

Rearsby Parish Council Neighbourhood Plan

Regulation 16 Consultation
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Prepared by Fisher German LLP on
Behalf of Clarendon Land and Development



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Land at Gaddesby Lane, Rearsby

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01 Introduction

- 1.1 These representations are prepared on behalf of Clarendon Land and Development in respect of their land interests at Gaddesby Lane, Rearsby as illustrated on Figure 1 below. The site has been previously promoted through various stages of the emerging Local Plan 2019-2036 and was included as a proposed allocation for residential development in the Draft Charnwood Local Plan 2019-36 consultation document (Reference HS73). In responding to the consultation document, technical documents to support the allocation of the site were submitted, including highways and landscape, demonstrating the sites suitability.
- 1.2 The Rearsby Neighbourhood Plan Submission Version (Regulation 16) (February 2021) acknowledges the proposed Local Plan allocation, advising that *“The housing allocation for 47 dwellings in the draft Local Plan alongside windfall development will ensure that sufficient land to meet residential need is available in the right locations”*.



Figure 1 – Site Location (source Google Earth)

- 1.3 Rearsby is designated in the adopted and emerging Charnwood Borough Local Plan as an 'Other Settlement'. Paragraph 4.48 of the current adopted Local Plan sets out that 'Other Settlements' benefit from four or more key services and are considered to represent sustainable settlements suitable and capable of delivering new homes.
- 1.4 Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990, as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004, sets out the requirements of Neighbourhood Plans. It is clear that only Neighbourhood Plan's that meet each of the basic conditions can be put forward to referendum. The basic conditions are applicable to Neighbourhood Plans are:
- A. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Plan.
 - B. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order.
 - C. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order.
 - D. The making of the Neighbourhood Plan contributes to the achievement of sustainable development.
 - E. The making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - F. The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
 - G. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 1.5 It is considered that the Neighbourhood Plan, as drafted, loosely meets the above basic conditions. It is however recommended that the Neighbourhood Plan is strengthened to ensure compliance with Basic Condition E "*conformity with the strategic policies contained in the development plan for that area*".
- 1.6 The Neighbourhood Plan, as drafted, makes reference to the emerging Local Plan allocation in paragraphs 2.30 and 4.25, as set out below:

“The draft Local Plan allocates a site for 47 dwellings in Rearsby. It is considered that further residential growth over and above this can be met through windfall development in the Parish”. Paragraph 2.30

“Having considered these issues, the Neighbourhood Plan reinforces the Limits to Development as drawn in the draft Local Plan in order to protect the Parish from unsustainable development proposals. The housing allocation for 47 dwellings in the draft Local Plan alongside windfall development will ensure that sufficient land to meet residential need is available in the right locations”. Paragraph 4.25

- 1.7 In order to ensure compliance with Condition E it is considered that the Neighbourhood Plan should, as a minimum, fully reference the emerging Local Plan allocation ‘HS73 – Land off Gaddesby Lane’ within the paragraphs referred to above. Suggested amended text is detailed below:

*“The draft Local Plan allocates **HS73, Land off Gaddesby Lane**, for 47 dwellings in Rearsby. It is considered that further residential growth over and above this can be met through windfall development in the Parish”.*

*“Having considered these issues, the Neighbourhood Plan reinforces the Limits to Development as drawn in the draft Local Plan in order to protect the Parish from unsustainable development proposals. The housing allocation **HS73, Land off Gaddesby Lane**, for 47 dwellings in the draft Local Plan alongside windfall development will ensure that sufficient land to meet residential need is available in the right locations”.*

- 1.8 Notwithstanding the above, it is considered that to demonstrate full compliance with Condition E as well as provide greater transparency for residents, the Neighbourhood Plan should go further than solely amending the existing paragraphs referenced above and specifically include the proposed allocation HS73 within the development limits on Map 2. As discussed in more detail below, the absence of the allocation (both in policy wording and on Map 2) means that not only is the Neighbourhood Plan risking conflict with the Emerging Local Plan, Rearsby would also not benefit from the extra protection Paragraph 14 of the National Planning Policy Framework offers.

Representations and comments are made on policies in the order that they appear in the draft Rearsby Neighbourhood Plan (Regulation 16).

02 Representations

Policy R1 – Design

- 2.1 Whilst we do not object to this policy and fully recognise the importance of the Rearsby Village Design Statement, it is considered that bullet point C should be reworded to reflect the HS73 Land off Gaddesby Road being brought forward. The following amendment is suggested:

'Large-scale development at the boundaries of the village which adversely affect the rural aspect of the four main approaches as seen from within and without should be avoided. A Landscape and Visual Impact Assessment should be prepared and submitted with the planning application for HS73, Land off Gaddesby Road, and careful consideration given to the proposed site layout to reflect its location'.

Policy R3- Promoting Effective Use of Land- Limits to Development

- 2.2 It is considered that in order for the Neighbourhood Plan to demonstrate full compliance with Basic Condition E, that Map 2. Limits to Development and the wording of Policy R3 should be amended to include HS72 Land off Gaddesby Lane. The suggested amendments would also ensure that Rearsby could benefit from the extra protection Paragraph 14 of the National Planning Policy Framework offers. This states the following:

"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years".*

- 2.3 The 'presumption in favour of sustainable development' would apply in circumstances where the Council can fail to demonstrate a 5-year housing land supply or deliver above 75% of the required housing as published in the Government's annual Housing Delivery Test. It is noted at present the

Council considers it can currently only demonstrate 4.1 years, meaning that the presumption in favour as set out at Paragraph 11 is applicable – with the exception of Neighbourhood Plan Areas which accord with the provisions of Paragraph 14 i.e. contains policies and allocations to meet its identified housing requirement. If the Plan is not amended as suggested, there is a risk unplanned, speculative development may be brought forward.

- 2.4 As detailed previously it is therefore recommended that Map 2. Limits to Development, is amended to reflect HS73, as illustrated below:



2.5 In addition, it is suggested that the policy wording of Policy R3 is amended as follows:

*“Within the proposed Limits to Development shown on the Policies Map (Map 2), development for proposals for new uses, the conversion of existing buildings, **and for the development of HS73 Land off Gaddesby Lane**, will be supported provided that:*

- a) They retain, where possible, existing boundaries such as trees, hedges and streams which either contribute to visual amenity or are important for their ecological value;*
- b) Their design respects the distinctive qualities of the special and attractive landscape in which Rearsby is situated ~~and the potential for local flooding~~ in line with the Local Landscape Character Assessment undertaken by Charnwood Borough council;*
- c) Their design respects the significance of heritage assets;*
- d) They do not have undue impact on the living conditions of the occupants of neighbouring properties in terms of loss of privacy, daylight or visual intrusion;*
- e) They do not reduce garden/green space to an extent where it adversely affects the distinctive character of Rearsby or the amenity of the proposed occupiers of the new development or adjacent properties or uses;*
- f) Any traffic generation and parking impact created does not have an undue direct or cumulative impact on congestions, or upon road and pedestrian safety.*
- g) The development considers the potential for local flooding.***

Land outside the Limits to Development is treated as open countryside, where development will be carefully controlled in line with the provisions of this Neighbourhood Plan, local and National strategic policies”.

2.6 In addition to the above amendments, as detailed previously paragraphs 2.30 and 4.25 of the Neighbourhood Plan also require update, as set out below:

*“The draft Local Plan allocates **HS73, Land off Gaddesby Lane**, for 47 dwellings in Rearsby. It is considered that further residential growth over and above this can be met through windfall development in the Parish”. Para 2.30*

*“Having considered these issues, the Neighbourhood Plan reinforces the Limits to Development as drawn in the draft Local Plan in order to protect the Parish from unsustainable development proposals. The housing allocation **HS73, Land off Gaddesby Lane**, for 47 dwellings in the draft Local Plan alongside windfall development will ensure that sufficient land to meet residential need is available in the right locations”. Para 4.25*

2.7 Given the increased housing need, and current housing land supply shortfall across the Borough, the Neighbourhood Plan should remain sufficiently flexible to reflect any future changes to the emerging Local Plan. If increased housing numbers are identified for Rearsby, the numbers referred to in the Neighbourhood Plan will need to be updated.

Policy R4A – Housing Mix

- 2.8 It is noted that Policy R4A states that housing development proposals should take into account the “*most up to date assessment of housing need*”. For the avoidance of doubt, it is considered that the policy text should be updated to confirm that the most up to date assessment of housing need can also be that, prepared at Borough level, not just by the Parish Council.

Policy R6C – Important Views

- 2.9 The identification of the ‘Important Views’ provided in Appendix C to the Neighbourhood Plan do not appear to have been sufficiently evidenced and justified. It is considered that further detail needs to be provided in respect of the importance of these views. Notwithstanding this, any future development of HS73 Land off Gaddesby Lane would be well-screened, seen in the context of the existing development and be sensitively designed to respond to the site context. Through the design proposals there is an opportunity to create an attractive edge of settlement scheme which will be in accordance with Policy R6C. Any planning application submitted on the site will be supported by a Landscape and Visual Impact Assessment which will consider this view in detail.

Conclusion

- 2.10 We recognise and support that the land at Gaddesby Lane is positively acknowledged within the draft Plan, as a site for future residential development.
- 2.11 We would however recommend the Plan is modified as suggested in order remedy the issues highlighted above to ensure broad conformity with the emerging Local Plan. Such changes will also afford the Neighbourhood Plan area greater protection for speculative development, in the two years following the Plan being made, should the Council continue to be unable to demonstrate a five year housing land supply or fail to satisfy the Housing Delivery Test.