

Item No. 1

Application Reference Number P/17/0531/2

Application Type: Outline **Date Valid:** 17/03/2017
Applicant: Jelson Ltd
Proposal: Residential development of up to 66 houses
Location: Land at Melton Road
Rearsby
Leicestershire

Parish: Rearsby **Ward:** Wreake Villages
Case Officer: Karen Brightman **Tel No:** 01509 632520

This application is being brought to Plans Committee as it is a resubmission of a previous application which Members refused at the Plans Committee meeting of 23rd July 2015. Whilst this is a similar scheme and recommended for refusal again, it is considered that three of the reasons for refusal can no longer be substantiated and therefore Members are being asked to consider the resubmitted scheme.

Description of the Site

The site lies to the south of the village of Rearsby and is approximately 4.4ha in area. It forms part of a larger field which is grazed pasture land and is on the edge of Rearsby Conservation Area, with the boundary running along the driveway to Rearsby House to the north east of the site. Land levels rise gently from south to north and from east to west across the site before falling away again towards the Wreake Valley to the north. The boundaries to the site are defined by a mix of field hedges, post and rail and post and wire fencing although the western boundary is undefined. There are a number of trees within and adjoining the site which are mostly located close to existing boundaries. The exception is the two Sycamore trees which stand within the middle of the field but on the western edge of the application site boundary.

Surrounding land uses are as follows:

Boundary	Adjacent land use
North	Gardens to properties on Orton Close, landscaped area and driveway to Rearsby House
South	Gardens to properties on Melton Road, horticultural nursery business and open land.
East	Melton Road
West	Open Countryside

A rural public footpath crosses the site from west to east linking the village with the open countryside and East Goscote.

Description of the Application

The application seeks outline planning permission for the principle of developing the site with up to 66 dwellings and associated public open space with all matters reserved other than access. It includes an indicative illustrative layout which shows how the site might be developed with a single access into the site off Melton Road involving a simple 'T' junction design leading to a small loop road affording access to several cul de sacs and private drives. The housing itself is broadly laid out in 5 groups of largely detached and semi detached dwellings which are set in outward facing blocks. The layout shows the public footpath retained with an avenue of trees and a swale drainage feature running along either side of it. The main area of proposed open space is located at the site's Melton Road frontage and includes an equipped children's play area. To the rear of the site an area of landscaping is also proposed which would be linked to the area fronting Melton Road via the footpath corridor.

The following documents are included with the application:

- Application Forms
- Illustrative Master Plan
- Parameters Plan
- Planning Statement
- Landscape and Visual Appraisal
- Ecological Appraisal
- Design and Access Statement
- Arboricultural Assessment
- Framework Travel Plan
- Flood Risk Assessment
- Geophysical Survey Report
- Archaeological Desk Based Assessment
- Transport Assessment
- Framework Travel Plan
- Soils and Agricultural Use Quality Survey
- Neighbourhood Assessment

The documents outline further overarching principles for the site. The key principles are:

- The development would not exceed two storeys in height
- 40% (27) of the dwellings on the site would be affordable. These would be a mix of 2 and 3 bed units with tenure subject to negotiation. These are not currently shown on the indicative layout.
- Existing trees and hedges, other than where hedgerows would be removed to accommodate the access, would be retained
- There is an undertaking to enter into a section 106 legal agreement to include affordable housing, maintenance of open space, educational contributions, sustainable travel and healthcare contributions where these requests are regarded as CIL compliant.
- The site is entirely within Grade 2 of the Agricultural Land Classification system.

The current application differs from the previous application that was refused under application P/15/0482/2 in that it includes additional information relating to housing need in the area and the context set out in the planning statement has evolved to reflect changes in policy and recent case law and appeal decisions.

The previous application P/15/0482/2 was refused for the following reasons:

“Whilst it is acknowledged that the Council is not currently able to demonstrate the availability of a five year supply of housing land and that there is a presumption in favour of sustainable development, the cumulative adverse impacts of the development are considered to outweigh the benefits of the additional housing. As a result the development is not considered to be sustainable. The cumulative adverse impact of the proposal is considered to be significant and demonstrable and comprises the following individual elements:

- The location does not offer a sustainable location for new housing growth when the Borough is considered as a whole. As a result the development does not comply with the most recent expression of sustainable growth as set out in the Core Strategy.*
- The proposal would have an adverse impact on the landscape character of the area, including the area of local separation between Rearsby and East Goscote, an adverse impact on Rearsby conservation area and it would give rise to localised visual harm.*
- The proposal does not make effective use of brownfield land and would result in the loss of good quality agricultural land.*
- The local primary school could not cope or be realistically expanded to cope with the additional demand for places that the development would generate and as a result primary school aged children from the village would have to be schooled outside the catchment area. This would not give rise to a strong social role.*
- The traffic calming package which has been identified as necessary to reduce traffic speeds in the vicinity of the access could not be implemented in full due to other constraints and for this reason there are serious concerns regarding highway safety*
- The policing infrastructure in the area would not be able to support the increase in demand that the development would give rise to.”*

The elements of the previous reasons for refusal, that officers consider cannot now be substantiated, relate to difficulties in providing infrastructure requirements. In particular they relate to expansion of the local school, traffic calming and policing. A change in the school's business plan means that there is now a solution which would allow the local school to expand, traffic calming measures have evolved so that a package suitable for Melton Road could be used and there is no longer a deficit of resources in terms of policing.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9th November 2015)

The following policies are relevant to this application:

Policy CS1 – Development Strategy. provides the Development Strategy for Charnwood. The policy sets out a settlement hierarchy for the Borough and the criteria for considering proposals within those settlements. Rearsby is an ‘other settlement’ along with 11 other settlements where at least 500 new homes within settlement boundaries will be identified in later planning documents up to 2028.

Policy CS2 - High Quality Design. This 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. This sets out affordable housing requirements and requires an appropriate mix of types, tenures and sizes of home. For developments at Rearsby there is a target of 40% on sites of 5 dwellings or more.

Policy CS 11 - Landscape and Countryside. This provides support and protection for the character of Charnwood’s landscape and countryside. New development should reinforce sense of place and local distinctiveness by taking account of landscape character assessments and should maintain tranquillity and the separate identities of towns and villages. Rural local need housing will be supported along with community services and facilities that meet proven local need identified by the community in an appropriate plan.

Policy CS12– Green Infrastructure. This policy sets out support for Charnwood’s green infrastructure which is illustrated within the diagram at paragraph 7.17. The site is shown within an area of local separation between Rearsby and East Goscote. although the policy text offers no advice specific to these.

Policy CS13 – Biodiversity and geodiversity. This policy sets out support for proposals that protect biodiversity and geodiversity and those that enhance, restore or re-create biodiversity.

Policy CS14 – Heritage. This policy seeks to conserve and enhance heritage assets and states that developments should protect heritage assets and their setting.

Policy CS15 - Open Spaces Sports and Recreation. This requires new development to meet the standards set out in our Open Space Strategy; retaining open space, sport and recreation facilities where they are of value to the community; responding positively to development that meets provision identified in a robust community-led strategy or Neighbourhood Plan; and securing long term management and investment plans for existing and new facilities.

Policy CS17 - Sustainable Travel. seeks to achieve a 6% shift from travel by private car to walking, cycling and public transport by requiring major developments to provide walking, cycling and public transport access to key facilities and services; requiring major developments to provide safe and well-lit streets and routes for walking and cycling that are integrated with the wider green infrastructure network; and securing new and enhanced bus services where new development is more than 400 metres walk from an existing bus stop.

Policy CS24 – Delivering Infrastructure. This seeks development to contribute to the reasonable costs of on site, and where appropriate off site, infrastructure through the use of legal agreements.

Policy CS25 – Presumption in Favour of Sustainable Development. This policy reflects the NPPF and reinforces the positive approach the Council will take in respect of sustainable development.

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

The saved policies relevant to this proposal include:

Policy ST/2 - Limits to Development - This policy seeks to restrict development to within the existing Limits to Development boundaries of existing settlements to ensure that development needs can be met without harm to the countryside or other rural interests.

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 CT/1 - General Principles for Areas of Countryside, Green Wedge and Local Separation - This sets out the criteria against which to assess proposals for development within a Countryside location. This is limited to small scale developments and re-use and adaptation of rural buildings for uses suitable in scale and nature. The exceptions are agricultural or forestry proposals, facilitation of the rural economy, improving recreational facilities, and implementing strategically important schemes.

Policy CT/2 - Development in the Countryside - This policy seeks to ensure development acceptable in principle should not harm the character and appearance of the countryside and safeguard its amenity interests.

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

Rearsby Neighbourhood Plan

This document is in its formative stages and has recently been subject to an initial round of public consultation. This plan does not identify the site to meet any housing need in the village. The document is considered to carry limited weight at this stage.

Material considerations

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development and defines 3 roles a development must fulfil in order to be sustainable:

- 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

The NPPF offers the following advice that is particularly relevant to the consideration of this proposal:

- Paragraph 14 stipulates that proposals that accord with the development plan should be approved and that where policies are out of date proposals should be approved unless the harm in doing so significantly and demonstrably outweighs the benefits.
- Paragraph 17 sets out core planning principles including the need to recognise the roles and character of different areas and the intrinsic beauty of the countryside.
- All housing applications should be considered in the context of the presumption in favour of sustainability and housing supply policies cannot be regarded as up to date unless a 5 year supply can be demonstrated (paragraph 49)
- Paragraph 50 states that Local Authorities should plan for a mix of housing based on demographic need.
- With regard to development in rural areas, there is advice that local planning authorities should be responsive to local circumstances and that housing development should reflect local need, (paragraph 54)
- Paragraph 55 states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities
- Paragraph 58 details criteria to achieve good design
- Paragraph 61 advises that decisions should address the integration of new development into the natural, built and historic environment
- Advice is given that policies should protect and enhance rights of way in paragraph 75
- Paragraph 109 advises the protection of valued landscapes, geological conservation interests and soils.
- Paragraph 112 Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

National Planning Practice Guidance (NPG)

The NPG offers planning advice on a wide range of matters relating to new housing. It states that assessing housing need should be done at a strategic level and via local plans. It recognises some rural housing is essential and advises avoiding blanket bans on housing in settlements.

There is also specific advice within the NPG relating to agricultural land. Support is given to ensuring that, where development is necessary, it takes place on land of the lowest agricultural value.

Planning (Listed Buildings and Conservation Areas Act) 1990

Local planning authorities shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Environmental Impact Regulations

The development has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and the conclusion is this proposal would not be likely to have significant effects on the environment, within the meaning of the Regulations given the scale and type of development. Accordingly the planning application for this development does not need to be accompanied by an Environmental Statement.

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

The Community Infrastructure Levy 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:

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

Rearsby Village Design Statement (2002)

This document, prepared by residents, sets out guidelines for development within the village. These guidelines include advice that large scale development at the boundaries to the village which adversely affects the rural character of the four main approach routes should be avoided.

Rearsby Conservation Area Appraisal (July 2010)

This document examines the historical development of the Conservation Area and describes its present appearance in order to assess its special interest. It is intended to inform planning proposals and decisions within the area.

Charnwood Landscape Character Assessment 2012

This document sets out key landscape characteristics across the Borough. The application site falls within the Wreake Valley Character area.

National Character Areas Profiles 2014

This document defines landscape character areas on a national level and places the site within the Leicestershire and Nottingham Wolds national character area

Housing Supplementary Planning Document (May 2017)

This document suggests affordable housing is provided for sites of 11 units or more at a rate of 40% of the total capacity. It aims to provide housing mix in line with Housing and Economic Development Needs Assessment (HEDNA). The SPD is currently subject to judicial review but is considered to carry full weight as no decision has yet been made.

Housing and Economic Development Needs Assessment (HEDNA)

HEDNA provides an up- to-date evidence base of local housing needs including 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. Whilst Objectively Assessed Need figure remains untested in a plan making environment and is therefore not to be relied upon at the current time, the housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Building For Life

Is a national document which sets out criteria for assessing the quality of design that a proposal achieves.

Charnwood Open Space Strategy (2013-38)

This document sets out open space needs across the Borough including shortfalls by settlement.

Relevant Planning History

There are a number of applications both on the site and within the area which are relevant. These are set out chronologically in the table below:

Ref.	Description	Decision	Date
P/11/1277/2	Site for the erection of 4 dwellings to the rear of 1700 Melton Road.	Refused and appeal dismissed	09/11
P/12/0359/2	Erection of 4 houses – Gaddesby Lane	Granted	04/12
P/12/0458/2	Erection of 4 houses – East of Village Hall	Refused and appeal allowed	05/12
P/12/1189/2	Erection of 12 houses – Weston Close	Granted	07/12
P/12/1709/2	Erection of 60 houses (Outline) – Rearsby Roses	Refused and appeal allowed	04/13

P/13/1369/2	Erection of 60 houses (Reserved Matters) – Rearsby Roses	Granted	11/13
P/14/2537/2	Erection of 2 Houses – Gaddesby Lane	Refused	02/15
P/15/0537/2	Erection of 3 Houses (Reserved Matters) – Rearsby Lane	Granted	05/15
P/15/0482/2	Outline application for up to 66 dwellings	Refused	07/15

Responses of Statutory Consultees

The table below sets out a summary of the responses received from Statutory Consultees and local organisations. The responses can be read in full on Charnwood's website.

Response from	Comments
Rearsby Parish Council	<ul style="list-style-type: none"> • The previous reason for refusal remains relevant as there have been no significant changes. • Charnwood are now able to demonstrate a 5 year land supply and this has been backed by Inspectors at recent appeals. • The submitted neighbourhood needs assessment is challenged. • The location is not sustainable • Would impact on an Area of Local Separation • Impact on conservation area • Highways data out of date • Scale and location inappropriate • Contrary to neighbourhood plan
Keep Rearsby Rural (Local residents' Action Group)	<ul style="list-style-type: none"> • Previous objections to P/15/0482/2 remain • The previous reason for refusal remains relevant as there have been no significant changes. • Charnwood are now able to demonstrate a 5 year land supply and this has been backed by Inspectors at recent appeals. • The submitted neighbourhood needs assessment is challenged. • The location is not sustainable • Would impact on an Area of Local Separation • Impact on conservation area • Highways data out of date • Scale and location inappropriate • Contrary to neighbourhood plan
Natural England	No comment but reference is made to standing advice
Severn Trent	No objection subject to the imposition of planning conditions relating to details of surface and foul water drainage being provided.
Leicestershire County Council (Education)	A contribution of £191,648.32 is sought towards remodelling and enhancing facilities at Rearsby St Michael & All Angels C of E School.

Response from	Comments
Leicestershire County Council (Libraries)	A contribution of £1,990 is sought towards stock provision at East Goscote Library.
Environmental Health	No objection to the proposal.
Leicestershire County Council (Rights of Way)	Note that the revised footpath position is correct. Seek the hard surfacing of the path and planting that would not overhang.
Leicestershire County Council (Highways)	Do not object to the proposal. The revised TA figures suggest there would not be capacity issues. Traffic calming is supported in the vicinity to slow traffic speeds near to the exit. It is considered that a suitably designed, non vertical scheme could be achieved given changes in the types of measures now favoured.
Leicestershire County Council (Lead Local Flood Authority)	Advise that the Flood Risk Assessment is insufficient and that a drainage strategy and infiltration calculations need to be provided. However, it is noted that when the previous application was submitted a condition requiring further detail was deemed to be sufficient.
Environment Agency	No comments due to low risk status of the site.
NHS	Seek a contribution of £33,265 to improve facilities at the Banks and Mahavir Medical centre

Other Comments Received

34 individual letters have been received from local residents. These are summarised below but can be read in full on Charnwood's website.

Issue	Number of times Raised
Impact on Area of Local Separation	22
Impact on infrastructure	18
Inappropriate scale	12
Traffic	16
Loss of countryside	10
No need	10
Precedent	9
Loss of greenspace	6
Impact on ecology	6
Landscape and Visual	11
Loss of Privacy	5
Not Sustainable	5
Loss of agricultural land	4
Impact on right of Way	4
Noise	4
Parking	3
Impact on Conservation Area	3

Loss of light	2
Drainage concerns	2
Archaeology impact	1
Should use a new town	1

A letter petition was received signed by 420 households and raising the following points:

- Not small scale and outside limits
- No material change since previous refusal
- Area of Local Separation
- Conflicts with village design statement and neighbourhood plan
- No need
- Contrary to countryside protection policies in Local Plan
- Loss of bat habitat
- Impact on a heritage asset
- Lack of infrastructure to support
- Increase in traffic
- Intrusive in the landscape

A letter from the Local Member of Parliament has been received which states that the scale of the development, the scale of local opposition and the impacts the development would have on the rural village community renders the application unacceptable. Key areas of concern are scale of the development, loss of green wedge [sic] and undeveloped land and the impact on public services. The view that this large development would change the character of the area is emphasised.

Consideration of the Planning Issues

The key issues in considering this application are considered to be:

- Principle of Development
- Five Year Housing land supply
- Impact on the landscape and the character of the area
- Loss of agricultural land
- Design and Impact on amenity of adjacent properties
- Highway Safety and the capacity of the surrounding road network
- Impact on biodiversity and protected species
- Impact on heritage assets
- Impact on infrastructure
- Affordable Housing and mix
- Open space
- Flood risk
- The Planning Balance

Principle of Development

All planning applications must be decided having regard to the development plan unless material considerations indicate otherwise. Core Strategy Policy CS1 and ST/2 seek to

direct new development to settlements through a hierarchy with the majority of growth focused on Loughborough/Shepshed and the edge of Leicester. Rearsby is classified as an 'other settlement' and a location not expected to accommodate anything other than small scale opportunities within defined settlement limits or local priorities identified by Neighbourhood Plans.

Rearsby is supported by the following range of services and facilities:

Facility	Distance (Km)	In Village?	Notes
Primary school	0.7	Yes	St Michael & All Angels Cof E
Church	0.6	Yes	St Michaels & All Angels
Public House	0.2	Yes	Horse & Groom
Community Hall	0.5	Yes	
Secondary School	3.2	No - Syston	Wreake Valley (11-18)
Local Shops	1.5	No – East Goscote	
Supermarket	3.5	No - Syston	
GP (single practitioner)	1.5	No – East Goscote	Larger practices in Syston and Sileby
Larger centre (Leicester)	11	No	
Bus Stop	0.2	Yes	Half hourly service between Melton and Leicester Mon - Sat. No services Sunday.
Railway Station	4	No - Syston	

This table shows that there is a core of relatively limited services and facilities within the village. Although, there is a wider range of provision in East Goscote and beyond as well as public transport links to larger centres which would allow residents some alternative to car travel, this level of service provision is considered appropriate only for small scale opportunities, as per Policy CS1.

Five Year Land Supply

At present, the Council can only identify a 4.6 year supply of housing land. In such cases paragraph 49 of the Framework states relevant policies for the supply of housing should not be considered to be up to date and that the presumption in favour of development set out in paragraph 14 of the Framework must be applied.

A recent Supreme Court judgement clarified that “relevant policies for the supply of housing” are those which directly relate to housing supply. Policies CS1 and ST/2 are policies which are directly concerned with the supply of housing and the weight that can be given to them needs to reflect the fact that they are not up to date. However, Policy CS1 also defines a settlement hierarchy based on the relative sustainability of settlements and seeks to guide development to locations that are well connected to jobs and infrastructure in order to provide a sustainable pattern of development. This should

also be borne in mind when considering the weight to be given to Policy CS1, along with other policies, as part of the balanced judgement.

Impact on the landscape and the character of the area

The application proposes the development of a Greenfield site, beyond the existing built up area of Rearsby, which forms part of the open countryside. This is contrary to national advice in the NPPF which states that planning decisions should encourage the effective use of land by re-using land that has previously been developed. It also runs counter to national advice found in The Framework and saved policies within the development plan aimed at protecting the intrinsic value of the countryside and valuable landscape assets. .

Policy CS11 of the Core strategy is concerned with protecting the character of the landscape and countryside in Charnwood and is considered an up to date policy. The policy lends support to residential development which has a strong operational relationship with agriculture, horticulture or forestry and development for identified local needs. Within the supporting text and Green Infrastructure diagram it makes it clear that the area of land between Rearsby and East Goscote should be retained. The first three criteria set out in CS11 are the most relevant and are set out below along with an assessment:

- The Charnwood **Landscape Character Assessment** places the site within the Wreake Valley Character area. Within this area the guidelines favour the conservation and enhancement of the tranquil and self-contained rural area east of Broome Lane. Emphasis is also placed on the need to preserve the openness of the Wreake Valley and to enhance tree planting to soften the edges of larger settlements. The assessment states with particular regard to village form that: *“Villages are generally of nucleated form. Village edges with red brick dwellings often blend well in the landscape”*. It is considered that a modern housing development of the scale proposed by the application, on rural land at the edge of the village, would not conserve or enhance the character of the rural area or relate well to the visual form of the village. The proposal, whilst including well landscaped boundaries, is of a large scale and on slightly elevated land. There is modern housing on the edge of the village, at Orton Close, but this is of a much smaller scale and already reasonably well integrated into the surroundings by planting.
- The relative **tranquillity** of an area is defined by factors such as the amount of human activity, noise, traffic and visual signs of urban development. Factors which increase these things will decrease tranquillity and need to be mitigated against or avoided. The proposal is of a scale and nature that it would have a relatively limited impact on tranquillity. Whilst there would be additional activity, pollution, and noise generated the impact of these, beyond the site itself, would not be far reaching. Visual impacts are looked at in their own right below but in terms of tranquillity they would not be material.
- **Prevention of the coalescence** of individual settlements is an established planning principle. Within Charnwood, those areas where this is particularly important have been identified within the local plan and the areas identified have been rolled forward into the Core Strategy. The area between Rearsby and East

Goscote is identified as one of these areas. Development of the application site would inevitably have an impact on the open character of this area and thereby its strategic function. An assessment of the contribution the site makes to the area of separation in terms and its open role is set out below:

Leaving the Village	<p>The existing pattern of development gives rise to a clear feeling of leaving the village upon passing the entrance to Weston Close. As the road curves gently westwards the ribbon of development beyond the site and the frontage houses to the east of Melton Road do not have a strong visual presence. This is because these houses generally comprises low density organic development which is well screened and typical of the type of housing often found along major routes in the countryside. The application site is vital in this respect as it is at this exact point, (Weston Close), that long distance views out over the surrounding countryside suddenly become apparent. The sense of enclosure no longer exists after this point and the feeling of leaving the nucleated village core is strong. Development of the site would remove this visual end point extending significantly into the visual gap and creating an urban and enclosed feel to both sides of the road.</p>
Entering the village	<p>The point around New Avenue gives rise to a changed perception in area character. There is an exception to this, however, which must be referenced. In the vicinity of the Grange Avenue junction there is a cluster of newer and more urban housing close to the west side of Melton Road. It is not considered that this reads as part of the village at present being sufficiently divorced from it by older housing, landscaping and the application site. However, it is considered that the development of the application site would greatly alter this perception in effect visually extending the village far further than its own frontage and thus narrowing the gap between the villages even more significantly</p>

As has been set out above it is a key open vista particularly when approaching and leaving the village and it is an attractive and visible piece of land traversed by well used footpaths. Therefore the proposal is not considered to meet policy CS11 or paragraph 109 of the NPPF due to its impact on the rural character of the area as set out in the Landscape Character Assessment and due to its impact on the Area of Local Separation. There is no operational link to the rural economy or local need evidence to counterbalance this judgement.

The impact of the development in terms of the Charnwood character area has been discussed above and it has been concluded that there would be an adverse impact. The site is also covered by Leicestershire and Nottingham Wolds national character area but is agreed that the scale of it in proportion to this area means that harm would be negligible.

Adjacent local and national character areas have also been assessed and it is agreed that the impacts in terms of these is also negligible.

However the application includes a Landscape and Visual Assessment (LVA) which sets out perceived impacts on the surrounding landscape and on a series of visual receptors. This concludes that there would only be negligible impact on surrounding landscapes, minor impact on local plan designations and moderate impact on the site itself. The LVA identifies some visual impact on the surrounding area in the following locations, (all lessening over time):

- Properties fronting the site on Melton Road and Weston Close
- Rearsby House
- The public footpath passing through the site (PROW 172/2)
- Melton Road site frontage

It is agreed that these are the points where the greatest visual impact would be encountered. These viewpoints are considered in more detail below:

Vantage Point	Comments
Melton Road/Weston Close properties	There would be a strong visual impact from this point. The LVA recognises that the transition from a rural to an urban view of housing would represent a significant change. It contends that this would reduce over time as planting matures and built form weathers. Whilst the concept plan suggests a green frontage this would not completely mitigate the impact of a large new housing development. It is considered that the visual impact from this point would be significant and that landscaping and weathering would play a relatively limited role in reducing this.
Rearsby House	This is situated to the north and east of the proposal on elevated land. As with the Melton Road area properties there would be a significant visual impact with rural views replaced by views of housing. Although there is also a landscaped area proposed to this boundary it would not be a substitute for the currently open rural vista meaning a long term visual impact would be inevitable.
Public Right of Way ref172/2	This footpath runs through the site where it would experience significant visual impact. To the west there are clear views into the site which would be profoundly altered. Boundary landscaping would lessen this visual impact but not remove it.
Melton Road	The current views from Melton Road into the site are open and rural. These would be replaced with views of a more formal recreational area, the new road access and housing beyond. This would result in a significant visual impact which landscape and planting would only partly mitigate.

It is clear from this analysis that there would be a significant and adverse visual impact from the development at all four of these points.

In conclusion, it is considered that the proposal would have both an adverse impact on the landscape of the area and a material adverse visual impact when viewed from the above vantage points. In this respect there would be harm to both the countryside landscape and the character of the area and the proposal would not comply with policy CS11 and paragraph 109 of the NPPF.

Loss of agricultural Land

Policy CS16 seeks to ensure that new development is sustainable and that valuable resources are not lost and is considered to be an up to date policy. In order to achieve this it supports development that protects environmental resources, specifically citing "... most versatile agricultural land" as one such resource. This is in line with the advice in the Framework, which states in paragraphs 111 and 112 that effective use of land should be encouraged and that, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land.

The proposal would involve the loss of agricultural land. A study of soils and the agricultural quality of the land has been undertaken and has been submitted with this application. This identifies the site as being land of Grade 2 or "very good" quality. As discussed above there is no evidence that there are no other sites of lower quality land that could be utilised as an alternative to accommodate this level of housing growth.

The proposed loss of an area of very good quality agricultural land is contrary to the relevant provision in Policy CS16 and para 112 of the NPPF and must be weighed in the balance against the proposal when reaching a decision on this application.

Design and Impact on amenity of adjacent properties

Policy CS2 requires new developments to be of high quality design and is considered to be an up to date policy. The application is for outline planning permission with matters of design, layout and scale reserved for future consideration. Nevertheless an indicative layout has been submitted which shows the form that a development of this size would be likely to take.

This layout suggests that it would be possible to meet some of the criteria set out within Policy CS2. For example, there is the opportunity for attractive public and private spaces to be achieved and legible and well defined streets and spaces to be achieved. It would also be possible to accommodate the amount of development proposed without serious adverse impact on neighbouring properties. Whilst this application is in outline and so the type and positioning of the proposed dwellings has not yet been determined, a basic assessment of the main relationships between the boundaries of the site and the nearest residential properties, based on the illustrative layout, is set out below:

Property	Relationship	Guide (if applicable)	Notes
Properties adjoining site on Orton Close	Back to Back	21m	This distance can be met. There is also a significant planted area to the rear of Orton close which would provide screening.

Property	Relationship	Guide (if applicable)	Notes
Rearsby House	Oblique	No guideline	Distances between this property and the development are such that a material loss of light or privacy would not occur and no over dominance would result.
Melton Road (east of)	Front facing across public areas	No guideline	There is sufficient distance combined with landscaping to ensure that there would be no material loss of light or privacy. Equally no over dominance would occur. Concerns have been raised about the impact of the access on those properties directly opposite. Whilst there would be an increase in movement and traffic these properties are set sufficiently far back to avoid significant impact.
Melton Road (west of)	Back to side	To avoid over dominance 12.5m	The relationship between the house to the rear on this boundary would need to be carefully considered. There would be the potential for it to overlook gardens in the proposed development. However this could be addressed in the detailed design stage

This preliminary assessment suggests that if the principle of the proposal were to be acceptable, a suitable design would be achievable without adverse impact on existing residential amenity. The concept plan supplied suggests that the amount of development could be accommodated without material harm to amenity and in compliance with some limited aspects of policy CS2 of the Core Strategy.

Highway Safety and the capacity of the surrounding road network

Policy CS 17 and CS 18 provide for sustainable travel and network impacts on the local and strategic road networks and are up to date policies. The NPPF states in paragraph 32 that development should only be prevented on transport grounds where the residual cumulative impacts of the development are severe. The Highway Authority does not consider that the residual cumulative impacts of this development would be severe because these impacts can be satisfactorily mitigated.

In terms of the access into the site, (which is a matter for approval at this stage), no concerns are raised due to the road being designed to accommodate much higher levels of traffic prior to the opening of the Rearsby By-pass. The Highway Authority confirms that vehicle speeds in the vicinity are too high and that they need reducing. To this end it suggests that, if the scheme were otherwise acceptable, traffic calming measures should

be installed. A condition requiring details of a scheme to be approved in writing and then implemented could be included if the proposal were to be approved.

With specific regard to the footpath through the site it has been pointed out by the rights of way officer that this should be hard surfaced and that planting should be of a type and at a distance away to avoid obstruction. Whilst this level of detail has not been included within this outline application it is considered that such a design could be achieved.

The proposed internal layout of the site is not a matter for consideration at this stage but it is noted that no immediate concerns have been raised by the Highway Authority with regard to the indicative layout supplied with the application.

To conclude it is considered that a safe access to the site could be provided for this amount of development and that there would be no conflict with the Framework. The proposed development would therefore accord with paragraph 32 of the NPPF and Policies CS17 and CS18 of the Core Strategy.

Biodiversity and Protected Species

Policy CS13 of the Core Strategy supports developments which protect, enhance, restore and recreate biodiversity and is an up to date policy.

An ecological appraisal has been carried out for the site which identifies that the arable land which forms the site has limited nature conservation value. The report recognises the value of the hedgerows and in particular their potential as commuting and foraging habitats for bats and as habitat for birds. The report recommends retention of all trees and hedgerows, care with outdoor lighting near hedges, the relocation rather than removal of dead wood and the installation of bird and bat boxes. With these measures it concludes the site's value for wildlife would be improved. The Council's ecologist has examined the appraisal and is satisfied that, providing suitable conditions are attached a scheme which protects biodiversity on the site could be designed. There is therefore no conflict with Policy CS13 and no reason to oppose the application on ecological grounds.

Heritage Assets

The Planning (Listed Building and Conservation Area) Act requires local authorities to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policy CS14 of the Core Strategy seeks to conserve and enhance heritage assets and sets out criteria to achieve this aim and is an up to date policy. These criteria include a requirement for development to protect heritage assets and their setting and support for development informed by conservation area appraisals and village design statements.

The site adjoins Rearsby Conservation area. The boundary to the conservation area is currently defined by a line of mature trees beyond which lie rear gardens and modern housing. Whilst the trees form a pleasing edge to the village the modern housing beyond and the contours of the land hide any views of the historic village core.

Rearsby Conservation Area Appraisal comments upon key views and vistas and describes the approaches to the village. It states:

“From the valley and the approach roads the village appears to be formed of a cluster of trees within which one sees glimpses of the houses. Rearsby House stands out clearly from the West but the church is almost hidden from any direction.”

It goes on to define the main contributions which form the special character of the conservation area and includes amongst these: *“...the developmental views along Melton road”*.

In this respect it is considered that the proposal would cause harm to the setting of the conservation area. It would obliterate views of the existing trees on its edge and profoundly alter the evolving views referred to on approaching the village along Melton Road. The contours of the land are such that even if the tree lined edge were to be replicated within the development, this scale of extension to the village would irretrievably harm a key vista into the conservation area and therefore its setting.

Due to the above it is considered that the proposal would result in harm to the setting of the conservation area. In terms of the advice given in the NPPF a judgment must be made as to whether the harm is substantial or less than substantial. In this instance, given that the historic core and the views of and from this would be unaltered it is not considered that the harm would be substantial. In this case it is considered the proposal would amount to “less than substantial” harm and the NPPF therefore advises that the harm must be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance the proposal makes no contribution to securing optimum use of the asset but there are public benefits such as contribution to the housing land supply. However, it is considered that these do not override the harm to the heritage asset.

A desk based archaeological assessment has been submitted with the application which identifies a high potential for Roman and Anglo-Saxon remains on the site and a lower potential for medieval and post-medieval remains. Further trial trenching is suggested which could be secured via a condition prior to development. Given this, whilst the site’s archaeological potential is acknowledged, it is not considered that any harm would be caused by the development providing suitable mitigation measures were taken.

Accordingly the assessment of “less than substantial” harm to the conservation area and conflict with policy CS14 must be added to the planning balance.

Impact on infrastructure

Assessments have been made regarding the impact of the proposed development on the existing social infrastructure. The impact has generated the need for the following additional infrastructure in accordance with Policy CS 24, which is an up to date policy. These are set out in the table below:

Body Requesting	Amount/Item	For	CIL Compliance
Highway Authority	£3,488	Travel packs to inform residents of transport choice.	Necessary – yes to meet the aims of CS17 Directly related – yes

Body Requesting	Amount/Item	For	CIL Compliance
			improves transport choice for new residents Fairly related - Yes is proportionate and relevant.
Highway Authority	Up to £47,520	2 x 6 month bus passes per dwelling	Necessary – yes to meet the aims of CS17 Directly related – yes improves transport choice for new residents Fairly related - Yes is proportionate and relevant.
Highway Authority	£5,840	Contribution towards equipping 2 bus stops with real time information.	Necessary – yes to meet the aims of CS17 Directly related – yes improves transport choice for new residents Fairly related - Yes is proportionate and relevant.
Highway Authority	Traffic Calming	To slow vehicle speeds on Melton Road. Measures to be agreed but not to include speed tables.	Necessary – yes to meet the aims of CS17 and 18 Directly related – yes improves transport choice for new residents Fairly related - Yes is proportionate and relevant.
Education Authority	£191,648.32	Primary School contributions to remodel and enhance facilities at Rearsby St Michael & All Angels C of E School.	Necessary – yes to meet the aims of CS2 and CS24 Directly related – yes ensures adequate educational provision for new residents Fairly related - Yes is proportionate and relevant.
LCC libraries	£1,990	Stock provision at East Goscote Library	Necessary – yes to meet the aims of

Body Requesting	Amount/Item	For	CIL Compliance
			CS24 Directly related – yes ensures library services for new residents Fairly related - Yes is proportionate and relevant.
Charnwood - Housing	40% of units to be affordable	50% to be for rent and 50% intermediate housing due to the constraints that lack of infrastructure in the village places on demand for affordable rented units.	Necessary – yes to meet the aims of CS3 Directly related – yes ensures adequate levels of affordable housing are provided Fairly related - Yes is proportionate and relevant.
NHS	£34,001.24	To improve facilities at Mahavir Medical Centre and The Banks Surgery, Sileby	Necessary – yes to meet the aims of CS24 Directly related – yes ensures adequate medical services for new residents Fairly related - Yes is proportionate and relevant.

The applicant has not submitted any viability documentation with the application and it is considered that infrastructure in the area could be expanded or improved to accommodate needs generated by the development.

Affordable Housing and Mix

Policy CS3 is an up to date policy and is concerned with ensuring that housing development meets the strategic needs of the Borough. It seeks to do this by way of tenure – requiring a proportion of affordable housing on sites above a certain threshold. For Rearsby 40% affordable housing is required for sites of 11 or more houses. As this site is above this threshold of 40%, 27 of the units, should be affordable to meet with the policy. The applicant has indicated an intention to provide 27 affordable units in line with the policy. On this basis the proposal meets with the relevant provisions within Policy CS3 relating to need.

Policy CS3 also requires an appropriate market housing mix in terms of size and type of home. The policy goes on to state that these factors should be considered with regard to housing needs and character of the area. The illustrative layouts which accompany the application suggest the housing is predominantly in a detached format with

approximately 18 semi-detached or link properties. Due to the lack of information in the outline submission, if Members were minded to grant planning permission for the proposal, a condition would need to be attached to establish acceptable mix parameters at reserved matters stage and the number of affordable units would also need to be detailed within a section 106 agreement.

Subject to a suitably worded condition regarding housing mix, to the proposal would comply with policy CS3 or the associated Supplementary Planning Guidance.

Open space

Policy CS15 is an up to date policy that seeks to meet strategic open space needs across Charnwood by requiring new development to meet the standards set out within the open space strategy having regard to local provision and viability. The typologies covered are set out in the table below, along with notes on provision, any commuted sum sought and an assessment of CIL compliance

Typology	Open Space Strategy	Provision on site?	Commuted Sum?	Cil Compliance
Parks	Deficit in quantity identified with proposal generating a need for 0.05ha. However, given amenity space proposed and the wider context formal park provision is not required. Formal elements to the amenity space around the children's play area are suggested in lieu.	No	No	N/a not required
Natural Open space	0.32 ha required due to deficit in quantity	Yes	No	N/a Secured within development by way of condition
Amenity Green Space	No deficit in quantity, accessibility or quality identified although scheme does provide amenity greenspace.	Yes	No	N/a Secured within development by way of condition a
Facilities for Children	No deficit in quantity, accessibility or quality identified strategically. Facilities within 480m are suggested	Yes	No	N/a Secured within development by way of condition

Typology	Open Space Strategy	Provision on site?	Commuted Sum?	Cil Compliance
	boroughwide. Scheme does provide an equipped play area.			
Provision for Young people	Deficit in accessibility and quantity identified across settlement. Facilities within 480m are suggested boroughwide. There are playing fields within 480m of this site so accessibility is not an issue for this application.	No	Yes £61,882.67 suggested	Necessary – Yes to meet the aims of CS15 Directly related – yes ensures adequate levels of open space are provided Fairly related - No commuted sum relates to providing new space and the cost given is not proportionate to a quality improvement.. To be reasonable it would need to relate to a specific improvement project at one of the playing fields nearby.
Outdoor Sports	No deficit in quantity, accessibility or quality identified	No	No	N/a not required
Allotments	No deficit in quantity, accessibility or quality identified	No	No	N/a not required
Indoor Sport	Policy suggests should be calculated using the Sport England Facility Calculator. However, this tool is only designed for developments in excess of 300 houses and smaller sites, such as this one, are unlikely to impact on existing facilities such that a need for additional facilities would be generated.	No	No	N/a not required

In terms of the provision of open space it is considered that a detailed design could be reached that would meet the requirements of Policy CS15.

Flood Risk

Policy CS16 supports development which is located within areas with a low risk of flooding, which minimise flood risk elsewhere and which do not increase run off rates above greenfield rates for greenfield sites. Policy CS16 is considered to be an up to date policy. Concerns have been raised by residents in relation to flooding and foul water drainage. Neither Severn Trent nor the Environment Agency raises objections to the proposal in principle. The Local Lead Flood Authority comments that the detail submitted is insufficient to assess the proposal but it is noted that when the same application was submitted in 2015 it was of the view that the site could be drained but that there was a need for the following further detail:

- A condition requiring details of surface water drainage
- A SUD scheme comprising at least 2 features
- A condition requiring details of foul water drainage
- A geological/hydrology survey prior to development and the implementation of any mitigation measures identified in this.

A Flood Risk Assessment (FRA) has been submitted with the application. This identifies the site to be in flood zone 1 which is considered to be a suitable and safe location for new housing and open space. Any risk with regard to flooding is from ground water and surface water. Whilst full details regarding drainage have yet to be secured it is noted from the FRA that there are no recorded instances of groundwater flooding and that the geology is slowly permeable. This suggests a moderately low probability of groundwater flooding and a risk that could be addressed via appropriate mitigation. Likewise there is nothing to suggest that a suitable scheme for surface water drainage and foul drainage could not be reached.

Details of the drainage scheme for the site could be conditioned to ensure it met the needs of all interested parties and any adopting body. It is considered that subject to the inclusion of appropriate conditions the proposal is capable of being developed without adversely affecting areas inside or outside the site due to flooding. As a result it would accord with policy CS16.

Planning Balance and Conclusion

The proposal would provide housing which is needed on a borough wide basis and a proportion of this would be affordable. The contribution to boosting housing supply should be given significant weight. The delivery of affordable homes can also be given weight. The concept design of the proposal is not without merit and it appears that the level of development proposed could be accommodated without harm to residential amenity. The site could be adequately drained and safe highway access provided, providing traffic calming is installed. These are the positive benefits of the scheme to be taken into account in accordance with the presumption in favour of sustainable development.

However, the development would result in adverse impacts. Rearsby is an 'other settlement' and is not considered to be appropriate for this level of growth and there would be harm to the landscape character of the area due to the scale and location of development. Added to this the proposal would result in the loss of good quality

agricultural land and bring less than substantial harm to the character and setting of the conservation area. This less than substantial harm would not be outweighed by the benefits that the proposal would bring.

When assessing the proposal in accordance with Paragraph 14 of the NPPF, taking all these issues together, the disbenefits of the proposal would be significant and demonstrable such as to outweigh the benefits of the proposal contributing to the Council's 5 year housing land supply. On this basis it is recommended that planning permission be refused.

RECOMMENDATION:

That the application is refused for the following reasons:

	<p>Whilst it is acknowledged that the Council is not currently able to demonstrate the availability of a five year supply of housing land and that there is a presumption in favour of sustainable development, the cumulative adverse impacts of the development are considered to outweigh the benefits of the additional housing. The areas of significant harm are as follows:</p> <ul style="list-style-type: none">• The location of the proposed development on the edge of a rural village does not offer a sustainable location for new housing growth when the Borough is considered as a whole. As a result the development does not comply with the aims and objectives of sustainable development as set out in the NPPF and as supported in policy CS1.• The proposal would be harmful, by way of its scale, nature and location to the rural landscape of this part of the Wreake Valley as identified within the most recent Local landscape character assessment. Additionally it would erode the separate identities of Rearsby and East Goscote, by reducing the area of local separation between the two villages and would give rise to localised visual harm. As a result it would be contrary to bullets 1 and 3 of policy CS11 of the Core Strategy and the advice relating to the protection of landscape and countryside within the National Planning Policy Framework, (in particular paragraphs 17 and 109).• The proposal does not make effective use of brownfield land and would result in the loss of good quality agricultural land which is classified as Grade 2 and is the best and most versatile agricultural land. In accordance with paragraph 112 of the NPPF development should be directed towards land of poorer quality and therefore should avoid sites of higher quality such as the proposed site. Accordingly the proposal would be contrary to policy CS16 of the Core strategy and the advice in paragraph 112 of the Framework.• The application site lies on the edge of the Rearsby Conservation Area, the significance of which is largely characterised by important clusters of trees that define the village boundary in this location as well as views from Melton Road towards Rearsby House, a non-designated Heritage Asset. The proposed development, due to its overall scale and location would destroy this important approach to the setting of Rearsby Conservation Area, giving rise to less than substantial harm to the character and setting of Rearsby conservation area which would not be
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	overridden by the public benefits that the proposal would bring. This is contrary to policy CS14 which seeks to conserve and enhance heritage assets and the advice in paragraph 134 of the Framework
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The Following Advice notes will be attached to the decision

	The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The decision was therefore made in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
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