highways could be subject to an increase in vehicular movements with or without the development. Given that Paragraph 32 of the NPPF states, 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 adopted Local Plan and Policy IF4 of the publication version Local Plan.

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 adopted Local Plan and Policy IF7 of the publication version Local Plan would be satisfied at that time. The plans highlight that 38 parking spaces would be created and given the mix of dwellings proposed this level of off-street parking would be sufficient and in accordance with the 6Cs Design Guide.

Neighbours and Future Occupants' Amenities

An indicative layout plan has been supplied in support of the application which shows that the site does not immediately border any residential properties with those closest being on the western and eastern sides of Worthington Lane and northern side of Cloud Hill View.

The properties which exist on Worthington Lane are separated from the application site by either Worthington Lane itself or Cloud Hill View. Whilst the scale of the dwellings is not for approval at this stage, it is considered that an acceptable relationship with existing residential properties on Worthington Lane could be established which would not result in any adverse overbearing or overshadowing impacts. In respect of overlooking impacts, the position of windows would be determined and assessed under any subsequent reserved matters application and at that stage it could be ensured that no adverse overlooking implications would arise. It is, however, considered that the dissection of the application site from existing dwellings on Worthington Lane by the presence of the highway would ultimately negate any direct overlooking impact.

Properties on Cloud Hill View would also not be subjected to adverse overbearing or overshadowing impacts particularly as the development site is to the north and the separation

distances which would be achieved. As highlighted above, overlooking impacts would be assessed at the reserved matter stage but there is no reason to suggest that an adverse overlooking impact would be established.

The separation distances between the application site and the neighbouring properties would also ensure that the future amenities of any occupants on the site would be adequately protected.

Concerns have been expressed that the development will result in an increase in 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 Worthington Lane 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. 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.

The loss of a view and the impact of a development on the value of a property are not material planning considerations which could be taken into account in an assessment of the application.

Overall the development is considered compliant with Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

Impact on the Character and Appearance of the Area and Streetscape

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the publication version Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

At present the application site is an open agricultural field bordered by mature hedgerow to a height of around 1.2 metres. Residential properties lie to the west of the site, on Worthington Lane, as well as to the south of the site, on both Worthington Lane and Cloud Hill View. To the east and north are open agricultural fields. Properties within the area are predominately two-storey and are either detached or semi-detached types.

It is noted that layout, scale, appearance and landscaping are included as matters to be considered at later stage with only part access being for approval at this stage. Properties on the western side of Worthington Lane are situated at similar distances to the highway and present their principal elevations to this highway with the development pattern being linear in nature. In respect of the character on the eastern side of Worthington Lane this varies as whilst those properties which are on Worthington Lane present their principal elevations to the carriageway and are developed in a linear pattern Vicarage Close, Henry Dane Way and Cloud Hill View all provide residential estates which project off this principal highway. Given this context it is considered that the provision of a housing estate which projects off Worthington Lane in the manner proposed would not be of such detriment to the character of the eastern

side of this highway as to justify a refusal of the application. This is due to its close association with Cloud Hill View which projects further to the east than the development on the application site.

A scheme where only part access is for approval would not be sufficiently advanced to be fully assessed against Building for Life 12 (BfL 12). It would therefore be necessary at the reserved matters stage for a BfL 12 assessment to be supplied to identify how the development would accord with the principles of this guidance.

The proposed appearance of the dwellings would be agreed at the reserved matters stage. At this point, therefore, it is considered that an appropriate design could be achieved which would accord with the Council's current design agenda by responding to the positive characteristics of dwellings within the area.

Public footpath M33 lies 195.0 metres to the east of the site and it is considered that the position of the dwellings would have no greater impacts on views established from this footpath given that such views currently include the dwellings on Worthington Lane and Cloud Hill View.

It is highlighted on the plans that a tree planting buffer would be planted to the northern boundary of the site in order to 'screen' the site, however, concerns would be raised that such a scheme of planting would detract from the visual amenity of the area given that it would appear 'alien' in a landscape which is predominately open fields demarcated by low level hedgerows. Whilst this is a concern, it is considered that an appropriate landscaping scheme could be agreed at the reserved matters stage and as such this indicative arrangement would not justify a reason for the refusal of the application.

Overall the development is one which would be considered compliant with Paragraphs 57, 60 and 61 of the NPPF as well as Policy E4 of the adopted Local Plan and Policy D1 of the publication version Local Plan. The specific requirements of Policy H7 of the adopted Local Plan would be achieved through any reserved matters application submitted for the detailed appearance of the dwellings.

Ecology

The County Council Ecologist has commented on the application and has raised no objections with there being no requirement for mitigation or further ecological surveys to be supplied. It is specified that any buffer zone or hedge planting provided to the boundaries of the application site should be locally native species which would be secured by condition at the reserved matters stage should outline permission be granted.

Overall the development would be compliant with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the publication version Local Plan.

Landscaping

It is considered that any development progressed on the site would require a strong landscaping scheme given that it is located within the rural environment and therefore, it will be important to ensure that existing vegetation is retained and enhanced in the context of Policy E7 of the adopted Local Plan.

The vast majority of the existing vegetation is located on the boundaries of the site, in the form of hedgerows, and it is considered that the indicative layout submitted demonstrates that the

dwellings would be situated away from the vegetation so as to ensure that it could be retained in any development progressed. Although a vehicular access would be formed through the hedgerow fronting onto Worthington Lane, the length of hedgerow to be removed has been limited to 16.0 metres and this would ensure that the access would not appear 'over-engineered'. Along with the retention of the existing vegetation it is also proposed that a tree planting buffer would be planted to the northern boundary of the site, but as outlined in the 'impact on the character and appearance of the area and streetscape' section of this report such planting would appear 'alien' in the landscape and as such a suitable landscaping scheme would need to be secured under any subsequent reserved matters application.

Overall the development would be compliant with Policy E7 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has specified that no archaeological mitigation is necessary as part of the proposal and as such archaeology would not act as a constraint on the development. On this basis the scheme is compliant with Paragraph 141 of the NPPF and Policy He1 of the publication version Local Plan.

Drainage and Flood Risk

The Lead Local Flood Authority (LLFA) initially objected to the application given that the information submitted did not provide any information on the proposed drainage system and, therefore, a determination could not be made as the location would be viable for the proposed method of surface water drainage.

Following the receipt of additional information in respect of this matter, the LLFA have confirmed that they have no objections to the proposal subject to the imposition of a condition on the planning consent to ensure that any surface water drainage scheme provided limits surface water run-off to the equivalent greenfield rate. In the circumstances that a condition is imposed on any consent granted to secure such a scheme, the proposal would be considered compliant with Paragraph 103 of the NPPF and would not exacerbate any localised surface water flooding issue.

Insofar as foul drainage is concerned, it is indicated on the application forms that this would be discharged to the mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. In the circumstances that no representation to the development has been received from Severn Trent Water, it is considered that the additional demands for foul drainage could be met by the existing sewerage system in place and therefore the proposed development would accord with Paragraph 120 of the NPPF.

Other Matters

Although objections have been received in respect of the proposal impacting on the safe movement of aircraft towards East Midlands Airport, the Council's Constraints Map identifies that consultation with East Midlands Airport Safeguarding would only be undertaken in this area if a development exceeds 90.0 metres in height. Given such a height it is considered that it has not been necessary to consult with East Midlands Airport Safeguarding in this instance and, therefore, the development does not conflict with Policy T20 of the adopted Local Plan or Policy Ec5 of the publication version Local Plan.

Conclusion

The site is a greenfield site outside Limits to Development, and Newbold is not a settlement which could sustain a scale of development as that proposed, this being 16 dwellings.

The proposed development would result in the construction of dwellings, and associated infrastructure, on land outside the defined Limits to Development. The agricultural field makes a positive contribution to the character and appearance of the rural environment and landscape. Given the substantial urbanisation of the land which would occur, should the development be permitted, this would diminish its present open character and would represent an incongruous encroachment of development into the countryside. As a consequence of this the development would fail to protect or enhance the natural environment and as a result would be contrary to a fundamental principle of the NPPF. A heavy reliance on the private car by any future occupants to access basic services would also lead to an increase in vehicular fumes into the atmosphere which would not support the approach to a low carbon economy. The application site is outside the Limits to Development, residential development on a greenfield site is not a permitted form of development outside these limits, so the development is contrary to Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan.

In addition Newbold would not be considered a sustainable settlement to support the scale of the development proposed, given the limited service provision and the lack of facilities to meet the 'day to day' needs of any future occupants, and as a consequence there would also be conflict with the social strand of sustainability enshrined within the NPPF.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 Whilst Newbold is a settlement which benefits from a few services none of these services would meet the 'day to day' needs of any future occupants of the development and would not support the scale of development proposed. The application is also on unallocated Greenfield land located outside the Limits to Development of Newbold, as defined on the Proposals Map to the adopted Local Plan as well as the publication version Local Plan. Both Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan provide a presumption against non-essential residential development in the countryside, with Paragraph 17 of the NPPF indicating that planning should recognise the intrinsic character and beauty of the countryside. The NPPF also outlines that social 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 it would fail the environmental and social elements as it would adversely affect and diminish the present open character of the site, and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. On this basis the development would fail to protect or enhance the natural environment. A heavy reliance on the private car to access the most basic of services would lead to greater vehicle emissions and not support the approach to a low carbon economy. Insufficient local services to support the scale of the development would also lead to any future occupants being socially isolated. On this basis to permit the development would be contrary to the environmental and social strands of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the

adopted Local Plan and Policies S2 and S3 of the publication version Local Plan.

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 2015.