

Item No. 5

Application Reference Number P/17/2591/2

Application Type:	Outline	Date Valid:	11/01/2018
Applicant:	Jelson Ltd		
Proposal:	Outline planning application for the erection of 58 dwellings, with all matters reserved except access		
Location:	Land Off Loughborough Rd, Burton On The Wolds Leicestershire		
Parish:	Burton on the Wolds, Prestwold	Ward:	The Wolds
Case Officer:	Reddy Nallamilli	Tel No:	01509 633745

Background

An appeal has been submitted by the Planning Agent acting on behalf of Jelson Ltd to the Secretary of State against the non-determination of this planning application. The application was not determined within the prescribed period mainly because of on-going protracted negotiations with the appellants Planning Agent on the need for significant additional information which was required to make a determination. The Agent has asked for a Public Inquiry. Once an appeal has been lodged against non-determination a formal decision cannot be taken by the Local Planning Authority. The proposal is therefore being reported to the Plans Committee seeking a resolution as to what stance the local planning authority would have taken had it been in a position to determine the application. The resolution of the Plans Committee will inform the Council's case for the appeal.

Description of the Site

The application site is located in the countryside comprising of open arable agricultural fields which forms a raised mound with hedgerows and trees on three boundaries, which includes significant mature foliage along the main road frontage. The site is on the western edge of the village, to the north of Loughborough Road immediately outside and adjacent to the current Limits to Development for the village.

Prestwold Hall is a Grade I Listed Building and located to the north west of the site. The Hall, together with St Andrew's Church which is listed Grade II* stand within the grounds of Prestwold Park which is a Grade II Historic Registered Parkland and Garden. Field House (32-34 Seymour Road) is situated immediately adjacent to the north eastern corner of the site, at the end of Seymour Road and is listed Grade II. Seymour House (former farm buildings, Seymour Road) although presently unlisted can also be viewed as being of significance to its historical relationship and function in the locality.

There is an existing bridleway which runs along the southern and eastern boundaries, linking Loughborough Road with the public footpath/bridleway which follows Burton Brook and the northern boundary of the site. To the north there are agricultural fields beyond Burton Brook. To the south and east of the site are the current limits of the developed area of housing in Burton on the Wolds. The neighbouring properties comprise mainly of modern two storey dwellings but with some single storey bungalows with accommodation in the roofspace although within the wider area there is a mix of property types and sizes. Springfield Close is located opposite behind a mature landscaped space. The total site area is approximately 3.88 hectares.

Description of the Proposal

This application seeks outline planning permission primarily for 58 dwelling houses with only details of vehicular access to and within the site being put forward for consideration at this time.

Matters relating to layout, scale, landscaping, and appearance are to be reserved for consideration in future submissions.

The illustrative site layout indicates that the site would be accessed from a single vehicular point from Loughborough Road which would lead to a central estate road leading to a number of cul-de-sacs and private driveways.

In addition to housing, the illustrative layout plan includes proposals for the provision of:

- a play area;
- public open space on parts of the perimeter; and
- a sustainable attenuation pond.

The application is accompanied by a number of supporting documents.

Policy Context

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Development Plan Policies

Saved Policies Borough of Charnwood Local Plan (adopted 12th January 2004)

Policy ST/2 – Limits to Development 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 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 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 seeks to ensure development acceptable in principle should not harm the character and appearance of the countryside and safeguard its amenity interests.

Charnwood Local Plan Core Strategy 2011 – 2028 (Adopted 9th November 2015)

Policy CS1 – Development Strategy provides the emerging Development Strategy for Charnwood. The policy sets out a settlement hierarchy for the Borough and the criteria for considering proposals within those settlements. The policy is consistent with the National Planning Policy Framework.

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.

Policy CS3 – Strategic Housing Needs sets out affordable housing requirements and an appropriate mix of types, tenures and sizes of home. For developments in Burton on the Wolds there is a target of 40% on sites of 10 dwellings or more.

Policy CS11 – Landscape and Countryside provides support and protection for the character of Charnwood's landscape and countryside.

Policy CS13 – Biodiversity and Geodiversity supports development that protects, enhances, restores or recreates bio-diversity.

Policy CS14 – Heritage requires development to conserve and enhance historic assets for their own value and the community, environmental and economic contribution they make. This will be achieved by requiring development to protect heritage assets and their and reflects relevant Landscape and Conservation Area Character Appraisals and Village Design Statements; and development that incorporates Charnwood's distinctive local building materials and architectural details.

Policy CS15 – Open Spaces, Sports and Recreation requires new development to meet the standards set out in the Council's Open Spaces Strategy; retaining open space, sport and recreation facilities where they are of value to the community.

Policy CS16 – Sustainable Construction and Energy seeks to adapt to and mitigate against the effects of climate change by encouraging sustainable design and construction.

Policy CS17 – Sustainable Transport 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 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 reflects the NPPF and reinforces the positive approach the Council will take in respect of sustainable development.

Other Material Considerations

National Planning Policy Framework (NPPF revised July 2018)

Members will be aware a revised NPPF has been issued, this is a material consideration in the determination of the current proposal. It reconfirms the presumption in favour of sustainable development and that it needs to be pursued in a positive way. Planning decisions are required to play an active role in guiding development towards sustainable development, but in doing so they are also required to also take local circumstances into account, to reflect the character, needs and opportunities of each area. With regard to the decision making process, Paragraph 11 of the NPPF indicates that plans and decisions should apply a presumption in favour of sustainable development. It adds that for decision making, this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, (this includes development proposals involving the provision of housing in situations where the Borough cannot demonstrate a 5 year supply of deliverable housing sites) granting permission **unless** the following criteria applies:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan, permission should not normally be granted.

Section 5 provides guidance on delivering a sufficient supply of homes.

Paragraph 109 confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

Section 12 provides guidance on achieving well-designed places, stating the creating of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development (paragraph 124).

Section 15 provides guidance in relation to conserving and enhancing the natural environment.

Section 16 relating to 'Conserving and enhancing the historic environment' sets out how planning authorities should assess the impacts of development on the historic environment (paragraphs 189-202).

S106 Developer Contributions Supplementary Planning Document (adopted 2007)

The Supplementary Planning Document sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities provided it can be demonstrated that they are specifically related to the proposed development.

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

Regulation 122 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be a reason for granting planning permission, for a development that does not meet the relevant tests:

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

Leading in Design Supplementary Planning Document (February 2006)

This encourages and provides guidance on achieving high quality design in new development. It indicates that the Council will approach its judgments on the design of new development against the following main principles:

- Places for People – Successful developments contribute to the creation of distinctive places that provide a choice of housing and complementary facilities and activities nearby. Good design promotes diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.
- Accessible Places – Successful developments are easy to get to and move through, with short, direct public routes overlooked by frontages.
- Safe Places – Successful developments are safe and attractive with a clear division between public and private space. Good design promotes the continuity of street frontages and the enclosure of space by development which clearly defines public and private areas.
- Sustainable Places – Successful developments are able to adapt to improve their long-term viability and are built to cause the least possible harm to the environment. It also incorporates resource efficiency and renewable energy measures to take into account the long-term impact of a development.
- Distinctive Places – Successful developments respond to their context.

Housing Supplementary Planning Document (Revised December 2017)

The Supplementary Planning Document aims to meet housing needs in the Borough by securing affordable housing and an appropriate mix of types, tenures and sizes of homes to meet identified needs.

Burton on the Wolds Village Design Statement

This Supplementary Planning Document provides a guide for individuals, developers and planners to reach the best decisions about changes to the structure and fabric of the village. It identifies the key issues and provides guidance to ensure changes enhance the existing environment.

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

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Relevant Planning History

P/13/2128/2 - 24/10/2013. Erection of 60 dwellings and associated works. Appeal submitted by Jelson Homes against non-determination. On the 11 June 2015, the Appellant was advised that planning permission was refused for the following reasons;

1. Whilst it is acknowledged that the Council is not currently able to demonstrate the availability of a five year supply of housing land and there is a presumption in favour of sustainable development, the cumulative detrimental impacts of the development are considered to outweigh the benefits secured by the additional supply of housing

and the development is therefore considered to be unsustainable. The cumulative detrimental impacts of this proposal are significant and demonstrable and comprise the following:

- The location has only limited local facilities and employment opportunities in close proximity therefore the proposal will rely on the private car.
- The proposal has poor public transport links and does not promote sustainable transport.
- The proposal will not provide a low carbon future.
- The development intrudes on the open rolling countryside landscape of the Wolds between the settlement of Burton on the Wolds and designated heritage assets. It is considered to have a negative impact on the setting of these heritage assets and therefore does not integrate the new development into the natural, built and historic environment as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The proposal has negative impacts on biodiversity which results in significant harm without adequate mitigation, compensation measures or net gains in biodiversity.

The proposal is therefore contrary to the aims of paragraph 6, 7, 14, and 17 of the National Planning Policy Framework and does not constitute sustainable development. The proposal is also contrary to Policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS17 and CS26 of the Charnwood Local Plan Core Strategy 2006-2028 and policies ST/1, ST/2, EV/1, EV/17, EV20, H16, CT/1 CT/2, TR1 and TR/4 of the Borough of Charnwood Local Plan 2004, with weight being given to such policies according to their consistency with the National Planning Policy Framework.

2. The developer has not demonstrated that a safe form of access, particularly for vulnerable highway users including pedestrians and cyclists would be provided to serve the site. Given the speed and volume of traffic on Loughborough Road, the proposed uncontrolled pedestrian crossing is not considered appropriate or safe and therefore the proposal would create severe dangers for pedestrians and could deter residents from walking whereas sustainable methods of transport, such as walking and cycling should be positively encouraged and is therefore contrary to the aims and objectives of the National Planning Policy Framework, Policies CS25 of the Charnwood Local Plan Core Strategy 2006-2028 and TR/6 of the Borough of Charnwood Local Plan 2004.

An appeal against this refusal was subsequently withdrawn.

Responses of Statutory Consultees

Campaign for the Protection of Rural England (CPRE)

The Campaign for the Protection of Rural England have objected to the planning application. The reasons for their objections are summarised below;

- The proposal conflicts with the adopted Core Strategy,
- The proposal would adversely affect its heritage setting,
- The development would threaten protected species,

- Productive agricultural land would be lost as a result of the proposal,
- The proposal would be prejudicial to highway safety
- The proposal would not result in an inclusive mixed affordable development
- The CRRE question the siting of the proposed LEAP area as it contradicts the appellants Design and Access Statement, it denies security and is in the wrong place
- The application site has poor transport links
- The proposal would be intrusive within the countryside.

Burton on the Wolds, Cotes and Prestwold Parish Council

The Parish Council has objected to the current application. The Parish Council has also reserved the right to speak at the Plans Committee. The grounds for their objections are summarised below:

- They consider this is an opportunist application and has no further merits than the previously considered schemes;
- the proposal would conflict with relevant development plan policies;
- Loughborough Road is already difficult with all the large lorries using the route, the proposal would exacerbate the existing problems, it will result in considerable danger to pedestrians;
- the proposal would not result in a low carbon environment;
- the proposed would adversely affect the setting of heritage assets;
- the proposal would harm the biodiversity of the locality;
- it is considered an important local amenity space would be lost as a result of the development;
- the proposal would be visually intrusive in the countryside;
- the proposal is not sustainable and cannot be made sustainable;
- the existing public transport facilities/services are very limited;
- the traffic data submitted by the appellant is reliant on out of date information;
- the proposal would be prejudicial to highway safety;
- the bridleway and footpath should not turned into an urban walkway;
- the landscape would be adversely affected by the development;
- the layout is very cramped;
- the proposal is unsustainable;
- it is considered the proposal breaches guidance within the NPPF;
- the proposal would not improve healthy communities;
- the site holds particular intrinsic value for local residents and this would be lost as a result of the proposal;
- children living on the development would be required to cross the B676 in order to access the primary school, park and playing field. Due to the speed and variety of vehicles passing through the village this is a significant risk. Past performance is not a predictor of future performance and the lack of incidents to date should be considered in the context of the numerous near misses that occur in road in the village,
- the landscape and visual appraisal takes no account of the view of the development from the upper floors of the houses on Springfield road. The trees and planting referred to will not limit view of the development from a raised perspective.

Historic England

Historic England has confirmed that the proposal lies within the setting of Prestwold. Prestwold Hall listed Grade I and stands within the Registered Historic Park and Garden of Prestwold Park which itself is listed Grade II; the Church of St Andrew which is listed Grade II* and that the site lies immediately adjacent to the Grade II Listed Field House on Seymour Road. Historic England has recommended the relevant specialist advice and policy guidance should be taken into account in determining the proposal

Natural England

Natural England has advised the local planning authority to obtain specialist advice and determine whether or not the application is consistent with national and local advice and policies.

Environment Agency

The Environment Agency has made no comments.

Leicestershire and Rutland Bridleways Association and British Horse Society

Leicestershire and Rutland Bridleways Association and British Horse Society has confirmed that the estate road and paths could still be used by horse riders, cyclists and pedestrians. They have requested that road safety issues are given a priority and conditions be attached to promote sustainable travel options and that the developers commit to funding and providing associated improvements which include the construction of a new off road path for vulnerable users and enhancements are carried out.

Leicestershire County Council (Library Services)

Leicestershire County Council's developer contributions team has advised that a financial contribution of £1, 750, would be required for facilities at Barrow Library on North Street Barrow.

Leicestershire County Council (Waste Management)

Leicestershire County Council's developer contributions team has advised that no Civic Amenity financial contribution would be required, as there is existing capacity within the existing facilities to accommodate the demand created by the development at Loughborough.

Leicestershire County Council (Lead Local Flood Authority)

The lead local flood authority has advised that the proposed development could be made acceptable with a range of very specific and specialist conditions attached requiring further details to be submitted if permission were to be granted.

Charnwood Borough Council (Open Spaces)

Charnwood Borough Council's open spaces team has requested a financial contribution of £80,435.46 towards off site outdoor sports facilities and a separate financial contribution £54,381.74 towards provision for young people if the on-site provision is not meet.

Leicestershire County Council (Children & Family Services)

Leicestershire County Council's developer contributions team has advised a financial contribution of £11,131.09 would be required for the existing primary school and other nearby primary schools provision in the locality if deemed necessary and £36,916.29 for Post 16 facilities primarily by increasing capacity at Rawlins Academy.

Leicestershire County Council (Highway Authority)

The Local Highway Authority has advised initially that the appellant's submission did not adequately assess the highway impact of the proposed development and on that basis were unable to support the proposal. Further information was requested.

From the time of the original submission additional information, including completely new traffic and speed surveys carried out in April 2018 has been subsequently submitted. The current position is that the Highway Authority, whilst raising no significant objection to the revised information, would like to give further consideration to the matters raised, particularly from the information received from the local community and the Parish Council

[Officer Update: The Highway Authority's further consideration will be reported separately in the Extras Report to the Plans Committee as noted below.]

Leicestershire County Council (Access & Development Officer)

The County Access and Development officer advises that a public bridleway and footpath run through the proposed development. They advise that there would need to be detailed discussions over boundary treatment and appropriate conditions.

Leicestershire County Council (Landscape Officer)

Leicestershire County Council Landscape team has advised that the trees affected by the proposal are not protected by a TPO and crack willows trees should be replaced.

Other comments received

The proposal was advertised by press and site notices and nearby occupiers notified

Nicky Morgan MP

A letter of objection has been received from Nicky Morgan MP which raises the following areas of concern in connection with the submitted scheme:

- Burton on the Wolds is small village with few facilities
- The proposal would have an adverse impact on traffic flows
- The proposal conflicts with the council's policies, particularly those set out in the Core Strategy for such development in the village
- The proposed development is not sustainable
- Nicky Morgan MP has requested that full regard is given to her constituents' views in the determination of this application.

Over 150 objection letters have been received from local residents. These concerns can be summarised as follows:

- a similar development in Barrow on Soar built about 5 years ago is an unsympathetic, ugly, high density monster;
- the proposal is similar to the scheme refused in 2015;
- the proposal conflicts with the core strategy and the Council's plans that urban areas should be considered first, these policies should be given significant weight;
- the scheme does not seek to address the concerns of local residents;
- the proposal would harm local wildlife corridors and habitat;
- the proposal is not sustainable;
- the scheme does not represent small scale infill development, as required in the development plan policy;
- the proposal is not in character with the existing development;
- the development conflicts with the Village Design Statement
- the proposal would result in the loss of quality agricultural land;
- the applicant has provided no evidence to support the need for the development;
- the proposal has poor public transport infrastructure;
- the proposal would adversely impact on the local heritage assets;
- the development would adversely impact on existing adjacent dwellings by creating an overbearing relationship;
- the proposal would involve the loss of mature landscaping on the perimeter and would affect the flight path of protected species;
- the applicants traffic data contains inaccuracies ;
- the safety of residents would be undermined from a highway safety perspective as a result of the development;
- the Highway Authority have not taken into account the latest accidents that have occurred;
- the proposed access is inadequate and would result in a dangerous hazard;
- the footpath along Loughborough Road is not wide enough;
- The proposed house types would not respect the rural character of the area.
- the whole village depends on the site for amenity purposes including dog walking and this amenity space would be lost as a result of the development;
- the village school is operating at capacity;
- Health facilities are already stretched in the village;
- The applicants proposal to move the 30 mph speed limit further down is not considered to be a suitable option;
- The proposed access is located at a narrow pinch point and the main route is a designated lorry route;

- the proposed development conflicts with the NPPF;
- traffic data supplied by the applicants is misleading and misses the point;
- the existing 30 mph restriction is regularly breached;
- the proposed dwellings do not follow the adopted Village Statement;
- the Highway Authority have not taken into account the latest accident statistics;
- the remaining land on the western edge would be utilised for future development;
- it should be recognised that there may be no bus service after June 2019;
- the existing foul water system may not cope with the development;
- no S106 funding is proposed for retaining existing local services;
- the applicaton site is prone to flooding;
- Field House is Grade II listed. This protection extends to the view of the house from the surrounding area. The design of the proposed new development is not in keeping with Field House and as such will negatively impact the view of the house from the surrounding area.
- The proposed development will have a negative impact upon the market value of local properties;
- proposed design includes a 'green' area directly outside Field House, this would result in loss of privacy to that property;
- the village does not have the facilities to accommodate another 58 houses and their families. There is only one small school and one shop/ garage. There is no post office or doctor's surgery and a distinct lack of public transport which at present is under threat.

Consideration of the Planning Issues

The purpose of the planning system is to contribute to the achievement of sustainable development. This can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Section 38(6) of the Planning and Compulsory Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material planning considerations indicate otherwise.

On the 24th July 2018 the Government produced a revised National Planning Policy Framework (NPPF). This is a wide ranging document that provides guidance across all aspects of planning and forms an important material consideration. In summary the key changes between the 2012 version and the 2018 version in assessing this application are:

- A strengthening of design policy particularly to aid housing delivery.
- An emphasis on applicants having to justify the need for application stage viability assessment and clarity that the decision taker should decide the weight to be given to such an assessment having regard to all the circumstances including changes to site circumstances.
- Standardised methodology to identifying local housing need and Housing Delivery Test confirmed.
- A target that 10% of housing sites are small or medium.
- Setting out available powers for proactive land assembly.

- Changes to assessing impact on the significance of heritage assets and an emphasis on the weight to be given to an asset's conservation irrespective of harm to its significance.
- An expanded definition of affordable housing and an expectation that at least 10% of homes to be available for affordable home ownership.

The main considerations in the determination of this planning application are:

- Principle of the residential development and its contribution towards housing land supply;
- Impact on Sustainable Development;
- Impact on character of the existing landscape and surrounding countryside;
- Impact on the setting on the surrounding heritage assets;
- Impact on Transportation and Highway Safety;
- Impact on Biodiversity.

Other issues relate to:

- Impact of the proposal on flooding;
- Impact on loss of agricultural land
- Effect on residential amenity;
- Developer contributions.

The Principle of the Development and Housing Land Supply

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 development plan for Charnwood comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015) and those saved policies within the Local Plan which have not been superseded by the Core Strategy. The vision within the Core Strategy (2015) confirms that by the end of the plan period Charnwood aims to be one of the most desirable places to live, work and visit in the East Midlands. To achieve this development will have been managed to improve the economy, quality of life, the environment and biodiversity. The presumption in favour of sustainable development is reinforced in paragraph 11 of the NPPF.

The Local Plan Core Strategy policies, although adopted before the new NPPF was published, are less than five years old and are considered generally consistent with the new Framework. On this basis, proposals for housing development should only be approved where they accord with policy CS1 and CS11 of the Core Strategy, unless material considerations indicate otherwise.

Policy CS1 of the Core Strategy sets out a settlement hierarchy for the Borough and the criteria for the considering proposals within individual tiers of settlements. Burton on the Wolds is defined as an Other Settlement, a settlement that does not have access to a good range of services or facilities compared to other settlements and where residents rely largely on the private car for their day to day needs. Policy CS1 of the Core Strategy is basically an expression of a sustainable growth pattern for the Borough. It takes the form of a hierarchical, sequential approach guiding

development first to the northern edge of Leicester, then to Loughborough and Shepshed before directing development to Service Centres and then Other Settlements, such as Burton on the Wolds.

The Core Strategy recognises that Burton on the Wolds may be suitable for some small scale infill development to meet local needs, to help protect and where possible increase services and facilities within an Other Settlement. To be considered small scale, a development should be appropriate in size for the village and the character of its location and surroundings. Any development that increases the need to travel would not be considered to be acceptable small scale development.

Members should note that Policy CS1 of the Core Strategy seeks to deliver at least 500 dwellings between 2011 and 2028 in Other Settlements as part of the Borough's growth strategy. There have been up to 580 Completions recorded since 2011 and there are a further 200 homes with planning permission. This is therefore a total of 780 dwellings that are already built or committed in Other Settlements. Whilst it is accepted that the 500 homes expressed within CS1 is not a minimum it is clearly what is broadly expected as part of a strategy that distributes development across the Borough with higher order settlements preferred to those listed in Other Settlements. The 780 homes currently provided for within Other Settlements significantly exceeds what was planned for in Policy CS1 and has the potential to result in a pattern of growth that is not promoted by the adopted development plan. It should also be noted that the strategy provided by CS1 promotes 500 homes within the built form as opposed to development on land in the countryside or beyond the built form.

Members should also note Paragraphs 66 and 67 of the Report on the Examination into the Charnwood Local Plan: Core Strategy considered the development strategy as it relates to Service Centres and Other Settlements. If it was intended that decidedly higher levels of growth than 500 was envisaged then the phraseology in Policy CS1 of "at least" seems a very ambiguous and opaque way of sanctioning this. If the intended consequence of CS1 was to allow for a higher figure of say 750 or more homes, it seems odd that the policy was not modified and a higher figure inserted for transparency.

Saved policies within the Borough of Charnwood Local Plan (2004) were adopted more than five years ago and as a result those policies which are relevant to determining housing proposals such as ST/2, CT/1 and CT/2 are not able to be considered to be up to date. Nevertheless, these policies are considered to be generally consistent with the new Framework and therefore capable of carrying some weight. It is recognised that the degree to which they influence the determination of development proposals will depend on the merits of individual applications and the relevant circumstances.

In considering the housing supply situation, the Borough Council published an assessment identifying a 4.93 years of housing land supply in June 2018. The publication of the revised NPPF in July 2018 materially changed the approach to be taken to calculating supply by altering the buffer to be applied when setting the five

year requirement. Furthermore, the accompanying Housing Delivery Test Rule Book also altered the way that communal accommodation including student halls and residential care homes were to be accounted for within housing supply. The Council subsequently revised its assessment of housing land supply in accordance with the approach prescribed by national guidance and the re-calculated supply figure is identified as 5.93 years. Furthermore case law has confirmed that calculating a reliable five-year supply is an exercise that can only be undertaken annually when all the sources of supply can be established. For the avoidance of doubt taking into account the revised NPPF the Council's recalculated annual position is that housing supply is 5.93 years.

In light of the Council's revised Housing Land Supply, the Council's policy position has been updated both as to whether policies are 'out-of-date' and the weight to be attached to them. This update has had regard to the Supreme Court Judgement *Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council*. The judgement clarifies that the NPPF is 'guidance' and as such a 'material consideration'. The judgement states that it cannot, and does not purport to, displace the primacy of the statutory development plan. This simply reinforces that the development plan should be the starting point of assessing the acceptability of a proposed development, irrespective of the Plan's age. The Court again reiterated that the weight attached to relevant policies is up to the decision maker.

In circumstances where a development plan policy is out-of-date, it should be noted that the NPPF does not then say whether a policy should be given no weight, or minimal weight, or, indeed, any specific amount of weight. The NPPF does not say that such a policy should simply be ignored or not applied. The assessment of weight will however need to take account of consistency with the NPPF. The NPPF states that due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Policies in the Charnwood Local Plan Core Strategy (2015) are considered to be up to date as the Council can demonstrate a 5 year supply of deliverable housing sites, the housing delivery test is passed and the policies are consistent with the revised NPPF 2018. Core Strategy policies are also considered to have very significant weight in the determination of this appeal proposal.

Whilst the Borough of Charnwood Local Plan (2004) saved Policies ST/2, CT/1 and CT/2 set out above are not able to be considered to up to date. These policies are considered to be integral to the implementation of the spatial strategy that is outlined in the Core Strategy and important to delivering sustainable development in Charnwood. Whilst their phrasing is not consistent with the NPPF, it is considered moderate weight can still be attached to these policies.

In concluding on this matter, the appellants are proposing to develop an agricultural field which is essentially a green field site outside the identified settlements limits primarily for housing. Such development would not normally be considered appropriate on the site on policy grounds. There is an in principle objection and planning permission should not be granted as the proposal is contrary to both saved

local policies, the adopted Core Strategy and the aims and objectives of the revised National Planning Policy Framework.

Impact upon Sustainability of Burton on the Wolds

On the specific issue of sustainability, the Development Strategy set out in the Policy CS1 seeks to guide development to locations that are well connected to jobs, services and infrastructure in order to provide a sustainable pattern of development. The Core Strategy supports sustainable development which contributes towards meeting our remaining development needs, supports the Council's strategic vision, making effective use of land and is in accordance with the policies in the Core Strategy. These matters do not all necessarily relate only to the supply of housing but also to the sustainability and suitability of differing types of settlement for new housing having regard to travel and patterns of movement and access to services and facilities.

Policy CS 1 has a role in delivering a sustainable pattern of development. The site in question is outside the limits to development of Burton on the Wolds and within countryside. It is recognised that Other Settlements may be suitable for some small scale infill development to meet local needs. With specific regard to sustainability, Members should note that, as part of the preparation of the Core Strategy, the sustainability of each settlement in the Borough was assessed. Burton on the Wolds has been identified for having up to 4 or more services/facilities to meet some of the day to day needs of its inhabitants. These services are very limited and those that would be more likely to require everyday access such as shops with greater choice and wider employment opportunities can only be accessed further afield.

As referenced earlier, villages defined as falling into the "other settlements" category may be suitable for small scale infill development to meet local needs. To be considered small scale, a development should be appropriate in size for the village they are in and the character of the site's location and surroundings. By way of example this could include single or small groups of homes that are developed through the conversion of existing buildings or on infill plots. Whilst a public transport service exists, it appears in this instance to be limited in both its destinations and schedule. Furthermore, the roads leading to and from Burton on the Wolds are not particularly conducive to walking to access services or facilities in other villages or Loughborough itself. In any event, such services are suitably distant in absolute terms so as to render them realistically accessible only by private vehicle. Any development that increases the need to travel by car would not be considered to acceptable small scale development. Access to services with this proposal is therefore likely to be heavily reliant on private transport and, once that is the case, it likely that larger settlements are chosen over the closer smaller settlements. There is no evidence that the proposed development would help support the limited services in Burton on the Wold.

Given the above context, the proposal would be at odds with Policies CS1, CS17 and CS25 and the aims of the NPPF to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in locations which are, or can be made, sustainable. In relation to Burton on the Wolds, the level of growth already delivered in the plan period is

therefore a material consideration, taking account the poor sustainability and facilities it currently has.

In a recent appeal, the decision being issued on 4 October 2018, relating to Land off Melton Road, Rearsby, the appeal was determined by Public Inquiry. The appeal considered development in another 'Other Settlement' of Charnwood. In dismissing that appeal, the Inspector identified that development in an 'Other Settlement' represented material harm to the settlement pattern and also material harm to the character and appearance of the landscape which attracted significant weight. It should be noted that the Inspector dismissed the appeal in this situation where the tilted balance was applied.

Burton on the Wolds' ability to cope with further development has also been raised as an issue in consultation responses and an assessment is required to assess whether the proposal would continue to safeguard services and facilities and whether an appropriate level of services and facilities are available to serve the development. Local residents and the Parish Council in their submissions have drawn attention to the fact that access to a secondary school, weekly food shops, a post office, doctor's surgery, and to a wide range of recreation, leisure and community facilities primarily requires the use of a car. When reviewing these matters, it is considered that there are very limited localised employment opportunities and that the facilities/services available at the village are very limited. There are no medical facilities and residents have pointed out that public transport links which are considered to be poor and unreliable. The lack of such village amenities would mean that people would have to rely on the use of a car. It is accepted that public transport links are poor. The important matters relating to and contributing to sustainability have not been particularly addressed well by the appellant. It is concluded that the proposals are in conflict with existing sustainability policies and objectives and should be refused on this basis. The proposal is therefore contrary to both saved local policies, the adopted Core Strategy and the aims and objectives of the revised National Planning Policy Framework.

Impact on character of the existing landscape and surrounding countryside

In rural areas the revised NPPF requires planning decisions to be responsive to local circumstances and support housing proposals that reflect local needs. The NPPF identifies the creation of high quality places and buildings as being fundamental to what good planning should achieve. Good design is viewed as a key aspect of sustainable development. The revised NPPF specifically requires design quality to be considered throughout the evolution and assessment of individual proposals. Developments are required to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The revised NPPF does state that planning permission should be refused for development of poor design. Just as importantly, the NPPF requires planning authorities to ensure that the quality of approved developments does not become materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

The appellants view is that their future housing proposals would be of a sufficient quality and this would be demonstrated at the reserved matters stage. Burton on the Wolds sits in the typical 'Wolds Landscape'. It is situated in a 'bowl' surrounded by

an undulating countryside consisting of both grazing and arable land. Ancient hedgerows and/or broad verges are a feature of all approaches into the village. The most extensive are to be found on Springfield Close adjacent to the development site where the wide verges and the green wedge which provide a buffer between the close and Loughborough Road contain a variety of maturing trees.

From officer site inspections the countryside paths and bridleways are well used and it is clear that the site and its environs have significant intrinsic value. The submitted proposals have not been designed to be particularly sympathetic to the existing local character and also do not establish a strong sense of place or neighbourhood. The limited open space provision and play area do not appear to have been designed as integral features in an improved, balanced landscaped setting. This proposal as submitted would create an indistinctive environment to reside in. The development seeks to build onto a raised mound with extensive and attractive vistas bordered by mature trees/woodland along the key boundaries. Significant planting would be removed to facilitate the access road and the two separate pedestrian routes, which would need adaption due to differences in levels to meet the needs of all users, potentially resulting in the loss of more mature trees and planting than originally envisaged by the appellants. Mature trees should be retained as they are important, both for the character of the village and for wildlife.

The proposed illustrative layout does not appreciate its rural and landscape setting. The plot sizes and detached modern garages remain largely uniform. It reflects an urban design solution rather than respecting its rural village setting. The changes in site levels on the appeal site to create a developable area would result in the necessity for alien and incongruous landscaping elements being introduced. It is noted that this is an outline proposal. However, as referenced above, a significant amount of trees and planting would be removed to facilitate the access and proposed paths along the Loughborough Road frontage.

The appellant has not produced any convincing evidence of how the proposed simple rectangular building blocks with simple ridged roofs would fit harmoniously in its surroundings. There would be a clear urbanising impact on existing views both out of and into the site. The development would essentially introduce an incongruous and intrusive form of development in to what is an open agricultural field. The proposed development would have a significant impact on the village and the character of the landscape. The proposal, although in outline, forms a standard layout which does not reflect the rural character of the area. The minimal mitigation measures advocated by the appellant's planning advisors, ie additional planting, open space and the set back from the wood, would be viewed within the context of an urban form of housing development. This would not compensate for what is effectively the loss of a spacious open view which is very different from the built up form of development being proposed by the appellant's advisors.

Views for users of footpaths/bridleways would be significantly altered and it is particularly a concern that the village boundary would be moved towards the edge of Prestwold Park. The vehicular accesses solution advocated by the appellant would also require the destruction of more trees along the boundary of Loughborough Road thereby further emphasising the visual intrusion of the new development. The character of the site is without doubt distinctively rural and representative of the

surrounding open landscape, giving expansive views of the wider landscape, due to its elevated position.

In concluding, the proposal is contrary to both saved local policies, Policy CS11 of the adopted Core Strategy and the aims and objectives of the revised National Planning Policy Framework which seek to protect the character of the landscape and countryside.

Impact on Setting of Heritage Assets

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The appellant has submitted a Heritage Appraisal which relates to guidance set out within the superseded NPPF and is heavily reliant on the Design and Access Statement prepared by the appellant's architectural advisors.

To the western perimeter there is woodland which forms part of the boundary with Prestwold Park which is included on the Register of Parks and Gardens of Special Historic Interest in England at Grade II. Beyond this and within the Registered Park and Garden sits Prestwold Hall a Grade I Listed Building and is located approximately 1km to the north west of the site. The Hall, together with St Andrew's Church which is listed Grade II* stand within the grounds of Prestwold Hall and Park. The Church itself is of interest for being almost the sole reminder of the medieval village of Prestwold. There are also several further structures associated with Prestwold Hall and within its vicinity which are listed Grade II. These include the low walls to the formal garden, the Stable Block, Laundry Cottage and the front Lodges and gates and rear Lodge. Field House (32-34 Seymour Road) is situated immediately adjacent to the north eastern corner of the site, at the end of Seymour Road and is listed Grade II and of historical significance locally. Seymour House (former farm buildings, Seymour Road) was constructed in the mid-1880s and although undesignated can also be viewed as being of historical significance to the estate.

In determining applications, the revised NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. There is a need to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. In determining applications, there is a need to take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- and

- c) the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving listed buildings and/or their setting or any features of special architectural or historic interest which they possess and give considerable importance and weight to any harm caused. Setting of a heritage asset can be defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. The extent of the setting for the purposes of a planning decision will always be a matter of fact and planning judgement.

The surrounding rural context is important in preserving a sense of parkland landscape at the centre of a managed rural estate as opposed to a suburban setting. There is a distinct visual relationship in the way it contributes upon the experience of the heritage assets and its rural surrounding. Members should note that the

importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The heritage setting is considered to be the estate being surrounded by open countryside and the main outlook to and from the Estate is across typical open rolling Wolds countryside.

The substantive encroachment into this view from the proposed development would result in a negative impact on the significance of the setting of these heritage assets which do need to be protected. In mitigation, the applicant's planning advisors have sought to protect the views to the adjacent Listed Building at Field House and from the public footpath by providing public open space and play area. However it is considered this has not worked and has been unconvincing with the juxtaposition of the proposed layout. Clearly a variety of factors are capable of being taken into account in assessing the setting of a listed building and the impact of proposed development on that setting, and not just physical or visual factors. In assessing the setting of the heritage assets the proposal as designed would lead to less than substantial harm, however in weighing this harm against the public benefits of the proposal and in reaching a balanced judgement it is considered that the harm caused to the significance of the setting of the heritage assets is considerable. Given the above assessment, in finding harm in respect of the significance of heritage assets, this harm should carry great weight in the planning assessment as supported by the revised NPPF..

The proposal is considered to have a negative harmful impact on the significance of the setting of the Registered Historic Park and Garden and in turn on the significance of the setting of the Grade I Listed Prestwold Hall and Grade II* Church because the parkland provides the setting for these buildings. It is considered that it would be difficult to accommodate the proposed development in this location without impacting detrimentally on the setting of these heritage assets. There is a clear, planned relationship between the heritage assets particularly with Prestwold Hall, St Andrews Church, the associated Registered Park and Garden and Field House and its environs. Prestwold Hall lies close to the centre of a roughly circular park 1km in diameter. The southern half of the park, overlooked from the Hall and the gardens to its south, is mainly open farmland. From the edge of the gardens the ground falls slightly for c 250m, to an open drain which curves from east to west across the park. The setting of these listed heritage assets is very much defined by the surrounding mature parkland, these have a prominent role in contributing to the wider landscape and historical associations between them and their nested and overlapping settings.

The development site currently acts as a buffer to the setting of the registered park and garden and the heritage assets it contains around it, this sense of separation would not be preserved or enhanced by the proposed development of this site in the manner proposed. The raised nature of the development site would lead to lighting and its associated residential paraphernalia which would penetrate the woodland to west and adversely impact Field House and its environs to the east and the impact increase seasonally. Whilst a strip of land has been provided between the woodland and the proposed development it does not mitigate for the overall harm which would be caused to this distinctive heritage setting.

From the evidence produced to date and for the reasons outlined above, officers do not share the appellants planning advisors conclusion that "the *application proposals*

represent an admirable scheme that would serve to preserve what is significant about the setting of nearby heritage assets". The proposed development would compromise the setting of the heritage assets and the values placed on that setting and therefore the significance of the heritage assets would be harmed. Members should note that there has been no significant constructive dialogue between the appellants planning advisors and the Council Heritage Advisors. The proposal and assessment has failed to appreciate the historic and functional relationships of the designated heritage assets which are closely associated with each other. The proposal would result in significant encroachment into the countryside, reduction in the openness and loss of views across the rolling Wolds countryside to the registered historic parkland, resulting in significant detrimental impacts on the significance of the setting of designated heritage assets.. The public benefits identified by the appellant's planning advisors when taken as a whole do not outweigh the less than substantial harm identified above. When an authority finds that a proposed development would harm the significance of the setting of a listed building, it must give that harm considerable importance and weight. The development conflicts with Core Strategy Policy CS14 and the aims and objectives of the NPPF.

Transportation and Highway Safety

The revised NPPF states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. The revised NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles.

It should be noted that during the consideration of the earlier refused scheme, a traffic calming scheme, including vertical features (road humps) had been put forward, to ensure that vehicle speeds passing the site, and perhaps more importantly approaching the pedestrian crossing, were reduced to an appropriate

level so that pedestrians could safely cross the road. However, in the light of the strong local objections to the traffic calming scheme, it was decided that such a scheme would be very unlikely to receive support. The Highway Authority suggested a scheme that included a build out (to provide a carriageway narrowing where traffic entering the village would give way to vehicles leaving the village) and a zebra crossing, so that pedestrians would have a safe crossing point where they would have an element of priority when crossing the road.

The submitted plans, however, did not offer any alternative form of traffic calming other than the gateway treatment, and did not include a zebra crossing. Whilst the gateway feature would have helped to reduce vehicle speeds, it was considered that it would be very unlikely that it would have sufficient impact to reduce vehicle speeds to an acceptable level to provide a safe access/crossing point.

The Highway Authority concluded at the time that pedestrians trying to cross the busy Loughborough Road would have difficulties crossing, especially children. Without the benefit of reduced speeds and a zebra crossing future occupants may decide that crossing the road would be too dangerous and instead would use their cars, which would be contrary to sustainable travel options. Furthermore, given the high speeds of traffic on Loughborough Road, it was considered likely that residents would also be deterred from cycling as a form of transport to and from the site.

In assessing the current proposal, the appellants initially relied on a traffic survey carried out in January 2017 and accident data obtained between 2012 and 2016. Further survey work was carried out in April 2018. It is noted that substantive objections have been received from local residents on this issue. The position of the Highway Authority is that based on the revised submitted information they presently do not wish to raise objections on the grounds that the cumulative impacts on the road network would be severe. The advice is that the appellant's proposal has been appraised against current accepted practices and technical guidance and the impact could be mitigated.

Notwithstanding the position of the County Council, on highway safety matters, from my officer site observations it is noted that the site would be served by a single footpath along Loughborough Road and that the appellant is seeking to open up the development site with two separate pedestrian paths linking to this one footpath. Not only is the width of this existing footpath substandard but the site is not particularly well integrated into the existing village. The fact there are inadequate footpaths along the main road means all primary school children travelling by foot have to cross the road to get to school. It is considered that this only serves to increase the traffic danger to vulnerable road users of all categories. The proposal would generate additional traffic flows associated with the development. This increase is likely to be significant when compared to the existing situation. The road is also a designated lorry route. Other than tactile paving, the relocation of an existing speed sign and the provision of an additional speed indicator reduction sign, the appellants on this application have not been prepared to offer any significant measures to overcome the potential dangers, particularly for pedestrians and cyclists, or seek to address the views expressed by local residents. Officers have witnessed excessive speeds of vehicles travelling past the site and that the majority of drivers ignored the existing active visual speed indicator reduction sign on Melton Road. It is therefore

considered that there is therefore potential for a significant increase in the number of pedestrian injury risk events.

Based on the above officers have requested, the Highway Authority to give further professional and technical consideration to the matters raised. This also includes assessing more recent data relating to road traffic accidents that have occurred, such data which is currently being examined by Leicestershire Police. Any updated observations will be reported to Plans Committee in the Extras Report and would subsequently form evidence at the forthcoming Inquiry.

It is therefore concluded that the proposal as submitted, has not demonstrated that the site will be served by a safe access for all highway users and particular a safe crossing point for pedestrians contrary to the provisions of Policy CS17 of the adopted Core Strategy and the aims and objectives of section 9 of the NPPF.

Loss of agricultural land

The proposal would involve the loss of agricultural land. The applicant agent states the land should not be considered to be the Best and Most Versatile (BMV) land. If the proposed development is demonstrated to be necessary, then the correct approach would be that the loss of poor quality areas is preferred to that higher quality. Local evidence indicates the field is used for crops. The revised NPPF clearly advises decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.

The appellant's planning advisors approach to the development of this site is predicated on the lack of a deliverable five year housing supply. However the Borough Council can demonstrate it has a housing supply. Furthermore the existing strategic policies set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed land or brownfield land. The proposal would bring wholesale change to an undeveloped, open, greenfield site.

The site also contributes to the strength of the wider landscape character and its setting. There is no justification for releasing this greenfield site in this instance. The appellant's advisor has failed to demonstrate the necessity for the development. The use of this agricultural site can therefore not be viewed as either necessary or an effective use of land when taking account of the provisions of the NPPF or policies of the Charnwood Local Plan Core Strategy. For the reasons set out above, the use of this site for housing in this aspect has not been justified.

Implications for Biodiversity

The revised NPPF seeks to protect and enhance biodiversity by safeguarding components of local wildlife-rich habitats and wider ecological networks and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. When determining planning applications, local planning authorities are encouraged to apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Despite concerns raised by local residents the submitted Ecological Assessment provides a reasonable description of the ecological receptors. However the bat transect plans were difficult to interpret. The adjacent barn attached to Seymour House has bat roosts. The introduction of any development in this field and the consequential light and noise would need careful planning and design to prevent disturbing foraging corridors on all boundaries and to also prevent bats abandoning roosts. Measures to provide breeding areas for newts, increase in woodland and semi natural open space is considered acceptable in principle. However there is a concern about the application and its relationship to the wider landscape. The appellant proposes to occupy part of the arable field and leave the remaining part of land with an access point from the existing residential estate road. This element would require further detailed discussions and mitigation measures in the design to resolve satisfactorily. Subject to safeguarding conditions to ensure further mitigation measures are delivered, no objections are raised in line with guidance set out in Policy CS13 and the NPPF.

Other Issues

Floodrisk/Drainage

This matter has raised some considerable local concern. The revised NPPF recognises that inappropriate development in areas of risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary it should be made safe for its lifetime without increasing flood risk elsewhere. The Lead Flood Authority and the Environment Agency are of the opinion technical measures relating to the development of this site could be resolved through conditions and considered during the detailed reserved matters stage.

Design of the development and the effect on residential amenity

The development as presented takes the form of a modern housing estate on the edge of the rural village settlement in the heart of the Leicestershire countryside utilising a standard layout which presently not respect the visual relationships of its surroundings or reflect the character of the village of Burton on the Wolds.

Due to the difference in levels, care would need to be taken to protect the amenities of the occupiers of properties fronting along the eastern boundary of the site. The applicant's planning advisors have stated that the impact on neighbouring residential amenity would be carefully considered at reserved matters. The submitted plans would require design changes at reserved matters stage to accord with the saved policies EV/1 of the Borough of Charnwood Local Plan and Leading in Design (SPD). Subject to appropriate high quality design details at the reserved matters stage no objections are raised at this outline stage.

Conclusion

Burton on the Wolds is a small village, a development should be appropriate in size for the village where it is proposed and the character of the site's location and surroundings. For an "Other Settlement" as defined in the adopted development strategy, any development that increases the need to travel by car would not be considered to be acceptable small-scale development. The development site is outside of the village development limits. It has limited access to services and facilities. The development would have negative impacts on landscape, local heritage assets and upon visual amenity. This is a greenfield site, the proposal would not be an effective use of the land and it has been demonstrated to be unnecessary. The Council has a 5 year Housing Supply and the need for the development has not been demonstrated. The proposal is therefore contrary to both saved local policies, the adopted Core Strategy and the aims and objectives of the revised National Planning Policy Framework.

RECOMMENDATION

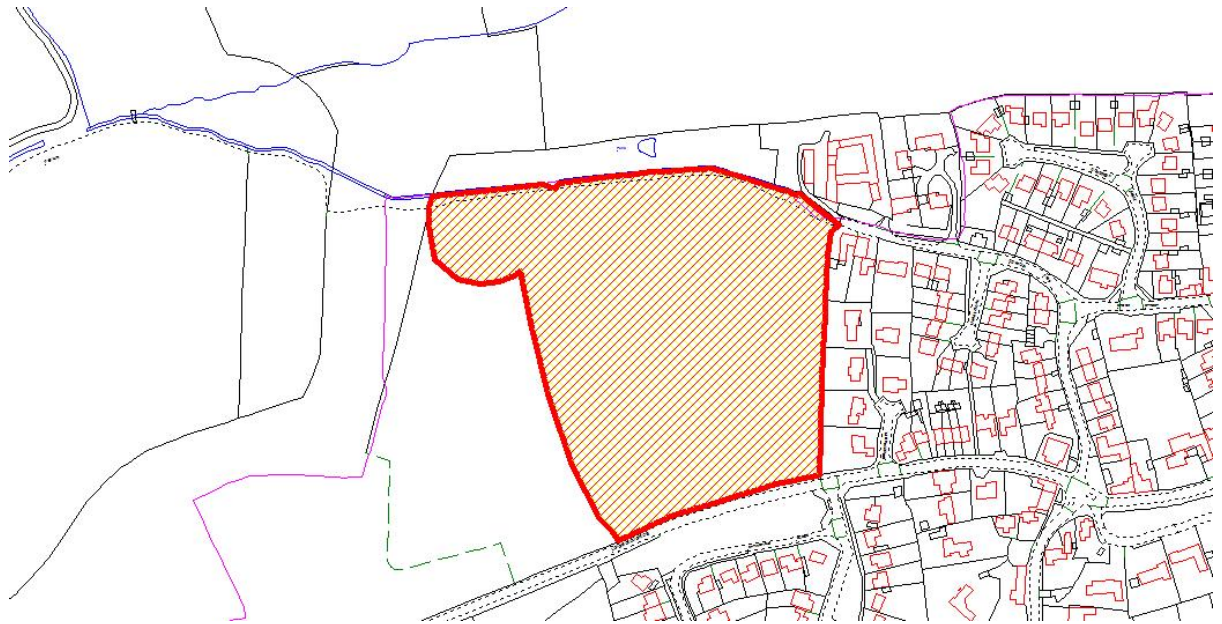
That the Planning Inspectorate be informed that had the Local Planning Authority been given the opportunity to determine the application then planning permission would have been refused for the reasons set out below:

Reasons for refusal

1. The general thrust of both local and national policy is to support sustainable development and of development that would promote the health and well-being of communities. Policy CS1 of the adopted Charnwood Local Plan 2011 to 2028 Core Strategy relates to the hierarchy of sustainability of settlements in the Borough as locations for new development. The application site lies outside the limits to development of Burton on the Wolds, which is identified by Policy CS1 as being in the 'Other Settlement' category of its settlement hierarchy. Policy CS1 makes provision to meet the local social and economic need for development in Other Settlements by responding positively to small scale opportunities within defined limits to

development. The proposal is not small scale, outside the settlement boundary and no local housing need has been demonstrated and the Local Planning Authority has established that there is no shortfall in its 5 Year Housing Land Supply and it is a clear unsustainable form of development and conflicts with the Adopted Local Plan Core Strategy 2011-28 Policies CS1 and CS25 and saved Policies CT/1 and CT/2 of the Adopted Borough of Charnwood Local Plan 1991-2006 and the aims and objectives of the revised National Planning Policy Framework. No material considerations have been advanced by the appellant to warrant setting aside the provisions of the Development Plan and the identified harm from the development would outweigh any benefits arising from the proposal.

2. The appellant has not demonstrated sufficiently that a safe and sustainable form of accessibility, particularly for vulnerable highway users, such as pedestrians and cyclists, would be provided to serve the site. Given the speed and volume of traffic witnessed on Loughborough Road, the proposed speed restriction signage is not considered appropriate or safe enough and therefore the proposal would create an unacceptable impact on highway safety for pedestrians and other vulnerable users and would deter future residents from using sustainable methods of transport, such as walking and cycling, which should be positively encouraged. As such the proposal is considered to be contrary to the Adopted Local Plan Core Strategy 2011-28 Policies CS17 and CS25 and with the overall sustainable objectives set out within the revised National Planning Policy Framework.
3. The proposal would cause substantive and significant harm to the form and character of the landscape and rural setting, result in the loss of a clear and defined boundary to the settlement and would result in less than substantial harm to the significance of the setting of the surrounding heritage assets which have a strong historic relationship to the site. The public benefits when taken as a whole do not outweigh the less than substantial harm which has been identified. As such, the proposal is considered to be contrary to the Adopted Local Plan Core Strategy 2011-28 Policies CS11 and CS14, the Burton on the Wolds Village Design Statement (SPD), and the aims and objectives of the revised National Planning Policy Framework. No material considerations have been advanced by the appellant to warrant setting aside the provisions of the Development Plan and the identified harm from the development would outweigh any benefits arising from the proposal.



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