

Item No. 4

Application Reference Number P/21/1571/2

Application Type:	Full	Date Valid:	13/07/2021
Applicant:	Moda International Brands Ltd		
Proposal:	Erection of 4 detached dwelling houses and associated parking and landscaping.		
Location:	Land at Farriers Close Wymeswold Leicestershire		
Parish:	Wymeswold	Ward:	The Wolds
Case Officer:	Deborah Liggins	Tel No:	07864 603401

Background

This application has been brought to plans committee as it relates to a minor housing development and is considered a departure from the development plan and is recommended for approval.

Description of the Application Site.

The application site is currently 0.25ha of agricultural land located to the west of London Lane and to the south-west of dwellings on Farriers Close. The site lies outside the Wymeswold Limits to Development and is within countryside. The access drive which is Farriers Close and which joins the land to London Lane is within the designated Conservation Area. Directly east of the application site is the Wymeswold Court Care Centre which is a range of 2 storey buildings with windows at ground and first floor level on its western elevation, facing the application site. To the north is a brick stable courtyard and the access and garaging associated with No's 1 & 3 Farrier's Close.

The land appears to be a grassed meadow and is bounded to the east with a 1.8m high close boarded fence to the rear of the nursing home, with an established hedgerow to the southern boundary, screening views to the agricultural land beyond. The western boundary of the application site is currently demarked with a 1m high post and rail fence with agricultural land beyond this to the west.

Description of the Proposal

The application seeks planning permission for the erection of 4 dwellings arranged in a cul-de-sac with associated garages and a turning head to the eastern side of the site. The dwellings would each be detached 2 storey homes with 3 different styles as follows:-

Plot 1 – detached 3 bed house with a single garage and 1 driveway parking space (130 sq.m.) These would be constructed of red brick and tiles

Plots 2 & 3 – detached 4 bed houses with double garage and 2 additional driveway parking spaces each (142 sq.m.) These would have either an off-white rendered finish with brick plinths, single storey elements in brick and brick porches to the front or be completely of brick finish and would have tiled roofs.

Plot 4 – detached 4 bed house with a double garage and 2 additional driveway parking spaces (139 s.q.). This would be of brick and tile construction and would include a turned elevation where it follows the bend in the private drive.

The application is accompanied by the following documents:-

- Arboricultural Impact Assessment – this seeks to identify principal trees located at Farriers Close and identify the constraints these may pose in relation to the proposed development, assessing those which can be removed and those which can be retained. The report identifies an Ash tree with a retention category of ‘B’ and located at the north-eastern corner of the site can be retained. The Hawthorne and Elder hedge forming the southern boundary as being of ‘low grade’ with a retention category of ‘C’ would be lost as a result of the proposal.
- An Ecological Assessment – this is an extended Phase 1 Habitat Survey which assesses the site as being improved grassland paddock which has been used for intensive grazing (for the last 17 years by the current land owner) and is a desk-top study which draws information from various resources. The survey identifies a pond located 75m to the west of the site and this was also included within an assessment for protected species as may be present or absent on the site. No part of the site is covered by any statutory nature designations and nor are there any within 2km of the site. There are 21 non-statutory of ‘local’ wildlife sites within 2km of the site. The report considers that none of these sites would be adversely impacted by the proposed development owing to their ecological context, spatial arrangement and lack of ecological connectivity. The report considers that neither the hedges to the northern or southern boundaries of the site are outgrown and unmanaged, with gaps forming and are considered to be species poor with local-level ecological value. The report concludes that the habitats and species present do not pose an ‘in principle’ constraint to the development.
- Highways Report – This acknowledges that the indicated submitted layout would provide sufficient access for refuse vehicles and fire appliances to serve the proposed development, including the provision of a suitable turning area. In terms of transport sustainability, the report finds that the village is served by an hourly daytime bus service running between Loughborough, Melton and Grantham with bus stops within 500 metres of the application site. There are also a number of cycle routes leading from the village centre. The quantum of car parking provided within the development is also considered to meet standards and a suitable access is provided to serve the development. The report concludes that overall, the proposal is acceptable in highway terms.
- Planning Statement – This describes the proposed development, its context and the policies which would be relevant in the consideration of the application. The report identifies the main planning issues and also includes a balancing exercise of the benefits and harms of the scheme as part of its conclusions.

The proposal includes a communal bin collection point is provided at the junction of the proposed cul-de-sac with the Farriers Close and will allow bins from each of the dwellings to benefit from a single collection point within the usual householder collection scheme.

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 require that planning applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Adopted Local Plan for the area comprises the Charnwood Local Plan 2011-2028 Core Strategy (CS), the saved policies of the Charnwood Borough Local Plan 1999-2006 (LP) and the Rothley Neighbourhood Plan.

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 - Development Strategy - sets out the development strategy for the Borough. This focuses housing development in locations around the Leicester Principal Urban Area and Loughborough and Shepshed with three Sustainable Urban Extensions.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS11 – Landscape and Countryside - requires new development to protect landscape character and reinforce a sense of place. It supports rural residential development where it has a strong relationship to the operational requirements of agriculture, horticulture or forestry

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS14 – Heritage – this requires development to conserve and enhance historic assets for their own value and the community, environmental and economic contribution they make. This will be achieved by requiring development to protect heritage assets and their setting; supporting development which prioritises the refurbishment and re-use of disused or under-used buildings of merit; supporting development that is informed by and reflects relevant Landscape and Conservation Area Character Appraisals and Village Design Statements; and development that incorporates Charnwood's distinctive local building materials and architectural details.

Policy CS16 – Sustainable Construction and Energy – encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Policy CS25 - Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 – Limits to Development – this policy seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.

Policy EV/1 – Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality.

Policy TR/18 - Parking Provision in New Development notes that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimise harm to visual and local amenities.

CT/1 – General Principles for Areas of Countryside, Green Wedge and Local Separation – states that development in these areas will be strictly controlled. Planning permission will be granted for the re-use and adaptation of rural buildings for uses suitable in scale and nature and small-scale built development where there would not be a significant adverse environmental impact and the proposal would (inter alia) be essential for the efficient long-term operation of agriculture, horticulture or forestry.

CT/2 – Development in the Countryside – In the countryside, development which is acceptable in principle will be permitted where it would not harm the character and appearance of the countryside.

Other material considerations

The National Planning Policy Framework (2021)

The National Planning Policy Framework sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the National Planning Policy Framework give a clear reason for refusal or any adverse

impacts would significantly and demonstrably outweigh the benefits, when assessed against the National Planning Policy Framework as a whole.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this;

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of an environmental objective – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and makes it clear that where there is an under-supply of housing land, the most important policies for the determination of housing proposals would be considered out of date.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the National Planning Policy Framework states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 60 states that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 62 sets out that the size, type and tenure of housing need for difference groups in the community should be assessed and reflected in planning policies .

Paragraph 69 explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out quickly. The paragraph then goes on to explain how such sites might be promoted.

Paragraph 74 sets out that local planning authorities are expected to maintain a 5 year housing land supply and should identify and annually update their supply of specific deliverable sites as measured against the overall housing requirement for the plan period. This should include a buffer and in Charnwood this is an additional 5% in order to ensure choice and competition in the market for land.

Chapter 8 of the NPPF relates to the promotion of healthy and safe communities and sets out how planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Chapter 12 (Paras 126-136) of the NPPF concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development. The use of visual tools and design codes is encouraged as is the development of design policies alongside local communities and neighbourhood plans.

Paragraph 131 In particular states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 134 states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 174 states that the planning system should contribute to and enhance the natural and local environment and sets out how this might be achieved.

Paragraph 180 states that in determining applications for planning permission, local planning authorities should aim to conserve and enhance biodiversity by applying the principles it then sets out.

Paragraph 185 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions

Paragraph 189 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 190 indicates that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset affected by a proposal, including any development affecting its setting, taking account of the available evidence and any necessary expertise in order to minimize any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 sets out that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 provides that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Equality Act 2010

This Act requires local planning authorities, when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities in society. It consolidates 7 Acts including the Disability Discrimination Act. Whilst the accessible design of buildings is regulated by Part M of the Building Regulations, the Equality Act does require 'reasonable adjustments' to be made when providing access to goods, facilities, services and premises and this also applies to the design of proposed development. In terms of planning decisions, there is a need to have 'due regard' to the impact of planning application decisions and policies on anyone with a Protected Characteristic who may be affected by the decision.

National Planning Practice Guidance (PPG)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

ID 26 - Paragraphs 001-003 states that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor quality design should be refused. Paragraph 007 states that planning should promote local character. New development should be integrated within existing surroundings.

National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Department for Communities and Local Government – Technical Housing Standards – nationally described space standard (March 2015)

These standards deal with internal spaces within new dwellings and sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling heights. The standard sets out the minimum space requirements dependent

on different combinations of single and double/twin bedrooms. These standards are not yet embodied within any Charnwood

Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

This consolidates previous legislation relating to special controls in respect of buildings and areas of special architectural or historic merit and sets out what alterations can be carried out to listed buildings and within Conservation Areas without the formal consent of the local planning authority. The Act also sets out the procedure for local authorities to consider compiling a list of properties considered to be of special architectural or historic interest and how applications affecting such assets are to be advertised. The legislation gives Local Planning Authorities a statutory duty to give special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Conservation of Habitat and Species Regulations 2010 (as amended)

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats. The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

Protection of Badgers Act 1992

Badgers are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A licence is required from Natural England where development proposals may interfere with badger setts.

The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council

and provides information to developers and local planning authorities to assist in the design of road layouts. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; and help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

Housing Supplementary Planning Document (July 2018)

This document sets out the Council's goals for the delivery of housing and how it will deal with applications for new development. The document seeks to provide clarity for those who live in the Borough and for the developers who deliver the new homes. It includes guidance on affordable housing, houses in multiple occupation and purpose built and campus student accommodation. The SPD will be a material consideration in the determination of planning applications in the Borough. It should be noted that the SPD cannot and does not propose new policy; rather it explains how Policies CS3, CS4, H/12 and CS23 will be used.

Landscape Character Assessment (2012)

The Borough of Charnwood Landscape Character Assessment 2012 explains that the Charnwood Forest Area of Landscape Character is the most complex of the landscape character areas in the Borough such that five sub-areas were identified within the Borough. Its purpose is to provide a framework for the assessment of planning applications and supports Policy CS11. The application site lies within The Wolds Landscape Character Area which is an elevated gently rolling countryside of mixed farmland with small villages and isolated farms scattered across the landscape. The landscape, often uninterrupted by hedgerows often enables long reaching views from straight roads between villages and the lack of woodland and tree cover reinforces the landscapes expansive quality. It is a largely arable landscape that has been altered by modern farming practices, leading to loss of ridge and furrow field systems and hedgerows. There is limited woodland cover. This combined with the large field systems and managed hedgerows, creates an expansive character with often long views from ridges between settlements. Wide grass verges are characteristic of this landscape.

Wymeswold Conservation Area Character Appraisal

The Conservation Area Character Appraisal was published by the Council in 2009 with the purpose of examining the historical development of the Conservation Area by describing its present appearance in order to assess its special architectural and historic interest. The appraisal is used to inform the consideration of management and development proposals within the Area.

Much of the character of the Conservation Area is derived from the harmonious blending of simple rectangular shapes with simple ridged roofs and their settings relative to each other and to the street. There is remarkable little decoration of the houses, either in the brickwork or in the detailing of window heads, quoins or sills. Most buildings and walls are of brick but there are some timber framed dwellings but most often these are only evidenced internally. Many buildings are brick and stand on plinths of rubble stone, granite

or brick and the most common roofing material is Welsh slate but a mix of other materials is also evidenced.

The special interest or significance of the Conservation Area is defined as:-

- The setting in the Wolds, relatively isolated from neighbouring settlements;
- The way in which the village sits in a depression within the gentle rolling landscape;
- The broad and curving nature of the village streets, in particular the continuous flow of buildings along Far St;
- The mound, the church and the landmark of the church tower;
- The wealth of fine Georgian three storey houses;
- The setting of the river Mantle in a green strip within Brook Street with many willow trees;
- The fine townscape of a combination of houses, styles and ages;
- The harmonious blending of simple rectangular building forms with simple ridged roofs.

Wymeswold Village Design Statement

This document also describes the distinctive character of Wymeswold village and surrounding parish and summarises the historical evolution of the present village. Representative views of residents are set out, emphasising those features regarded as most attractive and distinctive, in the expectation that these will be retained and emulated in future development and the purpose of the document is to influence and inform all involved in the design of planning proposals within the village.

Housing and Economic Development Needs Assessment (HEDNA) - The Housing and Economic Development Needs Assessment (HEDNA) has looked at a wealth of evidence, including population, household and economic growth projections, to assess the need for housing and employment land over the next 20 years. The study is an important part of the evidence base for the Strategic Growth Plan. It will also form part of the evidence base for Local Plans and will feed into the Strategic Economic Plan being revised by the LLEP.

The HEDNA looks at projections based on past population and demographic trends, with adjustments made (where necessary) for higher migration to support economic growth, and/or to address affordability issues, responding to an analysis of market signals and evidence of the need for affordable housing. The HEDNA also identifies the appropriate mix of homes of different sizes needed in the market and affordable sectors and concludes that the ideal mix of market housing in Charnwood should be as follows

- 1 bed – 0-10%
- 2 bed – 25-35%
- 3 bed – 45-55%
- 4 bed – 10-20%

Supplementary Planning Document - Charnwood Design (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life. The document is a material consideration in the determination of planning applications.

Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council's preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time. These include policies which would seek to make provision for at least 19,716 homes between 2019 and 2036 and require these to be delivered to a high standard of design quality.

Relevant Planning History

None

Responses from Statutory Consultees

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the imposition of conditions

Other Comments Received

None

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011 – 2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991 – 2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that several of these policies are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them in this regard.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 years), and as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI's although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case although the greenfield site is outside of the defined limits to development and within the open countryside it does not benefit from any designations to qualify as an area or asset of particular importance as set out in footnote 6. For these reasons it is not considered by officers that in this instance paragraph 11d i) would apply.

The main issues are considered to be: -

- The Principle of Development & the tilted balance
- Housing Mix
- Landscape and Visual Impact
- Design and Impact on the significance of the heritage assets
- Neighbour amenity and amenity of occupiers.
- Highway Matters
- Ecology & Biodiversity
- Planning Balance

Principle of the proposed development

The application site is located outside but adjacent to, the Development Limits to the settlement of Wymeswold, as established under 'saved' Policy ST/2 of the Borough of Charnwood Local Plan. For land outside of these development limits, policies CT/1 and CT/2 of that document also apply and these seek to control development outside of a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. Within the settlement hierarchy, Wymeswold is identified as an 'other' settlement where a limited level of housing growth which is predominantly small scale and within limits to development is acceptable. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment.

These policies are those that are the most important for establishing if development of the site for housing is acceptable in principle. As the local planning authority cannot demonstrate a 5 year supply of housing, these policies which relate to the supply of housing are considered out of date and cannot be afforded full weight in accordance with para 11d of the national planning policy framework.

The Draft Charnwood Local Plan is at an early stage in its preparation and as such, its policies carry only very limited weight at this time, however the site would remain outside the identified limits to development for Wymeswold.

The development is at odds with these housing supply policies as it comprises a small-scale development that is outside the limits to development. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would

significantly or demonstrably outweigh the benefits of the proposal in accordance with para 11 of the National Planning Policy Framework.

Within this assessment, it should be recognised that the proposal would result in the provision of 4 dwellings at a time when the local planning authority cannot demonstrate a five year supply of housing land. The provision of these additional houses should be afforded significant weight in the planning balance. Weighed against this benefit would be the conflict with the above policies which can be considered an adverse impact. However, given the 5-year supply position, and the age of policies CS1, CT/1, CT/2 and ST/2, the weight that can be ascribed to them would be reduced. Accordingly, although there is some harm resulting from conflict with the development approach set out in policies CS1, CT/1, CT/2 and ST/2, (which seeks to direct growth away from smaller settlements), which weighs against the proposal, it is not considered this would significantly and demonstrably outweigh the benefits in its own right. Accordingly, the proposal is considered to be acceptable in principle. The conflict with the Development Plan can however, be considered within the overall planning balance of the proposal.

Housing Mix

Policy CS3 outlines a requirement to secure an appropriate housing mix, having regard to the identified housing needs and the character of the area. The HEDNA report sets out that the most pressing need for homes is for 3 bed dwellings and the proposal represents a small-scale development of 4 dwellings, one of which would be a 3 bed home with the remainder being 4 bedrooms. The scale of the development is such that it falls below the threshold at which there would be a requirement for affordable housing provision. Whilst it is recognised that the proposed mix does not fully accord with the need indicated by HEDNA, consideration must also be given to the character of the area. It is considered that the proposed mix of homes, is appropriate given its edge of the village location and would accord with the provisions of Policy CS3 of the Core Strategy and the adopted Housing Supplementary Planning Document.

Landscape and Visual Impact

The site lies adjacent to but outside of the Wymeswold Limits to Development and in the countryside with built development to the east and northern sides of the site as a backdrop to the proposed development. Farriers Close also coincides with the beginning of Public Footpath H79 which continues west at the end of the Close leading across agricultural land to the Kings Brook at the rear of New Covert, Hoton. The landscape is of rolling agricultural land divided by hedges, with the land immediately west of the site (and the site itself) being grazed paddock land which is relatively flat. Hedgerows feature to the north and south with the southern boundary being of taller and more mature hedgerow but which has lacked management. Although the submitted Arboricultural report recommends this hedge is removed, the Biodiversity Impact Assessment sets out that all hedges are to be retained and protected during site works. The southern hedgerow, in particular will require some maintenance and enhancement as it has gaps in places and details of how this can be addressed can be secured through the imposition of a landscape condition to ensure, in the long term, the development retains its rural character and mitigates the appearance of the extended built form of the village. Additional hedge planting can be provided to the western boundary and this should also include new tree planting. Views of the site from the exterior are extremely limited and as such, it is considered that the proposal would not be visually harmful to the wider landscape. It is therefore considered that the proposal would accord with Policies CS11, CT/1 and CT/2.

Design and Impact on the significance of the heritage assets

Policies CS2 and EV/1 seeks to require high quality design where people would wish to live, through design that responds positively to its context. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The site of the proposed housing is at the edge of the designated Conservation Area with the dwellings falling outside of the Area. The existing driveway of Farrier's Close is within the Conservation Area and provides access to 2 existing dwellings to the north of the site and the nearby stables complex.

No listed buildings nor their settings are affected by the proposed development and the site also lies within an archaeological alert zone. The site consists of a grazed field with the south and west boundaries looking out to open grassland and farmland whereas the north and east boundaries have residential development beyond.

It is considered that the proposed scheme is a well-designed small-scale housing development which includes elements of traditional design that respond to the character and appearance of the adjacent Conservation Area. As identified in the Design and Access Statement, the layout of the site is predominantly dictated by the available access in to it whilst maintaining and respecting separation from nearby buildings, maximising views out of the site and limiting the potential for overlooking gardens. Whilst the dwelling proposed for Plot 4 turns it back on Farrier Close, and fronts onto the cul-de-sac, it would have an active rear garden orientated towards Farriers Close which would require a reasonably high and solid boundary treatment to ensure privacy and the submitted plans indicate that this would most likely be a wall. The final details can be secured through a condition to ensure they are appropriate.

In summary, it is considered that the design is well-considered and that the proposal would not harm the significance of the Conservation Area or its setting. The public benefits of the scheme do not therefore fall to be weighed in accordance with Paragraph 202 of the National Planning Policy Framework. It is also considered that the proposal accords with Policy CS14 of the Core Strategy.

For the reasons set out above, it is considered the development accords with Policy CS14 and CS25 of the adopted Core Strategy, Policy EV/1 of the Borough of Charnwood Local Plan. The development would at least preserve the character or appearance of the Conservation Area and accordingly, the statutory duty of the local planning authority required by the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore discharged.

Neighbour amenity and amenity of occupiers.

The dwelling proposed for Plot 3 would have an eastern elevation 14.6m from the rear elevation of the nursing home building which contains first floor dormer windows to bedrooms. The side elevation of the proposed dwelling would contain a principal kitchen window and it is considered that the intervening garage building and existing boundary fencing in combination with the separation distance, would protect the amenity of occupiers of the new dwelling. The separation distance also meets and exceeds the

standard contained in the adopted Supplementary Planning Document on Design which aims to avoid overbearing impacts. No other existing neighbouring occupiers are affected by the proposal in terms of losses of light, privacy or outlook.

The proposal would also meet and exceed the recommended internal space standards as set out within the DCLG's Technical Housing Standards – nationally described space and have good access to private amenity space and natural light, equating to good standards of amenity for future occupiers of the dwellings

It is therefore considered that the proposal accords with Policies CS2 and EV/1, and the adopted Supplementary Planning Document on Design.

Highway Matters

Farriers Close is a private and un-adopted road which is accessed from London Lane which is an unclassified road, subject to a 30m.p.h speed limit. The proposal involves the construction of a new private driveway off Farriers Close.

The local highway authority has assessed the submitted drawings and the Edwards and Edwards accompanying Highways Report, and the access to Farriers Close from London Lane is shown to be approximately 4.8m wide for a minimum distance of 5m from the highway boundary. It is understood that No's 1 & 3 Farriers Close utilise this existing access. However, as per guidance detailed within Figure DG20 of Part 3 of the Leicestershire Highway Design Guide, the minimum access width for an access serving six to 25 dwellings which is more than 25m in length should be 5m wide plus an extra 0.5m on any side which is bound by a fence, wall or similar feature. The development if permitted would therefore result in a total of six dwellings utilising an access which would not meet LHDG recommendations. However, given that two dwellings already exist, and the existing access would allow two vehicles to pass at the entrance without affecting free flow of traffic on the local highway network, it is considered that an additional four dwellings served by the access would not constitute a reasonable reason to refuse the application and this view is supported by the local highway authority.

As the applicant seeks to intensify the access from London Lane and as the Applicant has not demonstrated the achievable visibility splays at the site, the local highway authority has undertaken its own visibility assessment and is satisfied that splays of 2.4m x 43m are achievable in either direction of the access to Farriers Close.

In addition, the quantum of car parking serving each dwelling meets highway standards and the development also includes meets the necessary requirements in terms of emergency vehicle access.

It is therefore concluded that the development is acceptable in highway safety terms, subject to the imposition of conditions relating to the provision of visibility splays, parking and access and that the proposal accords with Policy TR/18 of the Borough of Charnwood Local Plan. It is further considered that the proposal would not result in cumulative highway impacts that could be described as 'severe' as set out in Paragraph 111 of the National Planning Policy Framework.

Ecology & Biodiversity

The applicant has submitted a Biodiversity Impact Assessment which describes the site as comprising improved grassland paddock to the southern section and a hard-standing and access road to the northern part of the site. To the south of the site is improved grassland and to the west is further grassland with a small pond. The report finds that a 0.17 unit loss of biodiversity habitat would occur as a consequence of the intended development, but concludes that a minor gain (1.08) units can be achieved by retaining the existing hedgerows, with additional new sections added within and around the peripheries of the site to enhance the existing network. This would equate to 120m of new hedgerow. Based on the proposed layout. However, the notable loss in habitat units is due to the loss of all the existing improved grassland which is of low distinctiveness and which would be replaced by developed land and vegetated gardens of limited ecological value. The applicants report concludes that compensatory off-site measures will be required in addition to on-site mitigation measures.

The submitted Ecological Report has been assessed by the Council's Senior Ecologist who concurs that a net loss in biodiversity value is likely to occur as a result of the development. As part of the proposed mitigation involves new domestic gardens, this form of mitigation, within a private garden setting is not acceptable to the Council as it would have limited likelihood of success and is not defensible. The Council is content with the methodology used in relation to the loss of the semi-improved and not particularly high quality grassland. The calculations which have been undertaken to assess the comparative habitat values of the site show that whilst some enhancement can be provided within the scheme. However, the development would result in an overall loss of biodiversity value. In order to provide adequate off site compensation for this net loss which cannot be provided on site, it is calculated a sum of £15, 971 to provide bio-diversity mitigation and compensation off site, would be required and the applicant has agreed in principle to the payment of this sum, secured by a unilateral legal agreement.

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site and compensation where relevant. As set out within related legislation requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind.

Overall, it is considered that the proposal with mitigation and compensation would result in a development which can ensure there is not a biodiversity net loss. Policy CS13 supports development which protects

biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity through the payment for off-site gains and secured via the proposed unilateral agreement, in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

A project has been identified and it is considered that the contribution would be CIL compliant and, together with proposed on-site landscaping mitigation, would provide adequate and appropriate compensation for the calculated loss and this is a positive of the scheme to be weighed in the planning balance. It is therefore concluded that the proposal

would accord with the provisions of Policy CS13 of the adopted Core Strategy, subject to the acceptance of Recommendation A set out below.

Planning Balance

As there is currently an insufficient supply of deliverable housing sites, this application has to be determined on the basis of para 11d of the presumption in favour of sustainable development in the National Planning Policy Framework. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide four new residential units at a time when there is an acute need for housing within the Borough. This is a significant benefit of the scheme.

The application site lies adjacent to Wymeswold which is an 'other' settlement where new development is otherwise acceptable within limits to development. The site is within the countryside and although new dwellings are not normally supported in such locations, the development would not significantly encroach on the rural landscape given the position of the site directly adjacent to the existing built form of the settlement, and would not project westwards beyond the existing stables development to the north and its hardstanding area at the end of Farriers Close.

The site offers the potential for a good quality design in the development which reflects the scale and character of existing housing locally and which uses traditional elements. There are no technical constraints relating to highways, contamination or flooding and ecological mitigation can be provided both on and off the site to compensate for the calculated loss and hedges on the site are to be retained and enhanced with new landscaping secured by planning conditions.

Weighed against this is the conflict with the Development Plan policies . However, it is considered that this would not constitute significant or demonstrable harm which could warrant the refusal of planning permission on its own. It is therefore concluded that there are no harms which significantly or demonstrably outweigh the benefits of the new housing. Accordingly, it is recommended planning permission be approved in accordance with the recommendation below.

RECOMMENDATION A :-

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement/unilateral undertaking under under Section 106 of the Town and Country Planning Act 1990 to secure a commuted sum payment of £15,971 towards off-site biodiversity offsetting.

RECOMMENDATION B :

That subject to completion of the S106 legal agreement or receipt of an acceptable Unilateral Undertaking to secure the financial contribution to provide off-site ecological mitigation, planning permission is granted for the development subject to the following conditions:

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby permitted shall be carried out in accordance with the following approved plans:

3418-OS - 1:1250 scale site location plan

3418-01 - Rev A - Proposed site layout

3418-10 - House type 1 - floor plans and elevations

3418-11 - House type 2 - floor plans and elevations

3418-12 Rev A - House type 3 - floor plans and elevations

3418-13 - House Type 2 (Render) - Proposed elevations and plans

Application form

REASON: To define the terms of the planning permission.

- 3 No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.
REASON: To make sure that the appearance of the completed development is satisfactory.
- 4 Notwithstanding the submitted details, within two months of the commencement of development a scheme for the treatment of the application site boundaries shall be submitted in writing to the local planning authority for approval.
REASON: To ensure the satisfactory, overall appearance of the completed development.
- 5 No use or occupation of the building hereby permitted shall take place until the scheme for boundary treatment, agreed under the terms of the above condition, has been fully completed.
REASON: To ensure the satisfactory, overall appearance of the completed development.
- 6 No above ground works shall begin until details of the of roof eaves, verges, brickwork features (string courses, plinths etc.) and, in particular, details of external windows and doors and guttering and down pipes, including method of fixing, to be used in the works hereby permitted have been submitted to and agreed in writing by the local planning authority. The works shall be carried out incorporating the agreed details.

REASON: To make sure that the works are carried out in a way which retains the character of the existing building.

- 7 Notwithstanding the submitted details, within two months of the commencement of development, a landscaping scheme, to include those details specified below, shall be submitted in writing to the local planning authority for approval:
- i) the treatment proposed for all ground surfaces, including hard areas;
 - ii) full details of tree planting;
 - iii) planting schedules, noting the species, sizes, numbers and densities of plants;
 - iv) finished levels or contours;
 - v) any structures to be erected or constructed;
 - vi) functional services above and below ground; and
 - vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

- 8 The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

- 9 No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

- 10 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number 3418-01 Rev A have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

- 11 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 3418-01 Rev A. Thereafter the onsite parking provision shall be so

maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3, CS11, CS13, CS14, CS16 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and saved Policies ST/2, EV/1, TR/18, CT/1 and CT/2 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application.
- 2 In addition, as the proposed development is located within a conservation area, the Council has considered whether it would enhance or preserve its character and appearance. Planning permission has been granted on the basis of the Council's opinion that the development would, at least, preserve that character.
- 3 Planning permission has been granted for this development because the Council has determined that, although it does not fully accord with the terms of the above-mentioned policies, the degree of harm that might be caused to one or more of the issues arising under the policy, is insufficient to warrant the refusal of planning permission.
- 4 Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 5 The Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980. The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the

Highway Authority. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

