

**Item No.****Application Reference Number P/22/1168/2**

**Application Type:** Outline **Date Valid:** 20<sup>th</sup> July 2022  
**Applicant:** Clarendon Land & Development  
**Proposal:** Outline planning application for up to 65 dwelling houses with all matters reserved except for access

**Location:** Land off Gaddesby Lane  
Rearsby  
Leicestershire  
LE7 4YL

**Parish:** Rearsby **Ward:** Rearsby

**Case Officer:** Mohammed Akram **Tel No:** 07595464216

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**1.0 Background**

1.1 This application has been 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 which is recommended for approval. The application has also been called in by former Ward Cllr Poland for the following reasons:

- Unsustainable location for development
- Impact on the highway network
- Pressure on local services

**2.0 Description of the Site / Surrounding**

2.1 The application site is situated on the southern side of Gaddesby Lane in Rearsby. The site is an agricultural field in use as arable farmland. It is irregular in shape and extends to approximately 3.37 hectares in size and is accessed from Gaddesby Lane. There is gentle gradient with the land sloping from the west at its highest point towards the east of the site.

2.2 The application site is situated within Flood Zone 1. There are land drain ditches along the south and east boundaries of the site. Rearsby Brook is located approximately 390m north and Gaddesby Brook approximately 630m south of the site and both flow in a westerly direction. The site is located within the Wreake Valley Landscape Character Area. The site is also identified within a Gypsum, Sand and Gravel Mineral Safeguarding Area.

- 2.3 The application site is bounded to the west by existing rear gardens and/or modern residential dwellings on New Avenue and Weston Close Cul-de-sac. Part of the northern boundary is formed by the existing rear gardens to residential dwellings on Gaddesby Lane. The A607 is located approximately 190m to the east of application site. There are two agricultural fields to the east, which provide separation between the A607 and the application site. The site is enclosed by hedgerows and trees to majority of its boundaries. Planning permission P/22/0669/2 is being implemented on the opposite side Gaddesby Lane for the erection of three detached two storey dwellings with double carports. Rearsby Village Centre is situated approximately 300m to the north of the site. National Cycle Route 48 runs in a roughly north-south direction along Melton Road and Mill Road through Rearsby.
- 2.4 The site is not situated in a designation Conservation Area, nor are there any designated and non-designated heritage assets within the site. Rearsby Conservation Area is situated approximately 5m to the north-eastern corner of the site, where rear gardens of adjoining properties provides intervening buffer between the application site and the Conservation Area . The nearest heritage assets located within Rearsby Conservation area are Grade II listed cottages at 1787-1795 Melton Road approximately 80 metres away northwest of the site. There are a number of listed buildings on the western side of Melton Road and Mill Road to the northeast of the site and within Rearsby Conservation Area. The Grade I Listed Church of St. Mary, Queniborough is situated approximately 1.9km to the south of the site. There are no archaeology constraints on site. Within the locality and immediately to the west and northwest of the site, there is archaeological alert zone for Rearsby Conservation Area, New Avenue and West Close.
- 2.5 The site is situated outside defined settlement limits for Rearsby as defined by the saved Local Plan Policies Map. The site is adjacent to the south-eastern edge of the defined limits to development for Rearsby as defined by Rearsby Neighbourhood Plan. The site is a housing allocation under policy DS3 (HA66) within the emerging Local Plan. However, the application does include a triangular parcel shown for an SuDS attenuation basin to the south-eastern corner that falls outside of the housing allocation under policy DS3 (HA66) of the emerging Local Plan.

### **3.0 Proposal Description**

- 3.1 The proposal is for outline planning permission for residential development for up to 65 dwellings with all matters (appearance, landscaping, layout and scale) reserved for later consideration except for the proposed access to the site.
- 3.2 The proposed access would be provided from Gaddesby Lane situated towards north western corner of the site. An amended illustrative masterplan has been submitted, which shows that a layout for up to 65 units could be accommodated on the site. The proposed indicative plans also include the provision of open space, SUDs attenuation feature, soft landscaping and internal road(s).

3.3 The amended indicative plans shows a buffer of green/open space with an existing tree/vegetation buffer retained along the western boundary adjacent to existing residential dwellings on New Avenue, Weston Close and Gaddesby Lane. There is also a buffer of open space along the southern and eastern boundary. The SuDS attenuation feature is proposed along the south-eastern part of the site. The wider masterplan shows habitat creation as part of Biodiversity Net Gain with a footpath along the eastern part of the site, which is outside of the application site boundary but within the ownership of the applicant and could form part of ecological mitigation (if required).

3.4 As part of original submission, this outline planning application was accompanied by:

- Design and Access Statement
- Archaeological Desk-Based Assessment
- Archaeological Evaluation
- Written scheme of investigation for archaeological evaluative works
- Risk Assessment & Method Statement
- Geophysical Survey
- Built & Heritage Statement
- Transport Assessment to include Technical Note
- Drainage Strategy
- Flood Risk Assessment & Drainage Strategy (March 2022)
- Draft Heads of Terms
- Landscape & Visual Assessment
- Preliminary Ecological Appraisal Report, Great Crested Newt Survey and BIA Metric / Results / Plans
- Travel Plan
- Planning Statement
- Statement of Community Involvement
- Arboricultural Impact Assessment, Method Statement & Tree Protection Plan
- Illustrative Masterplan

3.5 During the application a revised masterplan was submitted along with updated information, to address consultee and case officer comments, as follows:

- Revised Masterplan and Wider Masterplan
- Proposed Site Access Plan
- Updated Flood Risk Assessment & Drainage Strategy
- Revised Biodiversity Metric Calculation / Habitat / BIA Retention Plans
- Revised Design and Access Statement

#### **4.0 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) and the Minerals and Waste Local Plan (2019).

4.1.1 Charnwood Local Plan 2011-2028 Core Strategy (November 2015)

Development Plan policies relevant to the determination of this planning application are set out below:

- Policy CS1 - Development Strategy
- Policy CS2 - High Quality Design
- Policy CS3 - Strategic Housing Needs
- Policy CS11 - Landscape and Countryside
- Policy CS12 - Green Infrastructure
- Policy CS13 - Biodiversity and Geodiversity
- Policy CS14 - Heritage
- Policy CS15 - Open Spaces, Sport and Recreation
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS18 - The Local and Strategic Road Network
- Policy CS24 - Delivering Infrastructure
- Policy CS25 - Presumption in favour of sustainable development

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

4.2.1 The saved policies of the Local Plan (2004) are still considered to be consistent with the aims and objectives of the NPPF and the more recently adopted core strategy and therefore carry significant weight. In relation to this proposal the relevant ones are:

- ST/2 - Limits to development
- CT/1 - General principles for areas of countryside
- CT/2 - Development in the countryside
- EV/1 - Design
- TR/18 - Parking provision in new development

#### 4.3 Leicestershire County Council Minerals and Waste Local Plan (2019).

- Policy M11 (Safeguarding of Mineral Resources)

#### 4.4 Rearsby Neighbourhood Plan (made 9/12/21, referendum 28/10/21)

- Policy R1 (Design)
- Policy R3 (Promoting effective use of land – Limits to Development)
- Policy R4A (Housing Mix)
- Policy R4B (Delivering sufficient homes – ‘Exception’ site development)
- Policy R6B (Important open spaces)
- Policy R6C (Community Amenities)
- Policy R7 (Conserving and enhancing the natural environment)
- Policy R8 (Conserving and enhancing the historic environment – Local heritage assets)
- Policy R9 (Promoting sustainable transport)

## **5.0 Other Material Considerations**

### **5.1 The National Planning Policy Framework (NPPF 2021)**

5.1.1 The NPPF policies of particular relevance to this proposal include:

- Section 2: Achieving sustainable development
- Section 5: Delivering a sufficient supply of housing
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 12: Requiring well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 16: Conserving and enhancing the historic environment

### **5.2 Planning Practice Guidance**

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

### **5.3 National Design Guide**

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

### **5.4 DCLG – Technical Housing Standards – nationally described space standard (March 2015)**

5.4.1 This seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, but it is included in the emerging Policy H3 of the emerging local plan and is therefore a material consideration for which appropriate weight must be given.

### **5.5 Design Supplementary Planning Document (SPD) (January 2020)**

5.5.1 This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

## 5.6 Leicestershire Housing and Economic Needs Assessment (HENA) – 2022

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

## 5.7 Housing Supplementary Planning Document (SPD) (adopted May 2017 – updated December 2017)

5.7.1 The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

## 5.8 Landscape Character Appraisal

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

## 5.9 Leicestershire Highways Design Guide

5.9.1 This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

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

5.10.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

## 5.11 Conservation of Habitat and Species Regulations 2010 (as amended)

5.11.1 The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

## 5.12 Planning Guidance for Biodiversity June 2022

5.12.1 This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

## 5.13 Equality Act 2010

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

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

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

## 5.15 The Charnwood Local Plan: Pre-submission Draft (February 2023)

5.15.1 The following emerging policies are considered relevant in the determination of this application:

- DS1 Development Strategy
- DS3 Housing Allocations (the site is part of emerging allocation HA51)
- DS5 High Design Quality
- OS1 Other Settlements
- H1 Housing Mix
- H2 Housing for Older People and People with Disabilities
- H3 Internal Space Standards
- H4 Affordable Housing
- T3 Car Parking Standards
- CC1 Flood Risk Management
- CC2 Sustainable Drainage Systems

- CC4 Sustainable Construction
- CC5 Sustainable Transport
- EV1 Landscape
- EV6 Conserving and Enhancing Biodiversity and Geodiversity
- EV7 Tree Planting
- EV8 Heritage
- EV9 Open Spaces, Sport and Recreation
- EV11 Air Quality
- INF1 Infrastructure and Developer Contributions
- INF2 Local and Strategic Road Network

5.15.2 This document sets out the Council’s strategic and detailed policies for the Borough over the period 2019-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events is dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2023.

5.15.3 In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.15.4 The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the ‘Planning Considerations’ part of this report.

## **6.0 Planning History**

### **6.1 Application site**

6.1.1 There is no relevant planning history for the site.

## **7.0 Responses of Statutory Consultees and Other Comments Received**

7.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council’s website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)



Consultee	Response
Leicestershire Lead Local Flood Authority (LLFA) – Leicestershire County Council	<p>Leicestershire County Council as Lead Local Flood Authority confirms that the brownfield site is located within Flood Zone 1 being at low risk of fluvial flooding and consider the <b>proposal is acceptable subject to a number of conditions</b> and are recommended to be attached to any grant of planning permission:</p> <ul style="list-style-type: none"> <li>• Surface water drainage details.</li> <li>• Management of surface water during construction details.</li> <li>• Long term maintenance of surface water drainage system details.</li> <li>• infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element.</li> </ul>
Leicestershire County Council – Local Highways Authority (LHA)	<p><b>No objections</b> subject to conditions:</p> <ul style="list-style-type: none"> <li>• Access arrangements to be implemented in full prior to occupation.</li> <li>• Off-site works improvement works to Gaddesby Lane / Melton Road / Mill Road Proposed Junction and Footway Improvements implemented in full prior to occupation of any part of the development.</li> <li>• Travel plan in accordance with approved details with actions and measures with quantifiable outputs and outcome targets. The agreed travel plan implemented with approved details.</li> <li>• Offsite works for new/improved bus stop infrastructure including raised kerbs, flag, pole and bus shelter as appropriate on Melton Road implemented in full prior to occupation of any part of the development (further information on whether these works can be secured by planning condition or planning obligation as part of S.106 Agreement will be provided to members via the extras report).</li> <li>• Construction traffic management plan.</li> </ul> <p><b>Planning obligations:</b></p> <ul style="list-style-type: none"> <li>• Travel Packs - <b>£52.85 per pack.</b></li> <li>• Six month bus passes – two pass per dwelling at cost of <b>£360 per pass.</b></li> <li>• Travel Plan monitoring fee of <b>£6,000.</b></li> </ul>
Severn Trent	<p><b>Raised no objections / no comments.</b></p> <ul style="list-style-type: none"> <li>• Foul waste is proposed to connect into the public sewer on Gaddesby Lane, which will be subject to a formal section 106 sewer connection approval</li> </ul>

	<p>separate to any planning process. A pumping solution proposed foul water discharge would be subject to sewer modelling assessment to determine what impact the generated flows from the site will have on the existing network together with any impact on generated flows, maximum pump rate, comprehensive study on catchment and capital improvement (if any).</p> <ul style="list-style-type: none"> <li>• Surface water is proposed to discharge into a ditch, which Severn Trent have raised no comment.</li> </ul>
Leicestershire County Council – Minerals Authority	<b>No objections.</b>
Charnwood Borough Council – Housing Strategy & Support	<b>Seeks 40% (26 Homes)</b> affordable housing on the site at an appropriate mix at reserved matters stage and with <b>77% for affordable rent and/or social rent (26 homes) and 23% intermediate (6 homes)</b> to be distributed across the site in clusters of no more than 10, housing mix to accord with latest assessment of housing need, Nationally Described Space Standards and in accordance with the Housing SPD.
Leicestershire County Council - Education	<b>No developer contribution required</b> for Primary, Secondary and Post-16 education.
Leicestershire County Council - Libraries	<b>£1,967.94 developer contribution</b> towards enhancement of East Goscote Library.
Leicestershire County Council - Civic Amenity	<b>£3,358.55 developer contribution</b> towards waste management at the Housing Waste Recycle Centre facility at Mountsorrel.
Charnwood Borough Council – Open space	<p>Raises <b>no objection</b> subject to on-site / off-site contributions:</p> <ul style="list-style-type: none"> <li>• 0.22 ha on-site - Parks &amp; Amenity Open Space. Detailed design, management and maintenance details required.</li> <li>• 0.31ha on-site - Natural Open Space. On site defined habitat areas managed for ecological/ wildlife value.</li> <li>• 0.04ha on-site - Provision for Children (LEAP).</li> <li>• Off-site contribution of £62,009 for Young People.</li> <li>• £21,404 off-site contribution for Outdoor Sport facilities.</li> <li>• £7,340 off-site contribution for creation of additional allotments at Rearsby.</li> </ul>
Leicester, Leicestershire & Rutland ICB	<b>£31,399.68</b> for additional clinical accommodation for 156 patients at The Jubilee Medical Practice and The County Practice.

Integrated Care Board (NHS)	
Environment Agency	Raises <b>no objection</b> as the development falls within flood zone I and there are no fluvial flood risk concerns associated with the site. There are also no environmental constraints associated with the application site which fall within the remit of the Environment Agency.
Charnwood Borough Council - Biodiversity	<p>Baseline biodiversity status is agreed, <b>no objection subject to obligations as part of S106 Agreement</b> are prepared to include:</p> <ul style="list-style-type: none"> <li>• To submit the BIA of the Reserved Matters Scheme with the Reserved Matters Application</li> <li>• Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval based on the baseline value agreed at Outline to specify post development value of the Reserved Matters scheme at Reserved Matters stage.</li> <li>• To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</li> <li>• Where the provision of the Biodiversity Net Gain cannot be achieved within the red line site boundary to provide further mitigation measures/ habitat creation off site on adjoining land pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and/or pay the Biodiversity Impact Compensation to the Council.</li> </ul> <p><b>No objections</b>, subject to conditions:</p> <ul style="list-style-type: none"> <li>• Landscaping scheme</li> <li>• Landscape / biodiversity management plan</li> <li>• CEMP</li> <li>• External lighting</li> </ul>
Charnwood Borough Council – Urban Design, Conservation & Archaeology	<b>No objections</b> to the revised masterplan.
Charnwood Borough Council - Environmental Health	<p><b>No objections subject to conditions:</b></p> <ul style="list-style-type: none"> <li>• Air quality assessment.</li> <li>• Construction method statement / management plan.</li> <li>• External lighting.</li> <li>• Remediation strategy for any contamination not previously identified is found to be present at the site</li> </ul>

	<p>during development stage. Details need to include how this unsuspected contamination shall be dealt with together with any verification plan.</p>
<p>Site and press notice displayed. Neighbours &amp; Ward Councillors consulted.</p>	
<p>Former Cllr Poland</p>	<p>The recent Local Elections have resulted in Councillor Poland not being re-elected and the request for the application called in to Plans Committee has not been withdrawn. Objects on the following grounds:</p> <ul style="list-style-type: none"> <li>• It is an unsustainable location for development</li> <li>• Impact on the highway network</li> <li>• Pressure on local services.</li> </ul>
<p>Rearsby and East Goscote Parish Councils (Planning matters)</p>	<p>They objecting to the proposal on following grounds:</p> <ul style="list-style-type: none"> <li>• Unsustainable location due to lack of facilities in Rearsby.</li> <li>• Outside of Limits to Development of made Rearsby's Neighbourhood Plan contrary to relevant policies within Local Plan and emerging Local Plan</li> <li>• Housing needs already fulfilled by approved developments for Rearsby</li> <li>• Impact on infrastructure/ local services from proposed and previously approved developments</li> <li>• Access for construction traffic needs to be taken from A607 and the need for traffic light controlled junction</li> <li>• Suggest that access is proposed onto the Rearsby bypass (A607)</li> <li>• Improvements to Gaddesby Lane/ Melton Road junction due to inadequate visibility splays and limitations of the Conservation area and the available space</li> <li>• Pedestrian/ other vulnerable road users safety, speeding and road accidents at junction of Gaddesby Lane and Melton Road</li> <li>• Traffic congestion/ generation, modelling, and cumulative impact from other developments on Gaddesby Lane and Melton Road</li> <li>• Cumulative impact for all major developments coming forward at the same time and suggest area wide traffic management plan to manage conflict needs of HGV and local traffic</li> <li>• Suggest speed limits throughout the two village adopted at 20mph for safe cycling, walking and air quality benefits</li> <li>• Adverse impact on wildlife as the site is well known for sighting of roe deer, bats, badgers and so on/ impact on habitat and movement corridors</li> <li>• Impact on flooding/ drainage</li> </ul>

	<ul style="list-style-type: none"> <li>• Request for contribution as part of S.106 Agreement towards traffic calming measures in the village</li> <li>• Welcome the introduction of a green corridor around the site as part of revised plans. However, Previous objections to the site have not been addressed</li> </ul>
Rearsby Parish Council (S106 matters)	<p>Requesting for contribution towards S.106 Agreement:</p> <ul style="list-style-type: none"> <li>• A local link for affordable housing element of the housing mix</li> <li>• Housing mix to include bungalows</li> <li>• Traffic calming measures on Melton Road</li> <li>• Cost towards putting disabled access into the village hall playing fields</li> <li>• Improvements towards facilities for teenagers in the village</li> <li>• Further dog bins/ litter bins</li> </ul> <p>Further response provided in relation to contribution towards S.106 and revised plans as follows:</p> <ul style="list-style-type: none"> <li>• S.106 contribution between £1,650 and £,3000 towards improvements to disabled access into the village hall playing fields</li> <li>• Highway Authority comments to deal with any traffic calming measures along Melton Road</li> </ul>
Neighbours against the application (1 <sup>st</sup> consultation)	<p>37no. letters received objecting on the following grounds:</p> <ul style="list-style-type: none"> <li>• Outside of the development limits of Rearsby Neighbourhood Plan</li> <li>• Council already meets more than 3 years of housing stock and Rearsby neighbourhood plan needs to be considered</li> <li>• Housing requirement already fulfilled for Rearsby</li> <li>• Not 'small scale infill development' for '<i>Other settlements</i>'</li> <li>• Disproportionate housing/ development with others approved/ implemented (Old Convent/ East Goscote)</li> <li>• Site is in '<i>area of local separation</i>'</li> <li>• Building on green belt/ impact or loss of open countryside</li> <li>• Adverse impact to landscape/ valuable green space/ beautiful countryside views/ valued scenery</li> <li>• Loss of agricultural/ arable land</li> <li>• Density is far too high for plot size and no opportunity to maintaining/ enhancing further diversity of wildlife</li> <li>• Need for bungalows and smaller houses/ Balance between large and small dwellings across the site</li> </ul>

	<ul style="list-style-type: none"> <li>• Reduction in overall numbers, height and more bungalows, first time buyers and social housing</li> <li>• Question on commitment for 1 and 2 bedrooms and percentage proposed for lower incomes</li> <li>• Site levels and inappropriate scale for up to three storey or 2 storeys</li> <li>• Impact from light spillage</li> <li>• Loss of privacy, outlook and visual amenity</li> <li>• Traffic congestion/ risk of accidents/ pedestrian/ cycle safety/ cumulative traffic impact through the village and along Gaddesby Lane</li> <li>• No safe access for heavy good vehicles due to dangerous Gaddesby Lane and Melton Road junction</li> <li>• Traffic generated from previously approved and planned development would negate the benefit of the by-pass (A607)</li> <li>• Suggest traffic control measures installed such as traffic light, mini roundabout etc.</li> <li>• Suggest development should be linked to the village via footpaths and cycle lanes to ensure the continued safety of all residents but particularly those who live on Gaddesby Lane</li> <li>• Any access/ entrance to the site should be from bypass/ dual carriageway A607 together with highway mitigations</li> <li>• Impact on Leicestershire Round Walk</li> <li>• Impact on ecology/ biodiversity such as bats, badgers, birds nesting, newts, roe deer and other wildlife/ habitat to include hedgerow, wild flora for insects</li> <li>• Suggest native trees, hedgerows, wild flowers and ponds to re-establish the ecosystems/ screening between existing homes</li> <li>• Soil erosion/ impact on the ecosystem from housing development.</li> <li>• Noise, disturbance and light generated during construction and post development on wildlife</li> <li>• Question in relation to the location of play area within the site.</li> <li>• Decrease in air quality/ development vulnerable to air pollution/ impact on health of residents.</li> <li>• Lack of/ impact on existing drainage/ inadequate for expansion</li> <li>• Flooding/ surface water/ hardstanding areas/ soil and infiltration</li> <li>• Maintenance of culvert in relation to collection of surface water/ flooding</li> </ul>
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	<ul style="list-style-type: none"> <li>• Site levels for the scale and size of development and impact on wildlife and residents from any potential design pump station</li> <li>• Increased demand/ overload on utilities/ infrastructure</li> <li>• Impact on climate change</li> <li>• Impact on local infrastructure such as schools, doctors, dentists and so on</li> </ul>
2 <sup>nd</sup> consultation on revised masterplan	
Neighbours against the application	<p>10no. letters received objecting or question on the following grounds:</p> <ul style="list-style-type: none"> <li>• Inappropriate development</li> <li>• Scale of development/ sufficient housing already been approved or development/ under development at Rearsby</li> <li>• Re-use of brownfield land needs to be considered and this proposal in Rearsby is unnecessary</li> <li>• Lack of facilities/ Impact on infrastructure</li> <li>• Infrastructure is considered essential and financial contribution requested by NHS is viewed as wholly inadequate</li> <li>• Density is far too high and bungalows needs to be considered to meet Village Plan requirements</li> <li>• Suggest to site bungalows along the rear and side of Gaddesby Lane</li> <li>• Question if the social housing included as part of this proposal are town houses?</li> <li>• Accept that the new layout looks better but objection remains as this proposal is not on the village plan</li> <li>• Development would erode the character and undermine the pattern of development in a Conservation Area</li> <li>• Privacy, inadequate separation distance, visual amenity and security risk</li> <li>• Privacy and inadequate distance and what measures to mitigate such as screening fence, trees, hedges and so on</li> <li>• Undermine important views from the footpath crossing of the A607 as identified within Rearsby NP</li> <li>• Traffic congestion from additional vehicle movement</li> <li>• Pedestrian safety/ road accidents from vehicle speeding and so on</li> <li>• No specific measures provided for cyclist. Suggest that it should be extended to meet up with the Gaddesby Lane</li> <li>• Footpath around the site would become a dog walk with inevitable consequential mess</li> <li>• Increased noise and disturbance</li> </ul>

	<ul style="list-style-type: none"> <li>• Impact on surface water drainage/ flooding</li> <li>• Subsidence issues</li> <li>• Increased traffic, accidents and road safety at the junction of Gaddesby Lane and Melton Road</li> <li>• Reduction in number of dwellings and measures to minimise impacts on infrastructure, wildlife, highway safety and so on.</li> <li>• Effects on wildlife corridor and need to preserve/ extend trees/ hedge/ woodland known as the Spinney along rear and side of Gaddesley Lane</li> <li>• Management and maintenance responsibilities of green area/ The Spinney/ open space/ play area</li> <li>• Question whether boundary treatment/ screening will be replaced/ proposed to adjoining properties with consideration also for other structures in gardens</li> <li>• Suggest orchard area to run along the rear of properties on Gaddesby Road</li> <li>• Community orchard is outside of the development and the same landowner will use it as a barrier for the two fields for future development</li> </ul>
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## 8.0 Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), the Minerals and Waste Local Plan (2019) and the content of the made Rearsby Neighbourhood Plan (December 2021).
- 8.2 The Core Strategy and Charnwood Local Plan are over five years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance and as such that there is no reason for them to be given reduced weight.
- 8.3 As the Core strategy is now five years old, the Planning Authority cannot currently demonstrate a 5-year supply of housing land (3.04 years) and, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11(d)), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused.



- 8.4 Part (i) of NPPF paragraph 11(d) sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are generally nationally designated areas such as SSSI's, designated Local Green Space, AONBs and designated heritage assets. In this case, the site is not in an area specifically protected by the NPPF such that the NPPF's presumption in favour of sustainable development and the 'tilted balance' applies.
- 8.5 As the Rearsby Neighbourhood Plan was made in December 2021 the provisions of paragraph 14 of the NPPF are engaged. Paragraph 14 says 'where the presumption applies (at paragraph 11 (d)) to applications involving housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits', providing all of four criteria apply. These are discussed in detail below in paragraph 9.1.8.
- 8.6 The main planning considerations applicable to this application are considered to be:
- The Principle of Development
  - Housing Mix
  - Landscape and Visual Impact
  - Design and 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

## **9.0 Key Issues**

### **9.1 The Principle of Development**

- 9.1.1 The principle of development is guided by local plan policy CS1 of the Charnwood Core Strategy (2015), which categorises Rearsby as an 'Other Settlement' in the settlement Hierarchy and policies ST/2 of the saved local plan (2004) and Policy R3 of Rearsby Neighbourhood Plan (2021), which define its settlement limits. The application site is located outside of, but adjoins, the defined Limits to Development, as defined in the Rearsby Neighbourhood Plan Page 45 (Appendix A: Policy Maps Map 1: Limits to Development). For land outside these Development Limits and within open countryside, saved policy CT/1 of the saved Local Plan (2004) applies which seeks to control development outside of a relatively narrow set of criteria. Major housing development is not one of those developments permitted by policy CT/1. Although the proposal is not compliant with Saved policy CT/1, the principle of

development is considered acceptable for the reasons specified within this report. Therefore, saved policy CT/2 is engaged. Saved policy CT/2 of Local Plan (2004) applies to development acceptable in principle, and states that where development is acceptable in principle it will be permitted where it does not harm the character and appearance of the countryside and safeguards its historic, nature conservation, amenity and other local interest. These matters are considered later in this report.

- 9.1.2 Policy CS1 of the Core Strategy, outlines the development strategy for the borough and the distribution of sustainable growth through the settlement hierarchy. Rearsby falls within 'Other Settlements' and policy CS1 seeks (amongst other matters) a limited level of housing growth for small scale to meet local need within the defined 'limits to development' settlement boundary, which reflects the small range of facilities available in such settlements. The policy also highlights that at least 500 new homes will be provided within the settlement boundaries of 'Other Settlements'. In the appeal decision for Land off Melton Road, Burton on the Wolds (Application ref: P/19/0041/2) from June 2021, the Inspector was clear that *'The CS does not therefore place a moratorium on development in settlements at this tier. Although I understand more than 500 dwellings have been delivered so far, the requirement for these villages is a minimum'*. While the proposal adjoins the defined Limits to Development or Rearsby it is outside and within the countryside. Policy CS1 seeks to limit development within the settlement boundary of Other Settlements. Consequently, the proposed development would not be in accordance with policy CS1.
- 9.1.3 Policy CS1 also allows for development that respond positively to development which contributes to local priorities as identified in Neighbourhood Plans.
- 9.1.4 Policy R3 (Promoting effective use of land – Limits to development) of the Rearsby Neighbourhood Plan supports development within Limits to Development only, subject to criteria. Again, the application site would be outside the developments and situated within open countryside. The policy goes onto state that *'Land outside the Limits to Development is treated as open countryside, where development will be carefully controlled in line with the provisions of this Neighbourhood Plan, local and National strategic planning policies'*. The proposal is not in accordance with Policy R3 in principle.
- 9.1.5 As set out above, the NPPF is a material consideration in the determination of this application and the application involves the provision of housing and the Council cannot demonstrate a 5-year supply, the presumption in favour of sustainable development set out in paragraph 11d) of the NPPF applies.
- 9.1.6 This means granting permission unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides clear reason for refusing the application; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 9.1.7 Paragraph 11d has two parts, part (i) and part (ii) known as the 'tilted balance'. The report below sets out which part is considered to apply to this proposal.
- 9.1.8 As Paragraph 11d of the NPPF is engaged and there is a made Neighbourhood Plan, consideration has also been given as to whether the provisions of paragraph 14 apply. This paragraph can afford greater control over development where there are adverse impacts arising and there is a made Neighbourhood Plan in place, provided all four of the criteria of the paragraph are met. In this regard, while the Neighbourhood Plan is less than 2 years old, the council currently has a 3.04 year housing supply and can demonstrate over 45% housing delivery, the neighbourhood plan does not allocate land for housing or identify a housing requirement as required by NPPF para 14(b) and therefore the provisions of the paragraph are not engaged in this instance.
- 9.1.9 The supporting text in paragraph 2.3 of Rearsby Neighbourhood Plan acknowledges the application site as an emerging allocation in the submitted Local Plan by stating *'The draft Local Plan consulted on a draft allocation of a site for 47 dwellings in Rearsby. It is considered that further residential growth over and above this can be met through windfall development in the Parish'*. It reiterates in paragraph 4.23 of Rearsby NP that *'The housing allocation for 47 dwellings in the draft Local Plan alongside windfall development will ensure that sufficient land to meet residential need is available in the right locations'*. The draft allocation referred to within the Neighbourhood Plan relates to this application site. The site is a housing allocation (Policy DS3: HA66) within the emerging Local Plan and discussed in detail below. The site (PSH100) was also identified within the Strategic Housing and Employment Land Availability Assessment (2020) as a site with potential for delivery of 47 units.
- 9.1.10 The emerging Local Plan has been submitted for Examination and is a material consideration. Emerging policy OS1 of the Local Plan designates Rearsby as an *'Other Settlement'*, where developments are supported (amongst other matters) that deliver allocations in accordance with Policy DS3 or sustainable development that is in accordance with the pattern of development as outlined in policy DS1. Emerging policy DS1 states that new development is to be confined to allocated sites or within Limits to Development. Policy DS3 (Housing Allocations) proposes to allocate the site under policy DS3 (HA66) within the emerging Local Plan for the delivery of 47 dwellings. The site has been identified for allocation and therefore the Council has proposed that the site is a suitable location for housing growth.
- 9.1.11 It is worth noting that the proposed development is for up to 65 dwellings with the entire built form contained within the housing allocation site, and with the SuDS attenuation feature outside of the proposed housing allocation but within the site boundary of the application. The emerging Local Plan is at an advanced stage – Examination, and the hearing sessions have concluded. During the hearing sessions,

it has been proposed that the number of homes for this housing allocation (HA66) be amended from 47 to 65 units. While the application proposes a level of housing consistent with representations made under Policy DS3 at the hearing sessions, this policy remains unsettled and it is considered that it carries only limited to moderate weight at this time.

9.1.12 Concerns have been raised about the scale of housing proposed on this site in light of other recent approved and implemented developments in Rearsby. However, the target in policy CS1 of the Core Strategy is not expressed as a ceiling, as confirmed by the appeal inspector in the Melton Road, Burton decision, and there is no evidence to suggest that going beyond this figure is unacceptable. On the contrary evidence has been submitted to the draft local plan examination that a development of between 65 dwellings would be acceptable. This current application needs to be considered on its merits and on sustainability grounds as detailed below. It is a material consideration that this site is an housing allocation under policy DS3 (HA66) and was considered in light of the evidence and sustainability appraisal work that has informed the emerging Local Plan.

9.1.13 In conclusion, the principle of development would comply with the overall strategy as set within emerging DS1 and DS3 (HA66) of the draft Local Plan but is contrary to adopted policy CS1 of the Core Strategy and saved policy CT/1 of the adopted Local Plan. The supporting text for policy R3 of Rearsby Neighbourhood Plan supports proposed development as being a *housing allocation in the draft Local Plan alongside any windfall development in meeting residential needs*. The proposal would result in provision of up to 65 new dwellings at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. This is a significant benefit of the development. Given the 5 year housing land supply position of the Borough Council and the age of policies CS1 and CT/1, the weight that can be ascribed to them is reduced. It is also considered that limited to moderate weight can be given to policies DS1 and DS3 of the emerging Local Plan in the determination of this application. The conflict with the Development Plan will be weighed in the planning balance with the presumption in favour of sustainable development in accordance with Paragraph 11 (d).

## 9.2 Housing Mix

9.2.1 Policy CS3 of the Core Strategy outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 65 units should be affordable homes to meet local needs in Rearsby. Similarly, paragraph 63 of the NPPF also allows for an affordable housing contribution on major development sites of 10 or more dwellings.

9.2.2 The Housing Supplementary Planning Document provides further guidance in support of this policy relating to how these units should be detailed.

9.2.3 Emerging policy H1 of the draft Local Plan seeks a mix of house types, tenures and sizes to meet overall needs in the Borough in line with up to date evidence. Policy H2 of the draft Local Plan seeks at least 10% of new market homes on major sites to meet Building Regulations Part M4(2) standards for accessible and adaptable and an appropriate proportion of affordable homes to meet M4(2) and/or M4(3). Policy

H4 of Local Plan seeks 30% affordable housing from major housing developments (67% affordable homes for rent and 33% affordable homes for ownership). The draft Local Plan is at an advanced stage and the emerging policies accord with the NPPF. However, there are objections to policies H2 and H4 that have been considered at the examination hearing sessions that remain unresolved. It therefore is considered that Policy H2 and H4 carry limited weight.

9.2.4 Policy R4A of Rearsby Neighbourhood Plan states that any housing proposals should provide for the existing and future needs of the Parish and the provision of smaller homes (3 bedrooms or less) will be supported and in particular, those suitable for young people, young families and older people.

9.2.5 The proposal is in outline form and includes an undertaking to provide 26 affordable homes (40%). The tenure mix proposed is 77% for affordable rent and/or social rent and 23% affordable ownership as required by the Supplementary Planning Document. The supporting statements confirm that the size, type, and design of these are not currently known and would be established by later reserved matters stage. It would, however, be important to set down parameters relating to, for example, the size of units required at outline stage and the tenure for affordable housing be secured through a s106 legal agreement.

9.2.6 The Leicestershire Housing and Economic Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

<b>Affordable social/affordable rented</b>	
1 bed	35%
2 bed	35%
3 bed	25%
4+ bed	5%
<b>Affordable home ownership</b>	
1 bed	20%
2 bed	40%
3 bed	30%
4+ bed	10%
<b>Market</b>	
1 bed	5%
2 bed	30%
3 bed	45%

4+ bed	20%
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- 9.2.7 It is considered that a size, mix and profile to reflect this could be accommodated on site, which would satisfy local needs and comply with CS3 of Core Strategy.
- 9.2.8 It is considered appropriate to impose a planning condition to secure the mix of dwellings on the site reflecting the most up to date evidence of need in the HENA. A condition would also be imposed to secure development in accordance with the new Building Regulations standards to meet the M4(2) and/or M4(3) standards for being accessible and adaptable homes.. While the emerging policy H2 is considered to have limited weight at this stage, it is in accordance with the NPPF paragraph 130 and has recently been accepted by the Planning Inspectorate as 'reasonable and necessary' for emerging allocation DS3(HA15) (application P/21/0550/2 - Land at Main Street, Woodthorpe, appeal decision APP/X2410/W/21/3289048 dated 18/11/22). This is a material consideration in favour of applying the condition to this site, which is also an emerging allocation.
- 9.2.9 Rearsby Parish Council have made a request that the affordable housing is prioritised to those who have a 'local link' to Rearsby. The local connection for affordable housing is highlighted in policy R4B within the Neighbourhood Plan; however, this only relates to 'Exception' site development for affordable housing and is not relevant to this type of application. On this basis, the proposed development would be in accordance with Council's approved housing allocations policy.
- 9.2.10 Consequently, the proposed development, subject to a planning obligation secured under s106 of the town and country planning act and the imposition of planning conditions, is considered to accord with policy CS3 of Core Strategy and policy R4A of the Neighbourhood Plan, and emerging draft local plan policies H1, H2 and H4. The provision of 26 no. affordable units is also a significant benefit of the scheme, which should be given positive weight within the planning balance.

### 9.3 Design and Layout

- 9.3.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 of the Local Plan supports development that is of a design, scale, layout and mass compatible with the locality and which uses appropriate materials. Similarly, emerging policy DS5 of the draft Local Plan reiterates similar requirements as Development Plan policies CS2 and EV/1, such as high quality design, amenity, climate change and so on for new developments. The draft local plan is at an advanced stage, the emerging policy DS5 accords strongly with the NPPF and it is considered there are no unresolved objections to this policy thus far. It therefore is considered to carry moderate weight.
- 9.3.2 Policy R3 (Design) of the Rearsby Neighbourhood Plan, amongst other matters, seeks to reinforce historic architectural character and vernacular character of the surrounding area's distinctiveness and the use/re-use of existing materials such as red brick and traditional roofing materials to reflect Rearsby's building heritage. These policies generally accord with the National Planning Policy Framework and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

9.3.3 The proposal is in outline form for up to 65 units, with all matters reserved (except access) for future considerations. The detail of the design/appearance and layout are reserved matters and not to be considered at this outline stage. The submitted details in terms of potential layout and number of dwellings provided are solely for illustrative purposes. The design principles are set out within the revised Design and Access Statement. The Illustrative masterplan shows open space located to the northeast of the site adjacent to Gaddesby Lane and a Bridleway (Public Right of Way). A spine road would run through the site, with minor roads leading from it to serve respective dwellings. Concerns were raised during the application process following consultation by Council's Urban Design, Trees and Biodiversity Officers about the layout and these have been addressed within the revised illustrative layout as follows:

- To ensure adequate level of protection has been given to existing trees along the western boundary, there would be approximately 20m set back/ linear green space buffer from trees/vegetation to any new buildings on site. Opportunities to create and enhance soft planting edge.
- To provide a more direct access into the site from Gaddesby Lane, which includes a tree lined pedestrian link to promote walking / cycling into the village.
- Realignment of the access into the site.
- The village green positioned centrally in the site / surrounded by proposed built form and visible upon entry into the site.
- The LEAP retained to the northeast of the site and accessible from Gaddesby Lane and the existing public right of way.

9.3.4 There have been concerns raised by neighbours regarding the density and number of units proposed on site. The illustrative masterplan shows that up to 65 dwellings can be accommodated within the site, along with the required quantum of open space. The density for the proposed development would be approximately 35 dwellings per hectare for the net developable area and 19.3 dwellings per hectare for the entire site gross (including any open space, woodland/ tree buffer, SuDS). The need to maximise housing delivery should be balanced with the need to achieve high design quality in residential layout as part of any reserved matters application. Further works such as design, layout and scale and justification will be required as part of any reserved matters proposal.

9.3.5 Consequently, it is considered that the proposal demonstrates that a layout that complies with the NPPF, National Design Guide, policy CS2 of the Charnwood Core Strategy, saved local plan policy EV/1, policy R3 of the Rothley Neighbourhood Plan and the Design SPD can be secured at reserved matters stage.

#### 9.4 Landscape and Visual Impact

9.4.1 Core Strategy policy CS11, CT/1 of the saved Local Plan and policies C1 and EV1 of the emerging draft Local Plan seek to protect the character of the landscape and

countryside and reinforce a sense of place and local distinctiveness. These policies are considered to be consistent with the NPPF, particularly paragraph 174 and do not directly conflict with the delivery of housing. The weight that can be assigned to emerging draft Local Plan policies C1 and EV1 is therefore moderate.

- 9.4.2 Policy CS11 and emerging draft local plan policy EV1 require new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments as well as taking account of, and mitigating, its impact on tranquillity. The emerging plan is at an advanced stage, policy EV1 accords strongly with the NPPF and the policy was considered at the examination hearing sessions in June 2022. It is therefore considered to carry moderate weight.
- 9.4.3 Policy R1 of the Rearsby Neighbourhood Plan states development proposals should be appropriate and proportionate and include (amongst other things) landscaping and planting that uses indigenous species such as Ash, elm, pedunculate oak. Policy R3 states that development proposals will be supported provided they retain, where possible, existing boundaries such as trees, hedges and streams which either contribute to visual amenity or are important for their ecological value. Policy R7 (c) of Rearsby NP states that development appropriate to their location and scale should enhance existing habitats and biodiversity, including the planting of native trees and hedgerows on their boundary and avoid harm to the key natural features of the village shown on map 4 that have been identified as locally important.
- 9.4.4 Concerns have been raised by residents in relation to landscape, valued greenspace and important view from bridleway at junction of A607 towards Gaddesby Lane.
- 9.4.5 The application site is supported by Landscape and Visual Assessment. It concludes that the proposals will not result in significant harm to the landscape character or visual environment.
- 9.4.6 The site lies within the southern part of the '*Leicestershire and Nottingham Wolds*' National Character Area (NCA) 74 between the river Wreake, Soar and Trent. Key characteristics of this area include a range of rolling hills, elevated plateaux, narrow river valleys, scarps slopes, sparse woodland cover, agricultural land with arable farming on the plateaux and pasture on steep slope valley sides and red brick buildings with pantile roof tiles. The site is located within The Wreake Valley Landscape Character Area as defined by Charnwood Landscape Character Assessment. This area (amongst others) is noted for its flat bottomed river valley with gently sloping sides, an area of mixed arable and pasture farming.
- 9.4.7 There are no specific landscape designations for the site. In respect to landscape value, the application site comprises of an arable field and is located to the east of the settlement edge of Rearsby. The mature hedgerow and woodland trees buffer defined boundaries to northwest, northeast and southwest of the site. Gaddesby Lane is a carriageway that run adjacent to the north western boundary of the site. The eastern section of Gaddesby Lane is a bridleway (PRoW I666) that runs up to junction of A607. The LVA notes that there are a number of urbanising influences and character defining features within the immediate area. These include the existing residential development off New Avenue, Weston Close and Gaddesby Lane; the



wider linear settlement of Rearsby located along Melton Road; and a telecommunication mast along Gaddesby Lane to the north of the site. The local landscape area to the east, north and south is arable land with the A607 and Rearsby Business Park being notable features to the east. It is also acknowledged that the site is located in close proximity to Rearsby Conservation Area and there are combination of intervening development, trees, vegetation and landform that provides a degree of separation between the site and Conservation Area.

9.4.8 The LVA concludes that there would be some localised harm/some change to the immediate landscape character of the site. It goes on to state that the harm is restricted to the site only and reduces within the immediate setting and within the wider area.

9.4.9 The LVA identified and assessed nine viewpoints that are representative of views experienced by key visual receptors. These included users of Gaddesby Lane, users of footpaths and bridleways (PRoW's) and motorist/pedestrians at the junction of A607/Gaddesby Lane. The LVA highlights that there would be moderate – major/moderate adverse effect from viewpoint 1 from Gaddesby Lane at the immediate northern site boundary, which would replace existing view of arable land with access road and residential development. However, as part of mitigation along eastern part of access would be open space, incidental open space, retain/ enhance vegetation, trees and hedgerows to create a sensitive and positive settlement edge.

9.4.10 Viewpoint 2 from Bridleway I666/ Gaddesby Lane was taken approximately 85m from the southeast of the site, which is considered Key View 4 within Policy R6(c) of Rearsby Neighbourhood Plan. There would be moderate adverse effect from Viewpoint 2. At present, the existing settlement edge is visible in the view through a break in the field boundary and the proposed development would be set closer and result in slightly foreshortening the view of the settlement edge. The existing vegetation structure to the north eastern site boundary would be retained with further mitigation through hedgerow and tree hedgerow planting along south eastern boundary and structure planting within the proposed public open space area and around developable area within application site. The proposed mitigation with existing planting would mature and further soften/ filter views of the proposed development. It concludes that the nature of view remains similar to that which currently exists, with the settlement edge defined by residential development partially visible beyond the native hedgerow that bounds the bridleway.

9.4.11 Majority of other viewpoints (e.g. bridleway/ PRoW & A607) were considered either to be of moderate – moderate/ minor or minor/ minor adverse effect, where either roofscape would be visible or development would be seen in context or extension of existing built form/ define settlement edge. The proposed enhancements through native hedgerow, trees and hedgerow trees would, once mature, further filter / screen

views of the proposals within the Site.

9.4.12 The LVA concludes that the views of the site are well contained and highly localised with primary visual receptors being the existing residential dwellings adjacent to the site boundary and the users of Gaddesby Lane adjacent to the northern boundary at the point of access into the site.

9.4.13 The site is proposed to be allocated for housing in the emerging Local Plan (Policy DS3(HA66)) and the site was assessed in the Council's SHLAA sites assessment in 2019 (site PSH100). Furthermore, the site was assigned moderate sensitivity to 2-3 story residential development in the *LUC Landscape Sensitivity Assessment for SHLAA Sites 2019*. The Council's Landscape Officer has confirmed that there would be moderate adverse effect leading to landscape and visual harm that is capable of mitigation. The Council's Landscape Officer considers that the most important landscape feature is the western woodland tree belt and trees adjacent to rear of properties on Gaddesby Lane, New Avenue and Weston Close. Following this concern being raised, the application was revised and the revised illustrative masterplan provides an offset buffer of approximately 20m green/open space along the western woodland belt with an active frontage of dwellings towards the woodland edge open space. Compliance with the revised illustrative masterplan can be secured by condition.

9.4.14 It is considered that provided the layout and design of the dwellings submitted at reserved matters stage responds effectively to the protection and retention of the existing landscape features, and with appropriate mitigation measures including the use of indigenous species as per policy R1 (c) of the Rearsby Neighbourhood Plan, the overall development would accord with policies CS2 and CS11 of the Adopted Core Strategy and emerging Local Plan policy EV1 subject to the imposition of planning conditions requiring a landscaping scheme and landscape and habitat management plans that need to be considered within design and layout at reserved matters stage.

## 9.5 Impact on Trees

9.5.1 Policy CS2 of the Core strategy seeks to ensure high quality design that reflects the character and context of the area. Similarly, emerging policy DS5 of the draft Local Plan reiterates similar requirements as Development Plan policies CS2 of the Core Strategy to respect and enhance the character of area having regards to high quality design, landscape, climate change and so on for new developments. Emerging Policy EV7 of the draft Local Plan seeks to protect and enhance our natural environment by increasing the number of trees in Charnwood. The plan is at an advanced stage, the emerging policies accord strongly with the NPPF and have not

been contested in the examination hearing sessions. It therefore is considered they carry moderate weight.

9.5.2 Policy R3 of Rearsby Neighbourhood Plan seeks to retain existing natural boundaries such as trees and hedges, which contribute to visual amenity and importance for their ecological value. Policy P7 of Rearsby NP states that development proposals should enhance existing habitats and biodiversity, including the planting of native trees and hedgerows on their boundary. These policies generally accord with the National Planning Policy Framework and do not conflict the supply of housing.

9.5.3 The site is not situated within a Conservation Area. The application has been supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan that (amongst others) highlights:

- Removal of 5no. Category U trees (T18 & T19) within the application site that are unsuitable for retention due to their condition or within close proximity to the development.
- Removal of 2no. moderate quality trees (Category B) to solely accommodate the proposed new site layout along the south-west perimeter of the site.
- The hard surfacing within root protection area of 4no. trees is constructed as 'no-dig' type of hard surface to minimise impacts on trees.
- Any arboricultural and amenity losses balanced / mitigated against / compensated for through appropriate new tree planting.

9.5.4 There were concerns raised by the Council's Landscape and Tree Officer in relation to the original illustrative masterplan that showed a number of proposed units in close proximity to dwellings and gardens along the western perimeter of the site. The concern is of excessive shading and/or overdominance of trees upon gardens and rear windows due to their close proximity. An amended illustrative masterplan has been provided to address the above concerns with a green/open space buffer of approximately 20m as a form of mitigation between any building frontage and trees along the western perimeter of the site. There is also opportunity for further landscaping to include tree planting.

9.5.5 As part of the amended Illustrative masterplan, there has been no further revisions to the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. The proposed amended illustrative masterplan would not only eliminate future resident/development conflict but also avoids no dig construction methods to any retained trees due to creation of green space / open space buffer created between any trees along the western perimeter of the site. Under the revised illustrative masterplan 2 no. moderate quality trees can be retained (Category B – T46 & T47) as the new layout avoids any conflict with these. The reserved matters application would therefore need to be guided and informed by a revised Arboricultural Method Statement, Tree Report and Tree Protection Plan in accordance with BS5837:2012 to address the above concerns and also any others that may arise to eliminate conflict between the future/existing residential occupiers to dwellings and the existing trees and incorporated as part of any proposed landscaping scheme.

9.5.6 Consequently, it is considered that the proposal, subject to the imposition of Arboricultural Method Statement, Tree Report and Protection Plan condition to be submitted as part of any future reserved matters, would comply with Policies CS2 of the Core Strategy, emerging policies DS5 and EV7 of the Emerging Local Plan and policy R3 of the Rothley Neighbourhood Plan in these respects.

## 9.7 Open Space

9.7.1 Policy CS15 of the Core Strategy and emerging policy EV9 of the draft Local Plan seek to ensure adequate open space is provided to serve the needs of new development. The emerging plan is at an advanced stage, the policy accords strongly with the NPPF and the policy was considered at the hearing sessions in June 2022. Emerging policy EV9 can therefore be afforded moderate weight. These policies generally accord with the NPPF and do not directly prevent the supply of housing.

9.7.2 The original open space request has been revised to take account of the site constraints and the on and off site open space provision has been agreed. The agreed open space provision is set out later in this report under the S106 obligations section.

9.7.3 The illustrative masterplan suggests that there will be areas of open space incorporating a SuDS attenuation feature. The Council's Open Space Officer has raised no objections subject to the delivery of appropriate areas for parks, amenity and natural and semi-natural open space being secured together with a children's play area (LEAP) being provided on site. They also requested off-site contribution for young people, outdoor and allotments) provision and be secured through appropriate planning obligations under S.106 Agreement of the Town and Country Planning Act, which would be secured to be spent on new or improve facilities elsewhere within the immediate area. The requirement for open space is consistent with Policy CS15. Consequently, the proposal is considered to comply with policy CS15 of the Development Plan and emerging policy EV9 of Local Plan.

## 9.6 Impact on Ecology

9.6.1 Policy CS13 of the Core Strategy seeks to protect or enhance biodiversity and ensure that where there is any loss this is avoided, mitigated or compensated. Further guidance on how to implement this policy was approved by Cabinet in June 2022.

9.6.2 The NPPF states that decisions should minimize impacts on, and provide net gains in, biodiversity (paragraph 174). Emerging policy EV6 of the draft Local Plan seeks to protect biodiversity and seeks 10% biodiversity net gain. The policy requires that proposals are accompanied by an ecological survey and Biodiversity Impact Assessment. Further guidance is provided in the Biodiversity Planning Guidance 2022. Draft Local Plan policy EV6 accords strongly with the NPPF and the policy was considered at the examination hearing sessions in June 2022. It therefore is considered to carry moderate weight.

9.6.3 The Environment Act 2021 required 10% biodiversity net gain, although the relevant sections of the Act have not yet been brought into force to make it a legal requirement

and it is not currently required by national policy, so 10% net gain is not sought from this proposal.

- 9.6.4 Policy R3 of the Neighbourhood Plan seeks to retain, where possible, existing boundaries such as trees, hedges and streams which contribute to and are important for their ecological value. Policy R7 states that development proposals should enhance existing habitats and biodiversity, including the planting of native trees and hedgerows on their boundary and encourage and support the creation of new habitats and provide biodiversity net gain.
- 9.6.5 The application is supported by an Ecological Assessment, revised Habitat Plans and Biodiversity Impact Assessment. Supporting statements confirm that the site is mainly formed of an arable field, hedgerows, scrub, scattered trees and tall ruderal habitat. There are no designated sites within or immediately adjacent to the application site although there are three local wildlife sites within the vicinity.
- 9.6.6 The Council's Biodiversity Officer advises that this baseline assessment is acceptable and provides a sound basis to design detailed ecological mitigation with the overall aim of avoiding net loss of biodiversity. The plans and supporting information show ecological mitigation is proposed through semi-natural habitat creation on land adjoining the application site. As the proposal is in outline, and the layout is yet to be considered, a Biodiversity Impact Assessment would need to be undertaken at reserved matters stage. There is supporting information provided to demonstrate that net gain for biodiversity can be achieved through creation of compensatory semi-natural habitat within the red line site boundary and/or on blue land adjacent to the site (ownership of applicant) or in the form of off-site compensation (if necessary) secured and agreed through obligations as part of a S.106 Legal Agreement. At the time of writing this report it is not known whether sufficient ecological mitigation to avoid any biodiversity net loss could be provided within the redline line site boundary. However, land adjacent to the site within the owner's control has been identified for the provision of additional, publicly accessible semi-natural open space as necessary. This should give the Council confidence that biodiversity net loss can be avoided and it is recommended that the provision of additional habitat on the adjacent land is secured via a S106 agreement.
- 9.6.7 The discussion and recommendations in section 5 of the Ecological Assessment outline that the residual impact would be negligible on species to include Great Crested Newts, reptiles, water voles, principal species such as hedgehog. On this basis, no further surveys are required. For birds, site clearance should be undertaken outside of bird nesting season (March-September). This can be detailed in a Construction Ecological Mitigation Plan secured by planning condition.
- 9.6.8 The assessment for bat activity found that there were four trees assessed as having 'moderate' roosting potential. There are also hedgerows and scattered trees that provide potential opportunities for foraging and commuting bats. If moderate trees with bat potential are to be removed, then further surveys as a minimum of two nocturnal with one dusk and one dawn need to be undertaken between May to September. These matters can be detailed in the Construction Environmental Management Plan or Landscape and Habitat Management and Maintenance Plan secured by planning conditions.

- 9.6.9 The assessment for badgers found that no setts were recorded but a latrine and established mammal paths are noted on site and on local records. There is potential impact during construction to foraging animals at night and precautionary mitigation measures need to be followed. These matters can be detailed in the Construction Environmental Management Plan secured by planning condition.
- 9.6.10 The Assessment notes opportunities for habitat enhancements including hedgerow planting, grassland planting, habitat boxes and wetland habitat (SuDS feature). A number of conditions would also be imposed to secure mitigation and enhancement for protected and notable species as well as ecological connectivity for other wildlife at reserved matters stage to include landscape scheme, landscape and biodiversity management plan, lighting scheme, habitat boxes and boundary treatment.
- 9.6.11 Consequently, the proposal, subject to the required obligations in the S.106 Legal Agreement to secure biodiversity net gain from the development, the imposition of conditions and detailed design and mitigation in an application at reserved matters stage, is considered acceptable and would comply with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy, policies R3 and R7 of the Rearsby Neighbourhood Plan and emerging draft local plan policy EV6.

#### 9.7 Impact on Residential Amenity (layout, separation distance, light and outlook)

- 9.7.1 Policy CS2 of the Core strategy, saved policy EV/1 of the Local Plan and emerging policy DS5 of the draft Local Plan seek to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity. Emerging policy H3 of the draft local plan requires all units to be in compliance with the Nationally Described Space Standards, which needs to be factored into the dwelling designs and would form the basis on the determination of any forthcoming planning application. The plan is at an advanced stage, policies DS5 and H3 accords strongly with the NPPF and the policy was considered at the examination hearing sessions. They are therefore considered to carry moderate weight.
- 9.7.2 Policy R3 of the Rearsby Neighbourhood Plan states that development proposals will be supported provided that any impact on the living conditions and amenity in neighbouring properties is assessed and addressed.
- 9.7.3 Objections have been received with concerns raised over the potential loss of privacy, outlook and views of countryside and amenity from the development. The main consideration in this aspect are those properties closest to the site boundaries to the northwest and west of the site on Gaddesby Lane, New Avenue and Weston Close. The rear gardens and habitable windows of some of properties and the side boundary of one property (no. 26 Gaddesby Lane) interface with the application site. The illustrative masterplan shows built development set back along Gaddesby Lane in order to take into consideration the amenity of no. 26 Gaddesby Lane, which has side windows facing east towards application site. As this is an outline application, the final layout and design will form part of future reserved matters application. The final design and layout of the development at reserved matters stage will consider separation distances, siting, orientation and so on to ensure that the proposed

dwellings do not have a significant impact on outlook, privacy and amenity of those existing occupiers within the immediate vicinity of the site.

- 9.7.4 In terms of future occupiers, the revised indicative layout has an improved relationship to existing trees and vegetation and the creation of approximately 20m of open space buffer to address impact on trees and potential overshadowing or overdominance of gardens shows that the proposed development would provide adequate living conditions for the future occupiers of the dwellings. Final arrangements can be determined at reserved matters stage.
- 9.7.5 A planning condition is recommended to secure development in accordance with the Nationally Described Spacing Standards as the emerging Local Plan policy H3 is at an advanced stage, is in accordance with the NPPF paragraph 130 and has limited objections and has been recently accepted by the Planning Inspectorate as reasonable and necessary for emerging allocation DS3(HA51) (application P/21/0550/2 - Land at Main Street, Woodthorpe, appeal decision APP/X2410/W/21/3289048 dated 18/11/22).
- 9.7.6 Concerns have been raised by a neighbour in relation to loss of view of countryside, However, this is not a material planning consideration.
- 9.7.7 Accordingly, it has been demonstrated that, following careful design and layout at reserved matter stage, the proposed development could comply with the provisions of policies CS2 of the Core Strategy and saved policy EV/1 of the Local Plan along with the guidance set out in the Design and Housing SPDs to protect residential amenity, and emerging policy DS5 and H3 of the draft Local Plan.

## 9.8 Residential Amenity (air quality and noise)

- 9.8.1 Policy CS2 of the Core strategy and policy EV/1 of the saved Local Plan and emerging policy DS5 of the draft Local Plan seek to protect the amenity of existing and future residents. The emerging plan is at an advanced stage, policy DS5 accords strongly with the NPPF and the policy was considered at the examination hearing sessions. It therefore is considered to carry moderate weight.
- 9.8.2 Policy CS16 of Core Strategy and emerging policy EV11 of the draft Local Plan support new development that protects environmental resources including local air quality in the borough. The weight that can be assigned to this emerging Local Plan policy EV11 is also moderate, as the plan is at an advanced stage, the policy was considered at the hearing sessions and it accords with paragraph 105 and 186 of NPPF.
- 9.8.3 Concerns have been raised by residents in relation to noise, disturbance and air quality. The Council's Environmental Health Team has raised no objections subject to imposition of conditions. It is acknowledged that there would be temporary disturbance occurring during any site preparation, excavation and construction

works. A condition is imposed for a construction method statement and traffic management plan to control effects of construction on the living conditions of nearby occupiers, highway safety, and the character and appearance of the site.

- 9.8.4 A condition requiring details in relation to air quality is considered reasonable to assess fugitive dust emissions during construction and vehicle emissions during operation. Other conditions, such as construction method and traffic management plan requiring measures such as dust suppression will be imposed which will further reduce air quality impacts.
- 9.8.5 A condition would also be imposed requiring the submission and approval of lighting details to minimise light intrusion to dwellings adjacent to the site in the interests of visual amenity and to protect biodiversity impacts on site.
- 9.8.6 Overall, subject to planning conditions, it is considered that the impact on residential amenity can be appropriately mitigated and as such the proposal is considered acceptable. Consequently, the proposal would comply with the provisions of policies CS2 and CS16 of the Core Strategy and policy EV/1 of the saved Local Plan and emerging policies DS5 and EV11 of the draft Local Plan along with NPPF, National Design Guide and the guidance set out in the Design SPD's to protect residential amenity.

#### 9.9 Impact on Land Contamination

9.9.1 Paragraph 183 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

9.9.2 The site is arable land and the Council's Environmental Health team has raised no objection in relation to land contamination on site. However, a standard precautionary condition is recommended to secure that a remediation strategy need to be submitted and agreed for any unsuspected contamination that was not previously identified should it be found during any development stage together with an appropriate verification report. Consequently, the proposed development accords with paragraph 183 of the NPPF.

#### 9.10 Impact on Highway Safety

9.10.1 Policy CS2 of the Core Strategy and saved policy TR/18 of Local Plan seek to ensure safe access is provided to new development. Policy CS17 of the Core Strategy and emerging policy CC5 of the draft Local Plan are concerned with encouraging sustainable transport patterns, seeking major development to be within 400m of an existing bus stop. Policy CS18 of the Core Strategy requires network improvements by either delivering sustainable transport improvements in accordance with policy CS17 of Core Strategy or requiring other network improvements as identified in Transport Assessments. Emerging draft Local Plan policy T3 seeks to ensure adequate parking provision with associated infrastructure for all developments.



Emerging policy OS1 of the draft Local Plan seeks to support development that delivers allocations in accordance with Policy DS3 or sustainable development that is in accordance with the pattern of development outlined in emerging Policy DS1.

9.10.2 The weight that can be assigned to emerging policies CC5 and OS1 of the Local Plan is moderate as the plan is at an advanced stage, the policies were considered at the hearing sessions in June 2022 and the policies are consistent with paragraphs 11, 16, 20, 23, 104, 105 and 106 of the NPPF. Policy T3 is at an advanced stage, the policy accords strongly with the NPPF but the policy was considered at the hearing sessions in February 2023. It therefore is considered to carry limited weight.

9.10.3 Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Paragraphs 110 and 112 of the NPPF seek to promote sustainable travel choices.

9.10.4 Policy R9 (Sustainable Transport) of the Neighbourhood Plan supports development proposals that:

- a) support highway improvement schemes to promote the safety of pedestrians and cycle users;
- b) provide for traffic calming measures, pedestrian priority schemes and reduction in traffic speeds on routes through the village;
- c) include measures within the layout of any new development, as appropriate, that can encourage walking, cycling and access to modes of local and community transport, to and from the village; and
- d) support the retention of local bus services at levels that are in line with community demand

9.10.5 The Leicestershire County Council (LCC) Highway Authority has considered the proposed access arrangement and accompanying details including the Transport Assessment, Technical note and supporting plans and revisions that respond to the various concerns they have raised during the course of the application.

#### *Site access*

9.10.6 The proposed new vehicular access would be provided from Gaddesby Lane, where the carriageway width would be 5.9m through a horizontal bend, 2m wide footway to the southwestern side of the carriageway and grass verge to the north-eastern side of the carriageway. The revised layout provides a continuous direct access into the proposed development with a give way implemented on the eastern side of Gaddesby Lane. A revised horizontal bend of 17m radius at the entrance to the development would be provided to assist speed control mitigation measures as vehicles enter and exit the site. As part of the technical supporting documents, vehicle tracking plans have been provided to show a refuse vehicle and large car would be able to navigate and pass at the site access. A visibility splay is shown to provide a stopping distance of 2.4m X 59m when passing through the horizontal bend from the existing lane. A Road Safety Audit undertaken together with a Designer's Response were provided with recommendations to include a revised layout to

provide additional give way markings, additional central line marking and reflective bollards at the site access. The Highway Authority are satisfied that a safe and suitable access can be achieved at the site subject to imposition of a condition to ensure access arrangements are implemented accordance with the submitted details.

#### *Highway Safety*

9.10.7 The Highway Authority has reviewed the Personal Injury Collision (PIC) data for a five year period for the area in close proximity of the site and is satisfied that the proposed development would not exacerbated the existing highway safety situation.

#### *Trip Generation*

9.10.8 The trip rates combined would result in 38 two-way movements during AM peak period and combined results in 39 two-way trips during PM peak period by using TRICS which has been accepted by the Local Highways Authority. The submitted data has been accepted and the proposed traffic splits of 69% using Melton Road south and 31% using Melton Road north are considered feasible.

#### *Junction capacity assessment*

9.10.9 The Highway Authority has welcomed the inclusion of a junction capacity assessment for the Gaddesby Lane/Mill Road/Melton Road crossroads. The modelling takes into account the proposed junction mitigation measures altering geometries to provide northern visibility from Gaddesby Lane. The Highway Authority does not raise concerns with regards to junction capacity. They have confirmed that a 69% split of trips arising from the development to and from Melton Road South is equivalent to 26 and 27 two-way trips during the peak periods and are content that no further junction modelling is required.

#### *Off-site implications*

9.10.10 Gaddesby Lane forms a staggered crossroad junction with Mill Road and Melton Road north and south. The Highway Authority is content with visibility splays of 2.4m x 50.0m to the north and 2.4m x 53.0m to the south. However, they note that the current visibility from Gaddesby Lane is restricted to the north (2.4m x 40m taken to a 1m offset from the carriageway) due to the existing wall associated with the adjacent property on the north-eastern corner of the junction. The current visibility splay would be unacceptable due to the intensification in use of Gaddesby Lane caused by the proposed development. The proposal seeks junction improvements involving building the existing kerb line out on Melton Road to improve visibility by bringing the set-back point forward, which would narrow Melton Road to 6.75m in width and is considered sufficient to accommodate the volume and type of traffic using Melton Road. Swept path analysis has been provided to demonstrate that two buses could still pass along Melton Road. The proposed amendments to the junction would allow visibility splays of 2.4m x 51.0m to be achieved to the north of Gaddesby Lane.

9.10.11 There have been revised vehicle tracking details submitted to take account of the presence of parked vehicles. The drawings indicate a theoretical width of 3.4m between parked vehicles, and the Highway Authority consider that the demonstration of a refuse vehicle negotiating the access means that a fire tender should therefore also be able to access the site.

9.10.12 Other improvements include an increase in footway width to southern side of Gaddesby Lane, modification to kerb lines, resurfacing, road markings, modification to highway drainage, tactile paving for pedestrian crossing, narrowing of road width, re-alignment of Gaddesby Lane and other highway works will be subject to planning condition with detailed technical designs secured under s278 agreement with the Highway Authority.

#### *Internal Layout*

9.10.13 The application is in outline form with only access to be determined at this stage. The internal site layout and parking provision will be considered at Reserved Matters stage. The proposals should be designed in accordance with Leicestershire Highways Design Guide (LHDG) and local parking standards.

#### *Sustainable location*

9.10.14 Concerns are raised by residents that the application site is positioned in an unsustainable location that would place reliance on the use of the car to access local services.

9.10.15 The application site is an emerging allocation for housing development within policy DS3(HA66) and OS1 (Other settlements) within the emerging draft Local Plan. Rearsby is regarded to host a limited number of facilities; however, within 600m of the site are the following facilities:

- Two public houses (The Wheel Inn & The Horse & Groom),
- café (Beardsley Tearoom) & accountants (Lyfe),
- St. Michael & All Angles School (Primary school),
- Village Hall,
- Rearsby Business Park,
- St. Michael & All Angel Church
- Village playing field and Brookside recreation ground (Open space facilities)

9.10.16 The site adjoins an established residential area of Rearsby. Future residents would benefit from a similar degree of accessibility as those residents of the surrounding existing residential areas. All of the above facilities can be reached by walking and cycling. East Goscote is situated approximately 1.6km away from the application site, where there is access to other facilities such as a convenience store and Post Office. There are a range of local facilities and services that lie within the preferred maximum walking distance of 2km. The nearest 'urban settlement' is Syston, which is approximately 4km southwest of the site. Whilst beyond the recommended maximum walking distance of 2km, Syston is within a 5km cycling isochrone and is also accessible via local bus service.

### *Bus provision*

- 9.10.17 The proposed development site is located approximately 420m away from the nearest bus stops when measured from the centre of the site (approximately 300m from site entrance) along potential footway route (Gaddesby Lane onto Melton Road). The bus stop is situated at 'The Horse & Groom' public house, which serves and provides access to Arriva5, 5A & X5 bus services. The service links Melton Mowbray and Leicester and buses are available every 30 minutes. The bus stops comprise a flag-and-pole design with timetable information signposted and raised kerb to support disabled access. The northern stop also comprises a seated bus shelter. The bus stops would be accessible to future residents of the site. The proposed development would be in accordance with adopted CS17 of the Core Strategy and broadly in line with emerging policy CC5 of the draft Local Plan, which seek major developments to be within 400m of an existing bus stop (when measured from the site entrance) in order to encourage sustainable transport patterns.
- 9.10.18 The applicant, as part of supporting information, also seeks to upgrade the southwest bound bus stop to provide shelter, with seating and a timetable, which is welcomed by the Highway Authority. This can be secured via condition or Section 106 Agreement and confirmation of which will be used will be provided to Members via the extra report. The applicant also proposes to widen the existing footway to 2m on southern side of Gaddesby Lane to make the walking route to the bus stop more attractive to future residents. Other measures to secure sustainable travel initiatives will be secured as part of financial contributions in a S106 Legal Agreement, including bus pass provision and travel packs. The Highway Authority consider that the locally available services together with enhancements to the infrastructure and financial contributions has the potential for a modal shift to encourage sustainable travel. On this basis, the proposed development would accord with policies CS17 and CS18 of the Core Strategy, and emerging policy CC5 of the draft local plan, which seek to secure modal shift and sustainable travel.

### *Pedestrian and cycling*

- 9.10.19 The National Cycle Route (NCR 48) runs in a north-south direction along Melton Road Mill Road through Rearsby, which is situated northwest of the site. This route runs from Birstall to Hickling and provides a sustainable connection to Syston. There is Bridleway (I116) also along Gaddesby Lane towards the east of the site, which is also available for cyclist and pedestrians and connects to the A607, Rearsby Business Park and Gaddesby. The signage is also present at the Mill Road/Melton Road/Gaddesby Road junction to indicate a cycle route to Gaddesby along Gaddesby Lane.
- 9.10.20 There would be 2m footways provided within the proposed development site as shown on the access plan. The illustrative plans also show footpaths within the open space area that provides connections to Gaddesby Lane, Bridleway (I116), community orchard and runs along the perimeter of agricultural land (outside of application site boundary) up to junction of A607/ Bridleway (I116).

### *Travel Plan*

9.110.21 The Highway Authority has reviewed the Travel Plan which has been submitted as part of supporting information towards the application. Whilst the Travel Plan is generally acceptable, the use of Modeshift Stars is recommended. They have recommended an amended Travel Plan, which can be secured through imposition of a planning condition. The increase of bus use includes measures to improve the bus shelter, which again would be secured through a condition and an appropriate Travel Plan monitoring fee, bus passes and travel plan secured through Section 106 agreement.

#### *Public Right of Way (PRoW)*

9.10.22 The public Bridleway (I116) runs adjacent to the proposed development on Gaddesby Lane and the Local Highways Authority have raised no objection as the use and enjoyment of the footpath would not be significantly affected by the proposed development.

9.10.23 In conclusion, the proposal is considered to comprise a safe and suitable access for the proposed development. Although site layout details are currently unknown it would be possible to provide internal roads and parking for the scheme to an acceptable design at reserved matters stage. The proposed development would be adequately accessible to local facilities by means of walking, cycling and public transport. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choices for its location. The Highway Authority have recommended planning conditions together with obligations as part of S.106 Agreement. Consequently, the proposed development is considered to be in accordance with Policies CS2, CS17 and CS18 of the Core Strategy and TR/18 of the saved Local Plan, policy R9 of the Rearsby NP, emerging Policies CC5, DS3 and OS1 of the draft Local Plan and the NPPF.

#### 9.11 Flood Risk & Sustainable Urban Drainage Systems (SuDS)

9.11.1 Policy CS16 of the Core Strategy seeks to ensure that development is not at risk of flooding and that it does not cause flood risk elsewhere. Emerging draft local plan policy CC1 seeks to manage flood risk. The plan is at an advanced stage, modifications to the policy have been considered in examination hearings in February 2023 in relation to the updated PPG guidance. It therefore is considered to carry limited weight at this stage. Policy CC2 of the emerging draft Local Plan seeks to secure SuDS. The plan is at an advanced stage, the policy was considered at the hearing sessions in June 2022 and modifications agreed. The policy accords with the NPPF and it is considered moderate weight can be afforded to this policy.

9.11.2 The application is accompanied by a Flood Risk Assessment including a surface water drainage strategy. The applicant has provided additional information in the form of an amended Flood Risk Assessment and Drainage Strategy for revised layout. This has been assessed by the Environment Agency and Lead Local Flood Authority.

- 9.11.3 The application site is a greenfield site and is located within Flood Zone 1 as being at low risk of fluvial flooding as identified by the Environment Agency flood maps. The Environment Agency's surface water flood maps also show the site is in an area that is a low to medium risk of surface water flooding. The Flood Risk Assessment confirms that the run off from the site can be mitigated through design of a surface water drainage system within the proposed development together with mitigation measures to include finished floor levels of the ground floor raised above the external surface levels to mitigate any risk of flooding to properties from surface water, which can be secured by a planning condition. The Flood Risk Assessment concludes that the site will not be a significant risk of flooding or increase the flood risk to others. The Environment Agency has confirmed that there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.
- 9.11.4 In relation to the revised Masterplan and updated Flood Risk Assessment and Drainage Strategy, the Lead Local Flood Authority note that the substantive part of the outline drainage strategy remains unchanged. The proposals still seek to outflow discharge rate at 9.4 l/s via an attenuation basin to the on-site watercourse. Lead Local Flood Authority have confirmed that the applicant at detailed design stage at reserved matters application needs to consider utilising source control SuDS (e.g. permeable paving, swales and so on) to provide greater water quality benefits. The Lead Local Flood Authority have raised no objections subject to imposition of pre-commencement conditions in relation to detailed surface water drainage scheme, infiltration testing, management and long-term maintenance of surface water drainage system.
- 9.11.5 With regards to foul water sewer, Severn Trent records show there is a 150mm diameter foul sewer on Gaddesby Lane, to the north of the site. The Flood Risk Assessment highlights that approximately 22 dwellings on site will drain to an adoptable foul water pumping station, which is situated on the southern corner of the site. It goes on to state that flows from the pumping station will be pumped into the proposed gravity piped foul network that serves the remaining dwellings and discharges into Severn Trent public foul sewer on Gaddesby Lane, which will be subject to separate sewer connection approval from Severn Trent. There have been no objections raised by Severn Trent, who have confirmed that the pumping solution for foul water discharge from the site would be subject to sewer connection approval that needs to include sewer modelling assessment to assess the impact of the development on public sewer located on Gaddesby Lane in terms of capacity such as generated flows from the site on existing network, maximum pump rate, any capital improvements required and so on. These matters can be addressed by, planning conditions and detailed design and layout to be considered at reserved matters stage.

9.11.6 Consequently, the proposal is considered acceptable and, subject to planning conditions, it will comply with policy CS16 of Core Strategy, emerging policies CC1 and CC2 of the draft Local Plan and the NPPF.

## 9.12 Impact on Heritage Assets

9.12.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area affected by development proposals.

9.12.2 Planning policy CS14 and emerging policy EV8 of the draft Local Plan seek development that conserves and enhances historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting. The plan is at an advanced stage, and draft local plan policy EV8 accords strongly with the NPPF. The policy was considered at the hearing sessions in June 2022 and therefore is considered to carry moderate weight.

9.12.3 Policy R1 of the Rearsby Neighbourhood Plan states: *'Development proposals should have appropriate and proportionate regard to the following design guidelines (amongst other matters) states that:*

*d) The character and historic context of existing developments within the Parish should be respected or enhanced (but not necessarily replicated), demonstrating regard to scale, density, massing, height, landscape, patterns, layout, materials, access arrangements and detail (e.g. pointing, size and shape of windows and doors)*

*j) Major developments in particular must be proportionate to their village setting and demonstrate a variety of appearance that is respectful of the architectural heritage of Rearsby'*

9.12.4 Policy R3 of the Rearsby Neighbourhood Plan states that:

*'Within the proposed Limits to Development...development proposals will be supported provided that (amongst others):*

*c) their design respects the significance of heritage assets;*

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

9.12.5 Policy R8 of Rearsby NP states that ‘*Development proposals affecting any of the non-designated heritage assets or their settings will need to balance the community benefits of the proposal against the impact on the heritage significance of the asset. It goes onto further state that ‘The assets are important for their contribution to the layout and characteristic mix of architectural styles in the village’.*

9.12.6 The application is supported by a Built Heritage Statement, which upon review of data from Historic England and the Council’s Heritage Officer confirms that there are no designated heritage assets or archaeological interest within the site. However, it does note that there are 19 listed buildings and the Rearsby Conservation Area within a 1km radius of the site. It also highlights that the upper spire of the Church of St. Mary, Queniborough (Grade I Listed) is distantly visible approximately 1.9km to the south of the site.

Table 1: Impact of the development on Heritage Assets (summary of submitted Built Heritage Statement)

<b>Address – Listing/ Conservation Area (separation distance)</b>	<b>Harm to their significance/Impact on setting</b>	
<i>Four Cottages at 178-1795 Melton Road - Grade II Listed (80m northwest)</i>	No harm to their significance or setting - Neutral as there would be no intervisibility between the listed buildings and application site.	
<i>Wider listed Buildings on Melton Road, Mill Road</i>	No harm to their significance or setting - They are located sufficient distance and separated by existing builtform and topography that prevent any intervisibility between application site and these listed buildings	
<i>Church of St. Mary - Grade I Listed Building (1.9km south of the site)</i>	No harm - Neutral impact as the proposed development would not affect its significance nor would it impact on wider setting of this listed building	
<i>Southern part of Rearsby Conservation Area (5m north of the site)</i>	<p>No harm to its significance – Neutral impact as the proposed development will adjoin existing modern housing development that are located outside of the Conservation area.</p> <p>The planting area will be retained and reinforced within the site. Amended Illustrative plan removed any built form and shows approximately 20m green/</p>	<p>No harm/ limited harm to its setting – The assessment concludes that there would be small change within the setting but will not experience as an incongruous or harmful addition.</p> <p>The planting area will be retained and reinforced within the site. Amended Illustrative plan have removed any built form and</p>



Address – Listing/ Conservation Area (separation distance)	Harm to their significance/Impact on setting	
	open space buffer to the western boundary that would further soften any built form with limited/ no intervisibility between the development site and Conservation area	shows approximately 20m green/ open space buffer along the western boundary that would further soften any built form with limited/ no intervisibility between the development site and Conservation area.
	Paragraph of 195-197 of NPPF is not be engaged.	
<i>Non-designated heritage asset – The Grange (150m southwest of the site)</i>	Neutral – The proposed development will result in small visual change within their setting, but will appear with the nature of the built development already experience to the north beyond the intervening open space. There will be no impact on the setting which contribute towards its significance as a small country house.	
	Paragraph 197 of NPPF is not engaged.	
<i>10no. remaining Non-designated heritage asset as identified Policy R8 of Rearsby NP (1km)</i>	No harm - Neutral impact to their significance or setting as they are located sufficient distance from the site and separated by existing built form of the village that prevents any inter-visibility from the site	

9.12.7 Council's Conservation Officer have reviewed the supporting Built Heritage Statement and raised no objection or requirement for conditions.

9.12.8 Consequently, the proposal would accord with policy CS14 of the adopted Core Strategy, emerging policy EV8 of the draft Local Plan and the requirements contained in the NPPF and Planning (Listed Buildings and Conservation Areas) Act 1990 with regards to the significance of built heritage assets and its setting. The proposals would 'preserve' the character and appearance of the Conservation Area.

### 9.13 Impact on archaeology

9.13.1 Paragraph 194 of the NPPF states that where a site has the potential to include heritage assets with archaeological interest local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

9.13.2 Planning policy CS14 and emerging policy EV8 of the draft Local Plan seek development to conserve and enhance historic assets in the Borough (which include archaeological assets) for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect

the assets, but also their setting. The plan is at an advanced stage, draft local plan policy EV8 accords strongly with the NPPF. The policy was considered at the hearing sessions and it therefore is considered to carry moderate weight.

- 9.13.3 The application was also accompanied by Archaeological Desk Based Assessment, which identified archaeological potential and concluded that further pre-determination archaeological work to confirm the veracity of the geophysics. It recommended and agreed by the Council's Archaeological advisor that a target scheme of trial trenching should be undertaken in order to understand the character and significance of the geophysical anomalies recorded within the site. If found to be negative, then no further works should be required.
- 9.13.4 The geophysical survey report concludes that no anomalies suggestive of significant archaeological activity were identified within the survey, though archaeological origins cannot be ruled out for all of the anomalies which have been classified as 'Undetermined'. Further Archaeological Evaluate Works and Archaeological Evaluation were undertaken and a total of 12 trenches were dug. The earliest evidence of activity was prehistoric flint and two sherd of Romano-British pottery. Some of the other geophysical anomalies were found to correspond with furrows and had a land drain. None of the pit-like geophysical anomalies was found to be of archaeological origin. The evaluation did not provide evidence that the site contained any focus of past activity, other than farming. The evaluation results summarised that the indicate that the site is unlikely to contain any concentrations of finds, features or deposits of archaeological significance. The Council's Archaeology Advisor have considered supporting information and raised no objection or requirement for conditions. Consequently, the proposal would not affect any buried heritage assets and would comply with CS14 of Core Strategy, emerging EV8 of the draft Local Plan and the guidance in the NPPF.
- 9.13.5 Consequently, the proposal would accord with policy CS14 of the adopted Core Strategy, emerging policy EV8 of the draft Local Plan and the requirements contained in the NPPF and Planning (Listed Buildings and Conservation Areas) Act 1990 with regards to archaeological assets.

#### 9.14 Loss of Best and Most Versatile Agricultural Land

- 9.14.1 Paragraph 174 of the NPPF seeks to ensure that planning decisions contribute to and enhance the natural environment by amongst other things protecting soil and recognising the benefits of the best and most versatile agricultural land. Footnote 58 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. There is no definition of what is meant by significant in the context of that footnote. Core Strategy Policy CS16 seeks, amongst other things, development that protects environmental resources, including Best Most Versatile Land (BMV). This policy is broadly consistent with the approach of the NPPF, as set out above.
- 9.14.2 Emerging Policy CC4 (Sustainable Construction) requires development proposals to adapt and mitigate against the effects of climate change by requiring all new development to take account of sustainable development principles through protection of environmental resources including our most versatile agricultural land.

The emerging plan is at an advanced stage and the policy accords strongly with the NPPF. The draft policy was considered at the hearing sessions in June 2022 and policy modifications agreed. It therefore is considered to carry moderate weight.

9.14.3 Concerns have been raised by neighbours in relation to the loss of the agricultural land and building in the open countryside. The site is below 20 hectares and considered to fall outside threshold for which Natural England are consulted. Supporting information confirms that the proposal would result in loss of BMV land as the site comprises approximately 3.37ha grade 2 (Very good) land. This area is relatively small when compared to the amount of BMV land in the Borough.

9.14.4 This loss of the Best and Most Versatile Agricultural Land is a factor that weighs against the proposal as it would be contrary to Policy CS16 of Core Strategy and policy CC4 of the emerging draft local plan. This needs to be weighed in the overall planning balance.

#### 9.15 Minerals

9.15.1 Leicestershire Minerals and Waste Local Plan (MWLP) identifies that the site is within a Sand and Gravel Mineral Safeguarding Area. LCC Minerals Authority have been consulted and have raised no objection to the proposal. Consequently, the proposed development would not conflict with Policy M11 of the Leicestershire County Council Minerals and Waste Local Plan (2019). Furthermore, it is considered that the proposed development would not be in conflict with the relevant provisions of the National Planning Policy Framework, notably Paragraph 210.

#### 9.16 Sustainable construction and energy efficiency

9.16.1 The NPPF supports proposals for improvements to environmental sustainability, placing sustainability at the heart of the framework. Paragraph 152 requires the planning system to support the transition to a low carbon future in a changing climate, including the requirement to help shape places in ways that contribute to radical reductions in greenhouse gas emissions. Paragraph 154 goes on to require that new development to reduce greenhouse gas emissions, such as through its location, orientation, and design. This is further iterated in Paragraph 157 which sets out that in determining planning applications, new development should take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.

9.16.2 Policy CS16 and emerging policy CC4 requires development proposals to adapt and mitigate against climate change through use of high of energy efficiency in sustainable design and construction methods and encourage use of renewable and low carbon supply systems to adapt and mitigate against climate change. The emerging plan is at an advanced stage, the policy accords strongly with the NPPF and the policy was considered at the hearing sessions in June 2022 and policy modifications agreed. It therefore is considered to carry moderate weight.

9.16.3 Concerns and queries have been raised by residents and Parish Council that this is an unsustainable location in light of climate change. This outline application is not supported by an energy and sustainability statement at this stage. The final sustainable design details will be considered with the reserved matters application to demonstrate that the layout, orientation, and design has been considered to minimise energy consumption.

9.16.4 Consequently, with the condition, the proposal is considered to comply with policy CS16 of Core Strategy, emerging policy CC4 of the draft Local Plan and the NPPF.

9.17 Planning Obligations and S.106 Legal Agreement

9.17.1 Infrastructure Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy and emerging Policy INF1 requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. Emerging draft local plan policy INF2 requires development to provide the necessary infrastructure to mitigate the impacts of the development. The plan is at an advanced stage, the policies accords strongly with the NPPF, but representations to this policy are yet to be settled following the examination hearing sessions of February 2023. They are therefore considered to carry limited weight. Emerging policies H4, CC5 and EV9 are also relevant, as discussed above.

9.17.2 As set out within the CIL Regulations requests for planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development:

Affordable Housing	<ul style="list-style-type: none"> <li>40% of dwellings to be affordable housing with 77% affordable rent and 23% intermediate ownership</li> </ul>
<u>Charnwood Borough Council Open Space</u>	<ul style="list-style-type: none"> <li>Provision for Young People - off-site contribution of £62,009 for provision, enhancement and improvement of young people's provision at Rearsby Village Hall Open Space or provision, enhancement and improvements of any other suitable young children facility within the locality of the development</li> <li>Outdoor Sport facilities - £21,404 off-site contribution for improvements at Rearsby Road Village Pitches or provision, enhancement and improvements of any other suitable outdoor sport facilities within the locality of the development</li> <li>£7,340 off-site contribution for creation of new or enhancement of existing allotments at Rearsby</li> <li>Ongoing management and maintenance of any on site open space requires agreement prior to commencement of development to ensure proposals are sustainable and publicly accessible in</li> </ul>

	<p>perpetuity. If requested the Council will adopt areas of open space if they meet our adoption standards and a commuted sum for maintenance is paid on transfer.</p>
<u>Sustainable Transport</u>	<ul style="list-style-type: none"> <li>• Travel Packs - £52.85 per pack</li> <li>• Six month bus passes – two pass per dwelling at cost of £360 per pass</li> <li>• Travel Plan monitoring fee of £6,000</li> <li>•</li> </ul>
<u>Biodiversity</u>	<ul style="list-style-type: none"> <li>• To submit the Biodiversity Impact Assessment of the Reserved Matters Scheme with the Reserved Matters application</li> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval based on the baseline value agreed at Outline to specify post development value of the Reserved Matters scheme at Reserved Matters stage</li> <li>• To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme</li> <li>• Where the provision of the Biodiversity Net Gain cannot be achieved within the red line site boundary to provide further mitigation measures habitat creation off site on adjoining land Drawing No. n1610 006 Rev. B [Wider Masterplan (including blue land)] pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and / or pay the Biodiversity Impact Compensation to the Council.</li> </ul>
<u>Leicester, Leicestershire &amp; Rutland Integrated Care Board (NHS)</u>	<ul style="list-style-type: none"> <li>• £31,399.68 for additional clinical accommodation for 156 patients at The Jubilee Medical Practice and The County Practice</li> </ul>
<u>Leicestershire County Council Library Services</u>	<ul style="list-style-type: none"> <li>• £1,967.94 contribution towards the enhancement of Rothley Library</li> </ul>
<u>Leicestershire County Council Waste Management</u>	<ul style="list-style-type: none"> <li>• £3,358.55 is required to contribute towards waste management at the HWRC at Mountsorrel</li> </ul>

9.7.3 Representation has been received from Rearsby Parish Council requesting financial contributions as part of a S.106 Agreement towards playing fields improvements to assist disabled access into the Village Hall playing fields. However, no evidence or details have been provided to specify how this request arises as a consequence of the proposals and it is not therefore considered to meet the three tests in the CIL Regulations.

- 9.7.4 The Parish Council has also requested improvements towards facilities for teenagers in the village. There is off-site contribution from the development towards improvements of young people facilities and outdoor sport in accordance with policy CS15 of Core Strategy that deals with open space, sports and recreation within the locality of the site.
- 9.7.5 It was also agreed with the Council's Open Space Officer during application stage that the request for indoor sport contribution is no longer required as it could not be demonstrated that the contribution is necessary to make the development acceptable in planning terms in accordance with the requirement of CIL Regulations.
- 9.7.6 Requests for highway mitigation works by the Highway Authority are discussed in the transport section 9.11 of this report above and are considered to meet the three tests.
- 9.7.7 These contributions are considered to be CIL compliant and would allow the necessary infrastructure to meet policies CS3, CS13, CS15, CS17 and CS24 and emerging policies H4, CC5, EV9, INF1 and INF2 meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 57 of the NPPF.

## **10. Conclusion**

- 10.1 Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise.
- 10.2 As there is currently an insufficient supply of deliverable housing sites (3.04 years), this application is to be determined on the basis of paragraph 11(d) of the NPPF that provides a presumption in favour of sustainable development. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused. Other than those policies which relate to housing and restrict housing development, the adopted policies of the Development Plan are considered consistent with the NPPF and as such they attract full weight as development plan policies.
- 10.3 The development is situated within Rearsby, which is an 'Other settlement' within the hierarchy as defined by the Core Strategy and the emerging Local Plan. The development would provide 65 new units of which 40% would be affordable homes, at a time when there is an acute need for these. These would be provided in a settlement in the Borough where there is a good level of local facilities and a frequent bus service to Leicester and Melton Mowbray. These matters should be afforded significant weight.
- 10.4 The site is also allocated for housing in the emerging Local Plan as DS3(HA66) which is considered to provide further weight, albeit limited to moderate, in favour of the proposal.
- 10.5 The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, residential amenity or

flooding that cannot be mitigated, biodiversity impact mitigation and net gain and landscaping can be secured by way of planning condition, reserved matters and S.106 legal agreement. There would be no harm to heritage assets or archaeology and have neutral weight in the planning balance.

- 10.6 Weighed against this is the conflict with Development Plan policies, which set out the spatial strategy for the Borough. As the site is outside defined limits to development and within countryside, the proposed development would be contrary to policy CS1 of the Core Strategy, saved Policy CT/1 of the Local Plan and Policy R3 of the Rearsby Neighbourhood Plan. The proposal would also lead to the loss of best and most versatile agricultural land.
- 10.7 Harm would also arise to landscape character of the area, but this can be mitigated with conditions to secure an appropriate layout and landscaping scheme. The impacts of the proposed development on local infrastructure can either be offset within the application site or otherwise secured via commuted payments to improve facilities in the area.
- 10.8 In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and that would be so significant and demonstrably harmful as to outweigh the benefits of approving this housing proposal. The benefits relate to the contribution of the proposal to the Council’s housing land supply deficit its deliverability, sustainable location, affordable housing contribution, community and other infrastructure provision. The application should therefore be supported subject to appropriate planning conditions being attached and contributions being secured to support local infrastructure as planning obligations secured in a legal agreement under S.106 of the Planning Act, as set out below:

**11. Recommendation**

**RECOMMENDATION A:**

That authority is given to the Head of Planning and Growth and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure planning obligations, on terms to be finalised by the parties, as set out below:

Affordable Housing	<ul style="list-style-type: none"> <li>• 40% of dwellings to be affordable housing with 77% affordable rent and 23% intermediate</li> </ul>
Charnwood Borough Council Open Space	<ul style="list-style-type: none"> <li>• Provision for Young People - off-site contribution of £62,009 for provision, enhancement and improvement of young people’s provision at Rearsby Village Hall Open Space or provision, enhancement and improvements of any other suitable young children facility within the locality of the development</li> <li>• Outdoor Sport facilities - £21,404 off-site contribution for improvements at Rearsby Road Village Pitches or provision, enhancement and</li> </ul>

	<p>improvements of any other suitable outdoor sport facilities within the locality of the development</p> <ul style="list-style-type: none"> <li>• £7,340 off-site contribution for creation of new or enhancement of existing allotments at Rearsby</li> <li>• Ongoing management and maintenance of any on site open space requires agreement prior to commencement of development to ensure proposals are sustainable and publicly accessible in perpetuity. If requested the Council will adopt areas of open space if they meet our adoption standards and a commuted sum for maintenance is paid on transfer.</li> </ul>
Sustainable Transport	<ul style="list-style-type: none"> <li>• Travel Packs - £52.85 per pack</li> <li>• Six-month bus passes – two pass per dwelling at cost of £360 per pass</li> <li>• Travel Plan monitoring fee of £6,000</li> </ul>
Biodiversity	<ul style="list-style-type: none"> <li>• To submit the Biodiversity Impact Assessment of the Reserved Matters Scheme with the Reserved Matters application</li> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval based on the baseline value agreed at Outline to specify post development value of the Reserved Matters scheme at Reserved Matters stage</li> <li>• To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme</li> <li>• Where the provision of the Biodiversity Net Gain cannot be achieved within the red line site boundary to provide further mitigation measures / habitat creation off site on adjoining land [Drawing No. n1610 006 Rev. B [Wider Masterplan(including blue land)] pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and/ or pay the Biodiversity Impact Compensation to the Council</li> </ul>
Leicester, Leicestershire & Rutland Integrated Care Board (NHS)	<ul style="list-style-type: none"> <li>• £31,399.68 for additional clinical accommodation for 156 patients at The Jubilee Medical Practice and The County Practice</li> </ul>
Leicestershire County Council Library Services	<ul style="list-style-type: none"> <li>• £1,967.94 contribution towards the enhancement of Rothley Library</li> </ul>
Leicestershire County Council Waste Management	<ul style="list-style-type: none"> <li>• £3,358.55 is required to contribute towards waste management at the HWRC at Mountsorrel</li> </ul>



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**RECOMMENDATION B:**

That subject to the completion of the S106 agreement in recommendation A above, grant planning permission conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions.

**Recommended conditions**

Conditions (Outline)	
<b>1.</b>	<p>Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</p> <p>REASON: In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
<b>2.</b>	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:            N1610 001 (Site Location Plan)            T19614 001 Rev. H (Proposed Site Access Layout Plan)</p> <p>Submission of the reserved matters shall be in general conformity with the principles set out in the following plans:            N1610 005 Rev. J (Masterplan)</p> <p>REASON: To provide certainty and define the terms of the permission in accordance with Development Plan policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p>
<b>3.</b>	<p>No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
<b>4.</b>	<p>No development shall progress above slab level until samples and details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.</p>

	<p>REASON: To safeguard the character and appearance of the locality in accordance with policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), emerging policy DS5 of Local Plan, Design SPG and the NPPF.</p>
5.	<p>The details submitted pursuant to condition 3 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: In order to secure the satisfactory development of the application site in accordance with policies CS2 and CS13 of Core Strategy, EV/1 of Local Plan, emerging policy DS5 of Local Plan, Design SPD and the NPPF.</p>
6.	<p>The details to be submitted pursuant to condition 3 shall include a housing mix for market and affordable homes in reflect up to date evidence of housing need in the Borough.</p> <p>REASON: In order to secure the development provides an appropriate mix of homes having regard to the identified housing needs of the area in accordance with policy CS3 of the Core Strategy and the NPPF.</p>
7.	<p>The details to be submitted pursuant to condition 3 shall show all units in compliance with the Nationally Described Space Standards.</p> <p>REASON: In order to secure a high standard of amenity for future residents in accordance with emerging Policy H3 of the Charnwood Local Plan 2021-37 and paragraph 130 of the NPPF.</p>
8.	<p>The details to be submitted pursuant to condition 3 shall include that 10% of new market homes will meet the Building Regulations Part M4(2) standard for being accessible and adaptable. The affordable homes on the site shall meet the M4(2) and/or M4(3) standards for being suitable for wheelchair users, subject to assessment of viability and/or site-specific constraints.</p> <p>REASON: In order to meet the needs to the ageing population and people with disabilities and to secure a high standard of amenity for future residents in accordance with emerging Policy H2 of the Charnwood Local Plan 2021-37 and paragraph 130 of the NPPF.</p>
9.	<p>The details submitted pursuant to condition 3 above shall include the following minimum amounts and typologies of open space:</p> <p>0.22 ha on-site Parks &amp; Amenity Open Space</p> <p>0.31ha on-site Natural Open Space</p> <p>0.04ha on-site Provision for Children (LEAP)</p> <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with policy CS2 and CS15 of the Core Strategy and emerging policy EV9 of the Charnwood Local Plan 2021-37.</p>

<p><b>10.</b></p>	<p>The landscaping details submitted pursuant to condition 3 above shall include:</p> <ul style="list-style-type: none"> <li>i) the treatment proposed for all ground surfaces, including hard surfaced areas;</li> <li>ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site;</li> <li>iii) finished levels or contours within any landscaped areas;</li> <li>iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.</li> <li>v) functional services above and below ground within landscaped areas; and</li> <li>vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.</li> </ul> <p>Any trees or shrubs which, within 5 years from the completion of the development, die, are removed, or become severely damaged or seriously diseased, shall be replaced in the next planting season by others of similar size and species to those originally required to be planted. All boundary treatments shall be retained in the approved form.</p> <p>REASON: In order to secure the satisfactory development of the application site and to landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 and CS13 of Core Strategy, emerging policies EV1, EV6, EV7 and DS5 of the Charnwood Local Plan 2021-37, policy R1, R3 &amp; R7 of Rearsby Neighbourhood Plan and the NPPF.</p>
<p><b>11.</b></p>	<p>A landscape and habitat management and maintenance plan, including a survey of the existing landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.</p> <p>REASON: In order to protect the landscape character and amenity of the development site over the long term in accordance with policies CS2, CS11 and CS13, emerging policies EV1, EV6, and DS5 of the Charnwood Local Plan 2021-37, policies R3 &amp; R7 of Rearsby Neighbourhood Plan and the NPPF.</p>
	<p>The details submitted pursuant to condition 3 shall include an Arboricultural Method Statement to include tree protection measures for all trees and hedges to be retained. and a tree protection plan to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas. The statement shall be in accordance with the British Standard for Trees in Relation to Design, Demolition and Construction 5837 (2012 and any</p>

12.	<p>subsequent edition), and the monitoring of tree protection measures during construction. The development shall be undertaken and maintained in accordance with the approved details.</p> <p>REASON: In order to secure the satisfactory development of the application site in accordance and enhance the nature conservation interest of the site and achieve biodiversity net gain in accordance with policy CS11 and CS13 of Charnwood Development Plan (2011- 2028), emerging policy DS5, EV1, EV6 and EV7 of the Charnwood Local Plan 2021-37, Design SPG, R1, R3 &amp; R7 of Rearsby Neighbourhood Plan and the NPPF.</p>
13.	<p>The development hereby approved shall not be occupied until a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details. There shall be no external lighting on the site other than in accordance with the approved scheme.</p> <p>REASON: In order to secure the satisfactory development of the application site and to safeguard the nature conservation value of the site in accordance with Policy CS2 and CS13 of Charnwood Local Plan (2011-2028), policy EV/1 of Local Plan (2004), emerging policy DS5 and EV6 of the Charnwood Local Plan 2021-37, policy R1, R3 &amp; R7 of Rearsby Neighbourhood Plan, Design SPD and NPPF.</p>
14.	<p>The details submitted pursuant to condition 3 shall include full details of the proposed boundary treatment along all boundaries within the site. Such approved boundary treatment, in respect of those dwellings which are intended to be screened, shall be erected prior to the first occupation of those dwellings.</p> <p>REASON: In order to secure the satisfactory development of the application site in terms of appearance and amenity of occupants and neighbours in accordance with Policy CS2 and CS13 of Core Strategy, saved policy EV/1 of Local Plan (2004), Design SPD, emerging policy DS5 and EV6 of the Charnwood Local Plan 2021-37, policy R1, R3 &amp; R7 of Rearsby Neighbourhood Plan, Design SPD and NPPF.</p>
15.	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details and completed prior to first occupation of the development.</p>

	<p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015), emerging policy CC2 of the Charnwood Local Plan 2021-37 and the National Planning Policy Framework.</p>
16.	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with policy CS16 of the Core Strategy, emerging policy CC2 of the Charnwood Local Plan 2021-37 and the NPPF.</p>
17.	<p>No development approved by this permission shall take place until such time as infiltration testing has been carried out (suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of any drainage strategy in accordance with policy CS16 of the Core Strategy, emerging policy CC2 of the Charnwood Local Plan 2021-37 and the National Planning Policy Framework.</p>
18.	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.</p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with policy CS16 of the Core Strategy, emerging policy CC2 of the Charnwood Local Plan 2021-37 and the National Planning Policy Framework.</p>
19.	<p>No development shall commence on site until air quality report to assess fugitive dust emissions during construction and road vehicle exhaust emissions during operation has been submitted to and approved in writing by the Local Planning Authority. The report shall include details to determine:</p>

	<p>1) Air quality conditions at new residences in the proposed development; and</p> <p>2) Air Quality impacts associated with the traffic generated by the proposed development.</p> <p>The assessment should include receptors adjacent to all roads where a significant change in traffic is predicted and details how the development will reduce its impact on local air quality. Thereafter, the mitigation measures shall be retained as approved and in accordance with Air Quality Assessment.</p> <p>REASON: In order to secure the satisfactory development of the application site and to ensure compliance with air quality in accordance with policy CS2 and CS16 of Charnwood Local Plan (2011-2028), emerging policy DS5, CC4 and EV11 of the Charnwood Local Plan 2021-37 and NPPF.</p>
20.	<p>No development shall commence on the site until a construction/ traffic management plan and method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall provide for details of the following:</p> <ul style="list-style-type: none"> <li>• Routing of construction traffic</li> <li>• Parking of vehicles of site operatives and visitors</li> <li>• Loading and unloading of plant and materials</li> <li>• Storage of oils, fuels, chemicals, plant and materials used in constructing the development</li> <li>• Erection and maintenance of security hoarding,</li> <li>• Wheel-wash washing facilities and road-cleaning arrangements,</li> <li>• Measures to control the emission of dust and dirt during construction,</li> <li>• A scheme for recycling/ disposing of waste resulting from site preparation and construction work,</li> <li>• Use of water suppression,</li> <li>• Measures for the protection of the natural environment,</li> <li>• Hours of work on site, including deliveries and removal of materials,</li> <li>• Full details of any piling techniques to be employed (if relevant)</li> <li>• Location of temporary buildings and associated generators, compounds, structures and enclosures,</li> <li>• Routing of construction traffic</li> <li>• Timetable for their provision</li> </ul> <p>The construction of the development shall thereafter be carried out in accordance with the approved details and timetable and shall be adhered to throughout the construction period.</p> <p>REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to</p>

	<p>development commencing in order to safeguard the amenities of occupiers of premises/dwellings in the vicinity and to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with policy CS2, CS11, CS13 and CS16 of Charnwood Core Strategy (2011-2028), policy EV/1, TR/4 and TR/18 of Local Plan (2004), emerging policy CC4 and EV6 of the Charnwood Local Plan 2021-37 and NPPF</p>
<p><b>21.</b></p>	<p>The details submitted pursuant to condition 3 shall include full details of the number, design, location and post development monitoring arrangements of bird nesting boxes/bat/ hedgehog boxes to be provided as part of the development. The approved bird, bat and hedgehog boxes shall be completed and available before the dwellings hereby permitted are first occupied and thereafter maintained.</p> <p>REASON: In order to enhance the nature conservation interest of the site and achieve biodiversity net gain in accordance with policies CS2 and CS13 of Core Strategy (2011- 2028), emerging policies DS5, EV1, EV6 and EV7 of the Charnwood Local Plan 2021-37, policy R3 &amp; R7 Rearsby Neighbourhood Plan, Design SPG and the NPPF.</p>
<p><b>22.</b></p>	<p>Prior to commencement of development a Construction Environmental Management Plan (CEMP), informed by an updated protected species survey in relation to Badgers and Bats, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The CEMP shall be in broad accordance with the recommendations in section 5 (Discussion &amp; Recommendation) of the Preliminary Ecological Appraisal, Great Crested Newt Survey and BIA Results (Report Ref: RSE_4708_01_V3 dated November 2021. The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. The construction of the development shall thereafter be carried out in accordance with the approved plan.</p> <p>REASON: In order to protect the landscape character and amenity of the development site over the long term and to enhance/ safeguard the nature conservation value of the site in accordance with Policies CS11, CS13 and CS16 of the Core Strategy (2015), emerging policies CC4, DS5, EV1, EV6, EV7 &amp; EV11 of the Local Plan 2021-37 and the NPPF (2021).</p>
	<p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. No further development shall be carried out until full details of a Remediation Strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority.</p>

<p><b>23.</b></p>	<p>Thereafter the remediation strategy shall be carried out in accordance with the approved details. Following completion of measures identified in the approved Remediation Strategy a verification report must be prepared, submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, ecological systems and heritage assets, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite receptors, in accordance with policy CS2 and CS16 of Charnwood Local Plan (2011-2028) and paragraphs 183 of the NPPF.</p>
<p><b>24.</b></p>	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the Proposed Site Access Layout drawing (reference T19614 001 Rev. H- dated 14/02/23 have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR/4 and TR/18 of Charnwood Local Plan (2004) and the NPPF.</p>
<p><b>25.</b></p>	<p>No part of the residential development hereby permitted shall be occupied until such time as off-site works for new/improved bus stop infrastructure including raised kerbs, flag, pole and bus shelter as appropriate on Melton Road for Stop ID: leidwgdj have been implemented in full unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To promote travel by sustainable modes in accordance with policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR4 and TR/18 of Charnwood Local Plan (2004) and the NPPF.</p>
<p><b>26.</b></p>	<p>No part of the development shall be occupied until such time as the off-site works shown on the Gaddesby Lane / Melton Road / Mill Road Proposed Junction and Footway Improvements drawing (reference T19614 002 Rev. D) - dated 14/02/23 have been implemented in full.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR4 and TR/18 of Charnwood Local Plan (2004) and the NPPF.</p>
<p><b>27.</b></p>	<p>No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p>



REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR4 and TR/18 of Charnwood Local Plan (2004) and the NPPF

## APPLICATION SITE



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