

Item No. 4

Application Reference Number P/21/2014/2

Application Type:	Full	Date Valid:	13/09/2021
Applicant:	Shaw		
Proposal:	Erection of dwelling and detached garage.		
Location:	79 Melton Road Burton On The Wolds LE12 5TQ		
Parish:	Burton on the Wolds	Ward:	The Wolds
Case Officer:	Lewis Marshall	Tel No:	07714 846497

Background

This application has been brought to plans committee as it relates to the erection of a dwelling, outside current limits to development and is considered a departure from the development plan and is recommended for approval.

Description of the Application Site

The application site comprises garden land to the side and rear of a detached dwelling and is just outside of the settlement boundary for Burton on the Wolds. To the south and east of the site is agricultural land and to the north and west of the site is the public highway. The site is accessed from the existing driveway to the property from Sowters Lane. To the north west of the site is the existing dwelling at 79 Melton Road. The application site has an area of 1655 square metres.

Outline planning permission has been granted on the agricultural land to the south and east of the site for 70 dwellings. A reserved matters application ref; P/21/2028/8 is currently under consideration.

Description of the Proposal

This application seeks planning permission for the erection of one dwelling and a detached triple garage for the existing dwelling. The proposed dwelling would have an attached double garage to the front. The front elevation of the dwelling would face to the west and there would be gables to the front and rear. Due to the design of the roof, the proposed dwelling would have different eaves and ridge heights throughout. However, at its highest point, the dwelling would have an eaves height of 5.175 metres and a ridge height of 7.014 metres. The attached garage would have a height of 3.3 metres to the eaves and 6.178 metres to the ridge.

The proposed dwelling would be almost T-shaped with a single storey small garden room to the north. At its widest point the dwelling would be 22.25 metres in width and length of 19.042 metres at its longest point. The ground floor accommodation would comprise a garage, a utility room, a kitchen/dining/sitting area, a hallway, a store, a WC and a sitting room. The first floor level accommodation would comprise 5 bedrooms, 2 of which would have en-suite bathrooms and dressing rooms and a main

bathroom. The dwelling would be constructed in red brickwork, with a blue slate roof and timber windows and doors.

The proposed triple garage would replace an existing smaller temporary storage building. It would have a width of 6.62 metres and a length of 9.79 metres, it would have a height of 2.7 metres to the eaves and a height to the ridge of 5.576 metres. This garage would be sited immediately to the east of the existing dwelling at 79 Melton Road and to the north west of the proposed dwelling.

Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Burton on the Wolds as an “other” settlement, (4th in a hierarchy of 5) where small scale development within limits to development is supported.

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, and protect the amenity of people who live or work nearby.

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 - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

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 CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount

and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

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 sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

The Wolds Neighbourhood Plan 2021

This document sets out specific policies for the villages of Burton on the Wolds, Presswold, Cotes and Hoton. The relevant policies in this document are set out below:

Policy WV1: Landscape Character and Locally Important Views

This policy states that in the countryside, development should conserve or enhance the character of the local landscape and sets out several criteria for ensuring this.

Policy WV5: Water Management

This policy states that new development should take full account of flood risk, especially from rivers, groundwater and overland flow

Policy WV11: Housing Provision

This policy states that outside of the Burton on the Wolds limits to development, permission for housing development will be limited to: the allocation at Sturdee Poultry Farm, the redevelopment of previously developed land, rural worker accommodation, replacement dwellings, the reuse or adaption of redundant rural buildings, exception site affordable housing and development that supports sustainable business.

Policy WV14: Housing Mix

This policy states that housing proposals should demonstrate regard for the most recent assessment of housing requirements and should pay special attention to the needs of older households and the need for smaller homes.

Policy WV16: Design

This policy states that development proposals must demonstrate regard, where appropriate to the guidance in the Burton on the Wolds Village Design Statement.

Other material considerations

The National Planning Policy Framework (NPPF 2021)

The NPPF 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 NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The NPPF policy guidance of particular relevance to this proposal includes:

Section 5: Delivering a sufficient supply of homes

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 74). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised

(paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

Section 12: Requiring well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding and coastal change
New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

The Planning (Listed Buildings and Conservation Areas) Act 1990.

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017) The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (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.

Leicestershire Highways Design Guide

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. 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; as well as to 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.

Burton on the Wolds Village Design Guide 2006: This document sets out residents' aspirations for design within the village, it emphasises the need to protect the natural environment and work with the natural landscape 'bowl' that the village lies within. Smaller scale developments are supported that complement existing styles and materials and avoid monotony.

Landscape Character Appraisal: The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

Technical Housing Space Standards (2015):

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, it is however a material consideration.

Conservation of Habitat and Species Regulations 2010 (as amended)

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.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

As the application proposals are for urban development on a site of more than 0.5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Given the nature of the application proposals, it is not considered that the application would constitute EIA development.

The Draft Charnwood Local Plan 2021-37

The Pre-Submission Draft Charnwood Local Plan (July 2021) was consulted upon from 12th July 2021 to 23rd August 2021 and submitted to the Secretary of State on the 3rd December 2021. The Plan will now proceed to examination during 2022. The Plan sets out strategic and detailed policies for the period 2019-37 and will replace the adopted Charnwood Local Plan Core Strategy (2015) and the saved policies of the Borough of Charnwood Local Plan (2004). In accordance with paragraph 48 of the NPPF, the relevant emerging policies in the plan may be given weight in determining applications, according to; (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given), (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given). The following emerging policies are considered relevant:

- Policy DS1 – Development Strategy
- Policy H1 – Housing Mix
- Policy H3 – Internal Space Standards
- Policy EV1 – Landscape

The above policies only carry limited weight at this time.

Consultation Responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Environmental Agency	Do not wish to raise any comments or objections

Other Comments Received

No other comments have been received.

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 plans 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 more than 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 and any policies which directly relate to the supply of housing must be considered out of date and cannot be afforded full weight, in accordance with paragraph 11 of the NPPF.

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.

In situations where para 11d of the presumption applies consideration should be given to paragraph 14 in relation to Neighbourhood Plans in the context of the Authority having more than three years supply of deliverable housing sites and good housing delivery. Whilst the neighbourhood plan is less than two years' old there is no

unreserved housing allocation to meet an identified housing need set out within policy in the plan. Accordingly, the criteria set out in para 14 (d) has not been met and any contradiction with policies relating to the provision of housing cannot be considered as a significant and demonstrable harm sufficient to outweigh identified benefits on its own. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative.

The main issues are considered to be:

- The Principle of Development
- Landscape and Visual Impact
- Design and Layout
- Impact on residential amenity
- Highway Matters
- Flooding and drainage
- Ecology and Biodiversity

The Principle of the Development

The application site is located outside but partially adjacent to, the Development Limits to the settlement of Burton on the Wolds, as established under The Wolds Neighbourhood Plan Policy WV11 and “saved” Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. The Neighbourhood Plan is more recent than the Local Plan and therefore carries more weight, being more up to date. For land outside these Development Limits policies WV11 of the Neighbourhood Plan and Saved Policies CT/1 and CT/2 of the Local Plan apply. All of these policies seek to control development outside of a relatively narrow set of criteria. The proposed development would not comply with the criteria under any of these three policies. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. Within the settlement hierarchy, Burton on the Wolds 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.

These policies are those that are the most important for establishing whether development of the site for housing is acceptable in principle.

The development is at odds with these housing supply policies as it comprises the provision of a dwelling 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.

Within this assessment, it should be recognised the proposal would result in the provision of an additional dwelling, at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However, given the 5 year supply position of the Borough Council 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 ST/2, WV11 and WV13, which seek to direct growth away from smaller settlements, as well as provide a supply of smaller homes. This weighs against the proposal, however it is not considered this would significantly and demonstrably outweigh the benefits, insofar as the principle of development is concerned. 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 for the proposal.

It should also be noted, planning permission has recently been granted on land to the south and east of the site for 70 dwellings under the reference: P/20/2322/2. This land is also outside of the settlement boundary and would largely surround the proposed development and would remove the site's open countryside character. Whilst it is noted that planning permission has been refused for residential development on this site in the past, this was back in 2003 prior to the current situation with the Council's housing land supply, under different planning policies and was also prior to the residential development of the neighbouring site obtaining planning permission. It is therefore considered that whilst contrary to the Development Plan, the proposed development would not result in significant or demonstrable harm that would outweigh the public benefits of the provision of a dwelling, in line with paragraph 11 the NPPF.

Landscape and Visual Impact

Policies CS2 and EV/1 seek to require high quality design where people would wish to live through design that responds positively to its context and Policies CS11 and CT/2 seek to protect landscape character and countryside. Policy WV1 also seeks to protect the Landscape of the Wolds. These policies generally accord with the NPPF and do not directly frustrate the delivery of housing. As a result, it is not considered that there is a need to reduce the weight given to these policies.

The Council's Landscape Character Assessment was adopted in 2012, whilst this Character Assessment seeks to conserve and enhance the rural character of the Wolds, the adjoining development for 70 dwellings, recently granted permission means that the area immediately adjacent to the site, once construction has been completed, will no longer be rural in character and the impact of both the proposed dwelling and the proposed detached garage on the rural character of the Wolds would be significantly reduced as a result.

Whilst the site lies outside of the settlement boundary and is therefore technically open countryside, it adjoins the settlement boundary and is well connected to the village. With permission granted for the residential development of the adjoining site, the site would largely be enclosed by other large-scale development. It is therefore considered that the provision of a single dwelling and detached garage on this site would not result in harm to the landscape character of the open countryside or have a significant or demonstrable adverse visual impact in line with Paragraph 11(d) of the National Planning Policy Framework 2021. Whilst it is acknowledged that the adjacent development has not yet been implemented, a reserved matters application has been submitted by a developer with a good track record of delivery. It is therefore considered highly likely that the scheme will be delivered in the near future thus significantly

changing the characteristics of the site and thereby absorbing any landscape or visual impact caused by the proposal in its own right.

It is therefore considered that that the proposal would accord with policy CS2 of the Core Strategy, Saved Policies EV/1 and CT/2 of the Borough of Charnwood Local Plan 2004 and Policy WV1 of the Neighbourhood Plan in this regard.

Design and Layout

Policies CS2, EV/1 and WV16 seeks high quality design for new development. 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 proposed development would be sited on a large plot and is considered to complement the design of the existing dwelling at the site. There is no uniform character of dwellings in this part of the village and the dwelling would therefore not be out of keeping with the character and appearance of the local area. Furthermore, the proposed dwelling would use high quality materials, such as timber windows and doors with a slate roof. Whilst the proposed dwelling would be fairly large in scale, this would be in keeping with the existing dwelling at the site and given the large size of the existing dwelling's plot, the proposed development would not lead to a cramped appearance. The size of the plot also means that there would be sufficient amenity space for both dwellings and the proposed detached garage.

The proposed garage is also considered to be of a suitable scale and would be of a design that would be in keeping with both the proposed dwelling and the existing dwelling at the site.

The design of the proposed development is therefore considered acceptable, a planning condition requesting details of the specific materials to be used, could be attached to ensure that these are of a suitable standard. It is therefore considered that the proposed development would comply with Policy WV16 of the Wolds Neighbourhood Plan, Policies CS2 and EV/1 of the Development Plan and national guidance in terms of design.

Housing Mix

Policy WV14 of the Neighbourhood Plan aims to provide an appropriate mix of housing, as does Policy CS3 of the Core Strategy. The evidence referred to by Policy WV14 identifies a need for 2 and 3 bedroom properties. As the proposed development would be a 5-bedroom property, it would technically be in conflict with this policy. However, Policy CS3 also requires us to have regard for the character of the area. Given the character of the area is predominantly larger residential dwellings, this conflict is not considered to be significant or demonstrable and would not outweigh the Council's position in relation to a lack of 5 year housing supply. The impact of the proposed development in relation to housing mix is therefore considered to be acceptable.

Impact on Residential Amenity

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.

The proposed dwelling would be sited a sufficient distance away from the existing dwelling at the site that there would be no impact in relation to loss of light or over-dominance. The windows on the proposed dwelling are also considered to be positioned so that they would not have any significant impact in relation to overlooking of the existing dwelling. Furthermore, although there would be additional vehicle movements going past the existing dwelling, given that only one dwelling is proposed and that the nearest windows of the main dwelling would be set back from the driveway, this impact is considered to be acceptable. The impact of the proposed dwelling on the residential amenity of the existing dwelling is therefore considered to be acceptable. The proposed detached garage for the existing dwelling is also sited far enough away from any neighbouring properties that there would be no significant impact.

In terms of the impact of the proposed development on the dwellings granted planning permission to the south and east of the site, the Reserved Matters for this development covering the specific layout and detail have yet to be approved. However, an application is currently being considered regarding these. Based on the application currently submitted, the proposed dwelling would be at opposite ends of the rear gardens on the adjoining development and would therefore have no significant impact in relation to loss of light or over-dominance, especially given that the proposed dwelling would be set back from the boundary and the proposed dwellings on the adjoining site would be approximately 26 metres from the boundary on the current layout. In terms of the proposed property on the adjoining development to the rear, whilst this distance would be significantly shorter, the properties would be offset from each other and the angle between the two would not give significant cause for concern in relation to loss of light or overlooking.

In terms of overlooking, there would only be one first floor window facing south that would be set well back from the boundary and would therefore not have a significant impact in relation to overlooking. Although there would be a window facing east, fairly close to the dwelling on plot 1 of the adjoining development, this would be offset, given the distance of the proposed dwelling from the boundary and would therefore not result in significant overlooking to plot 1 either. There are no other properties that would be impacted upon by the proposed development and the impact on neighbour amenity is therefore considered to be acceptable.

In terms of the amenity of future occupiers, the proposed dwelling would comply with national space standards and there would be sufficient amenity space provided. The impact on the amenity of future occupiers is therefore also considered to be acceptable.

The proposal would therefore, comply with the provisions of policies CS2 and EV/1 along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

Highway Matters

Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent 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

Paragraph 110 of the NPPF seeks to promote sustainable travel choices. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.

The proposed development would accommodate at least 3 parking spaces each for both the existing and the proposed dwelling, which is in line with adopted standards for dwellings of this size. In terms of the access, the dwelling would share the existing access and private drive from Sowters Lane, which has good visibility and Sowters Lane is a quiet road with minimal vehicle movements. Although there are gates at the access, these are set well back from the road. Given that the proposed development would only result in one additional dwelling using this existing access, it is considered that there would be no severe harm to highway safety resulting from the proposed development and the impact on highway safety is therefore considered to be acceptable.

Flooding and Drainage

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.

Although there is a surface water flooding issue on the adjacent site, close to Melton Road and the water course, the proposed development is for a single dwelling and is not subject to consultation with the Lead Local Flood Authority. The applicant would need a separate consent from Severn Trent or the Lead Local Flood Authority before discharging into the sewer or watercourse, otherwise drainage has to be disposed of on site and would be subject to building regulations. The site itself is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. The Environment Agency has not raised specific objections to the proposal. The impact of the proposed development on flooding is therefore considered to be acceptable and compliant with policy CS16 of the Core Strategy and the Framework.

Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.

The proposed site plan shows that all trees are to be retained at the site following the

development. None of these trees are protected, however, as limited information has been submitted regarding the trees and they are proposed to be retained, tree Protection measures will be conditioned as part of any planning permission. With this condition in place, the impact of the proposed development on trees is considered to be acceptable and would be in accordance with Policy WV3 of The Wolds Neighbourhood Plan.

There are not considered to be any ecological constraints at the site, with the development purely being sited on the applicant's drive and garden area and any net biodiversity loss is likely to be limited. It is also material to note that as the site is already within an existing residential curtilage, permitted development rights mean any value could be potentially lost and this could not be currently controlled by the local planning authority.

The proposed development is therefore considered to be in compliance with policy CS13 and WV3 of the Development Plan.

Planning Balance and Conclusion

Overall, the proposal has been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

As there is currently an insufficient supply of deliverable housing sites, this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. 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 a dwelling to mitigate against this shortfall, on a site that whilst technically outside of the settlement boundary and in the open countryside is likely to be almost entirely surrounded by residential development in the near future, following the grant of planning permission for 70 dwellings at the neighbouring site. As a result it is not considered that the proposal would result in significant or demonstrable harm which would outweigh the identified benefits in accordance with paragraph 11d of the NPPF. The proposed dwelling is considered to be of an acceptable design, there are no technical constraints relating to highways, or flooding and there would be no net loss of biodiversity. There would be no harm to neighbour amenity and the residential amenity of future occupiers of the proposed dwelling is also considered to be acceptable.

Weighed against this, is the conflict with Development Plan policies which set out the spatial strategy for the Borough.

On balance it is considered the proposed development is acceptable for the reasons set out in the report above, and it is therefore recommended that planning permission is granted subject to conditions.

RECOMMENDATION :-

Planning permission be granted subject to the following conditions and notes:

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</p> <p>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.</p>
2.	<p>No development shall commence until details of the external materials to be used in the development hereby permitted are submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none">- Proposed Ground & First Floor Plans – 1827-01a;- Proposed Elevations – 1827-02b;- Site Layout Plan – 1827-03c;- Block & Location Plans – 1827-04a; and- Garage Plan, Sections and Elevations – 1827-05b. <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>Prior to the commencement of the development hereby permitted, details of Tree Protection Measures to be carried out during the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall thereafter be carried out in strict accordance with these measures.</p> <p>REASON: To ensure that there is no harm to trees caused during the construction period.</p>
5.	<p>Prior to the occupation of the dwelling hereby permitted, a plan showing the parking provision for the existing and proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The parking provision shall be implemented in accordance with these plans and shall be retained thereafter in perpetuity.</p> <p>REASON: To ensure that there is sufficient parking provision for each dwelling in the interests of highway safety.</p>

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24,

CS25, ST/2, CT/1, CT/2, EV/1, TR/18, WV1, WV5, WV11, WV13 and WV16 because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.

2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
3. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
4. The Applicant is requested to note that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Charnwood Borough Council (Tel. 01509 634924 or 01509 634757). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.

