

<b>Plans Committee Date:</b>	<b>12 April 2023</b>
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**Item No:**

**Application Reference Number:** P/21/0759/2

<b>Application Type:</b>	Outline	<b>Date Valid:</b>	1/4/2021
<b>Applicant:</b>	Gladman Developments Ltd		
<b>Proposal:</b>	Outline planning application for up to 135 new dwellings, with all matters reserved except access.		
<b>Location:</b>	Land off Melton Road, Barrow Upon Soar, Leicestershire		
<b>Parish:</b>	Barrow Upon Soar	<b>Ward:</b>	Barrow and Sibleby Ward
<b>Case Officer:</b>	Susan Garbutt	<b>Tel No:</b>	07864 603389

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## 1. Background

1.1 This application was considered at Plans Committee on 22 December 2022, where it was resolved as follows:

*“that, in respect of application P/21/0759/2 (Gladman Developments Ltd. Land off Melton Road, Barrow Upon Soar, Leicestershire), planning permission be granted in accordance with recommendations A and B subject to the completion of a s106 agreement and conditions and reasons set out in the report of the Head of Planning and Growth” (minute 18.1. of 22/12/22 Plans Committee).*

1.2 Since the Plans Committee resolution, it has been brought to the attention of the case officer, by a neighbour of the site, that their submitted objection was not considered when the application was determined. Their objection was submitted to the previous application P/19/1856/2, but it had been agreed in writing with the previous case officer that the objection would be carried over to the current application P/21/09759/2. The objector had also requested to speak at Plans Committee.

1.3 Now the objection has been brought to the attention of the case officer, the purpose of this report is to make Members aware of the objection and the matters raised, and to advise Members as to whether the objection impacts on the conclusion of the original Plans Committee Report and/or the recommendations. The original Plans Committee Report from 22 December 2022 is attached as Appendix A. The case officer has visited the property of the objector to consider the matters raised and the Local Highway Authority has been consulted. The Parish Council and the applicant have been made aware of the objection.

1.4 This application was brought to Plans Committee as it relates to a major housing development outside current limits to development and is a departure from the development plan and was recommended for approval. The application was also called in by Ward Cllr Fryer and Ward Cllr Ranson for the following reasons:

- Overdevelopment
- Outside limits to development
- Loss of agricultural land
- Access

## **2. Description of the application site**

2.1 The application site is described in section 2 of the original Plans Committee report from 22 December 2022 (see Appendix A).

2.2 The objection that is being considered is from Fishpool Farmhouse, located to the north of the site and accessed from Brook Lane, which connects to the northern side of Fishpool Way.

## **3. Description of the proposal**

3.1 This outline planning application seeks planning permission for the erection of up to 135 dwellings, with all matters reserved other than the access onto Melton Road. The proposal includes 30% affordable housing. The proposed density of the residential areas would be an average of 34 dwellings per hectare. The proposed site access would be taken from Melton Road. A full description of the proposal is within section 3 of the original Plans Committee report from 22 December 2022 (see Appendix A).

## **4. Development Plan Policies**

4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), the Minerals and Waste Local Plan (2019) and the Barrow Upon Soar Neighbourhood Plan (2016-28), made in 2018.

4.2 The policies applicable to this application are described in section 6 of the original Plans Committee report from 22 December 2022 (see Appendix A).

## **5. Other material considerations**

5.1 The material considerations applicable to this application are described in section 7 of the original Plans Committee report from 22 December 2022 (see Appendix A).

## The Draft Charnwood Local Plan 2019-37

- 5.2 Since the Plans Committee resolution on 22 December 2022, the hearing sessions for the submitted Local Plan have concluded. The original Plans Committee report identified the relevant emerging policies of the Local Plan and set out the weight that could be given to the relevant emerging policies. The weight that can be given to the policies remains unchanged at this time.

## 6. Relevant Planning History

### 6.1

Reference	Description	Decision & Date
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The site has the following relevant planning history.

P/20/1717/2	Pre-application advice meeting	Advice given 19/11/2020
P/19/1856/2	Outline planning application for up to 135 dwellings, with public open space with equipped play area, landscaping and sustainable drainage system, (SuDS) and vehicular access point from Melton Road. All matters reserved except for means of access.	Withdrawn 29/11/2019
P/19/1483/2	Pre-application advice – Erection of 155 dwellings	Advice given 30/8/2019

## 7. Responses of Consultees & Other Comments Received

- 7.1 The consultation responses and public comments received were summarised in section 8 of the original Plans Committee report from 22 December 2022 (see Appendix A). Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)
- 7.2 The objection that has been raised by Fishpool Farmhouse is discussed in section 9 below.
- 7.3 The applicant has responded to the points raised in the objection and the Local Highway Authority has also commented. These points are considered in section 9 below. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

## 8. Consideration of the Planning Issues

- 8.1 The original Plans Committee report from 22 December 2022 (see paragraphs 10.1 to 10.5 of Appendix A) set out that the application fell to be determined under paragraph 11d(ii) of the NPPF and that paragraph 14 of the NPPF did not apply.

8.2 The main planning considerations applicable to this application were considered to be:

- Principle of development
- Housing mix
- Landscape & Visual Impact
- Design & Layout
- Open Space
- Ecology and biodiversity
- Impact on residential amenity
- Noise, Air Quality and Contamination
- Heritage impacts
- Highway matters
- Flooding and drainage
- Sustainable construction and energy efficiency
- S106 Contributions

8.3 The purpose of this update report is to consider the objection from Fishpool Farmhouse and so this report considers that matter only.

## 9. Key Issues

### 9.1 The objection from Fishpool Farmhouse

9.2 The following section sets out a summary of the objection points raised and the officer response, with reference to consultee comments, the applicant's response to the objection, and the original Plans Committee report where relevant.

**Objection comment 1: Future residents will be able to access the site via Brook Lane, some of which is not owned by the highway authority and there is no legal right of way to the application site from Fishpool Way via Brook Lane.**

9.3 The Highway Authority have confirmed that part of Brook Lane (from the junction with Fishpool Way up to and including the bridleway that crosses Brook Lane and enters the site) is adopted highway. Part of Brook Lane is a public right of way and there are no restrictions on the number of pedestrians using the public right of way.

**Objection comment 2: The Council can demonstrate a 5 year supply of housing (including a 5% buffer) and housing delivery is 123% of the housing requirement. It is not necessary or justifiable to permit further residential development outside Limits to Development.**

9.4 The latest housing supply position is 3.04 years (at 31/3/22) and so the presumption in favour of sustainable development the 'tilted balance' in paragraph 11d)ii) of the NPPF applies. See paragraphs 10.2 to 10.4 of the Plans Committee Report (Appendix A).

**Objection comment 3: Policy CS1 is an up to date policy (as demonstrated by recent appeal decisions) and so paragraph 11d of the NPPF, the tilted balance, is not engaged.**

- 9.5 The Core Strategy and policies within it are now over 5 years old and so are considered to be out of date. Policy CS1 can be given at least moderate weight as the overall growth strategy for the Borough is based upon directing development to the most sustainable locations, in accordance with the NPPF. Paragraph 11d)ii) of the NPPF does apply, see paragraphs 10.2 to 10.4 of the Plans Committee Report (Appendix A).

**Objection comment 4: The development would direct a further 135 dwellings to a service centre, which would undermine the spatial strategy for the Borough.**

- 9.6 Paragraphs 10.7.3 to 10.7.7 in the original Plans Committee report address this matter.

**Objection comment 5: The application undermines the plan-led system.**

- 9.7 The site is an emerging allocation in the submitted Local Plan (site DS3(HA46)) and therefore the applicant has engaged in the plan-led process. An application for development can be made at any time. In the context of a lack of 5 year supply, many emerging housing site allocations in the Local Plan are being submitted as planning applications to boost housing delivery.

**Objection comment 6: The applicant has not provided sufficient evidence to demonstrate that the proposed development would not have an unacceptable impact on highway safety or confirm the residual cumulative impacts on the road network would not be severe.**

- 9.8 These comments were based upon the previous application. The current application has been assessed by the Local Highways Authority who do not object to the proposal, subject to conditions and S106 contributions. The Local Highways Authority advise that they do not consider that any improvements to the Lane could be justified due to the quantum of development and pedestrian footfall.

**Objection comments 7: Access to Fishpool Farmhouse from Brook Lane is often restricted due to parked cars. The proposed play area on the site is close to Brook Lane and will encourage parking on Brook Lane.**

- 9.9 Brook Lane is an access for Fishpool Farmhouse and another property and is used as a field access. There is no parking restriction on Brook Lane. The Local Highway Authority advise that they do not consider that the proposed development should encourage people to park on Brook Lane itself, as it would be obstructing the Lane. The Local Highway Authority advise that the indicative location of the open space and play space may generate more pedestrian footfall, there are no restrictions on the number of pedestrians using the public right of way and restrictions cannot be placed on the number of people using the Lane.

**Objection comment 8: Concern relating to surface water flooding from the site, to Fishpool Farmhouse and Fishpool Brook due to the topography. The existing flow will be increased by the development and insufficient information submitted.**

- 9.10 This is addressed in the original Plans Committee Report paragraph 12.16.4-7, and the Lead Local Flood Authority raise no objection subject to conditions, including details of surface water drainage (see Appendix A).

**Objection comment 9: Concern regarding overlooking and overbearing from new dwellings to Fishpool Farmhouse due to the topography of the site.**

- 9.11 The application is in outline at this stage, detailed consideration of amenity impacts will be considered at reserved matters stage. The original Plans Committee report highlights that Fishpool Farmhouse is the nearest residential property (paragraph 12.13.3 Appendix A). The indicative layout shown on the Development Framework plan shows that new dwellings would be located away from the northern site boundary, which is closest to Fishpool Farmhouse. The nearest new dwelling to Fishpool Farmhouse is shown as approximately 140m away. This is well in excess of the minimum separation distance of 21m to 27.5m (for 2 and 3 storey dwellings) set out in the Design SPD.
- 9.12 The applicant has provided an Illustrative Section Elevation AA (Plan D7623.006) which is a section within the site and through Fishpool Farmhouse, based on more detailed topographical information than used in the submitted Design and Access Statement. This plan shows the ground level of Fishpool Farmhouse and illustrates the ground levels of the site. The section shows that dwellings will be located on higher ground than Fishpool Farmhouse.

**Objection comment 10: The agricultural land to the north-east of Fishpool Farmhouse is to be used for pigs and this will have a negative impact on future residents.**

- 9.13 The land adjacent to the site is farmland. Future residents would be aware of this use when purchasing a property on the site. No concern about the impact of the adjacent land use was raised by environmental health.

**Objection comment 11: Impact of 2.5 storey development on the rural landscape, due to the site topography.**

- 9.14 At the site visit to Fishpool Farmhouse, the case officer noted that the farmhouse is at a lower ground level than the access road that serves it, and that site levels on the application site rise from Fishpool Farm upwards to the south-east. The original Plans Committee report identifies that there will be a moderate adverse effect on views from Brook Lane Farm, which will be decreased by planting to the north of the site (secured by condition 5) and full details of landscaping and layout will be considered at reserved matters stage. The position of any 2.5 storey dwellings is not considered at this outline stage and would be considered in detail at reserved matters stage.

9.15 At the case officer site visit, the objector raised concern regarding the view from Nottingham Road towards the site. The landscape and visual impacts of the proposal were discussed in section 10.9 of the original Plans Committee report. The report highlights that 10 viewpoints were assessed. The view from motorists using Nottingham Road towards the site was assessed by the applicant and was assessed as minor adverse. The assessment stated *“Motorists will be travelling at speed and over a short distance of 600m views will be transient and of short duration. The Proposed Development would be seen in the context of Barrow upon Soar and the settled valley landscape that characterises views from the road. The magnitude of change is assessed as low and the overall effect is judged to be minor adverse”* (Landscape and Visual Assessment, paragraph 6.50).

## **10. Conclusion**

10.1 The report has considered the objections raised by Fishpool Farmhouse. The objection raises matters that have been already considered within the original Plans Committee report. The concerns raised regarding Brook Lane have been considered and the Local Highways Authority has confirmed that they do not raise any objections to the proposed development and that no further conditions are required to mitigate the impact of the development on Brook Lane.

10.2 The conclusion within the original Plans Committee Report also remains applicable.

## **11. Recommendation**

**11.1 It is therefore recommended that the original resolutions on the applications should be confirmed without amendment, which was as follows:**

“that, in respect of application P/21/0759/2 (Gladman Developments Ltd. Land off Melton Road, Barrow Upon Soar, Leicestershire), planning permission be granted in accordance with recommendations A and B subject to the completion of a s106 agreement and conditions and reasons set out in the report of the Head of Planning and Growth” (Plans Committee minutes 22/12/22 18.1.)

# APPLICATION SITE

