

Item No. 3

Application Reference Number P/19/0041/2

Application Type:	Outline	Date Valid:	25 th January 2019
Applicant:	William Davis Ltd		
Proposal:	Development of up to 70 dwellings with associated public open space, landscaping and infrastructure		
Location:	Land off Melton Road Burton on the Wolds LE12 5AL		
Parish:	Burton on the Wolds	Ward:	The Wolds
Case Officer:	Karen Brightman	Tel No:	0864603389

Background

This application has been brought to plans committee as it relates to a major housing development outside current limits to development.

Because the Local Planning Authority has not made a decision on the application within the agreed deadline, an appeal has been lodged with the Planning Inspectorate against the non-determination of the planning application and it is due to be heard by way of Public Inquiry at a date yet to be scheduled. Once an appeal has been lodged against non-determination, a formal decision on the application cannot be taken by the Local Planning Authority but a decision must be made regarding how the application would have been determined. This decision will be used to form the basis of the Council's case and in effect to decide whether to defend the appeal or not.

Description of the Application Site

The application site is located to the east of Burton on the Wolds and is approximately 4.3 ha in size. It comprises a single agricultural field which is enclosed by field hedges, some of which are well established. It is bordered by Melton Road to the North, Sowters Lane to the west, open land to the east and a cul de sac of housing, (Seals Close), to the south.

Beyond Sowters Lane and to the west lies the edge of the village which consists of two large detached properties and a farm complex. Sowters Lane itself is rural in character with well-defined hedging and mature trees increasingly present as it runs southwards.

Seals Close to the south is a mix of semi-detached and detached properties. The rear gardens of these directly adjoin the site and are separated from it by a mix of hedging and standard garden boundary treatments.

To the north of the site there is a large detached house and an area of allotments which are separated from the field by mature hedgerow and trees and a small

stream. The existing field access into the land passes through this hedging and is partially shared with the allotments.

To the east of the site there is a belt of younger planting which is also within the ownership of the applicant and which separates the site from the agricultural land beyond.

The site is predominantly level although there is a gentle slope with levels rising to the south and east of the land. The site is outside but adjacent to the limits to development for the village.

Description of the Proposal

The application is in outline with all matters reserved except for access. Access is proposed via a new T junction onto Melton Road to the west of the allotments. It is accompanied by an illustrative masterplan that shows how the site could be developed for the quantum of housing proposed.

The masterplan suggests a central access road serving a series of cul de sacs which provide access to blocks of housing. A feature square is proposed in the middle of the site with planted public open space around the edges of the development. An area of buffer planting is depicted to the southern boundary between Seals Close and the new housing. There is also a play area shown in the south western corner and footpath links around the site and potentially out on to Sowters Lane in two places.

An existing pond within the site is proposed for retention within public open space and a new SuD's feature is also depicted to the east of the site entrance. A footpath link along Melton Road between the site access and the village is also shown. Six focal point buildings are indicated along the main route into the development and at the end of main views through the development. Finally, a new community orchard and potential allotment area is shown to the south west corner of the site.

The application includes the following supporting documents & plans:

- Application form
- Site location Plan – red line
- Design and Access Statement
- Transport Statement
- Road Safety Audit
- Flood Risk Assessment & Drainage Strategy
- Ecological Assessment
- Arboricultural Assessment
- Historic Environment Assessment
- Soil and Agricultural Lane Assessment
- Noise Assessment
- Odour Assessment
- Affordable Housing statement
- Analysis of 5 Year supply (2019)

- Statement of Community Involvement

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Burton on the Wolds as an “other” settlement, (4th in a hierarchy of 5) where small scale development within limits to development is supported.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS 11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS14 - Heritage - sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

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

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside... - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

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

Wolds Villages Neighbourhood Plan (2018 – 2028)

This is at stage where it has been agreed that it can proceed to referendum. As part of the national response to the pandemic the Government has altered the PPG to account for instances where neighbourhood plans can proceed to referendum but are prevented from doing so by the current circumstances. The PPG states that such plans can currently be given significant weight in decision-making where they are relevant. Relevant policies in relation to the proposal are:-

Policy WV1 – Landscape Character and Locally important views - sets out that in the countryside, new development should conserve or enhance the character of the local landscape.

Policy WV2 - Green Infrastructure - states that development proposals should seek to conserve and enhance the local green infrastructure which includes a wildlife corridor and woodland along Melton Road.

Policy WV3 – Trees – seeks to ensure protection of important trees and hedges or replacement if loss is unavoidable.

Policy WV5 – Water Management – states that new development should take account flood risk and that it should be effectively drained

Policy WV6 – Local Green Space – designates areas as local green space and includes the allotments to the north of the site

Policy WV7 – Local Heritage Assets – lists local assets where the benefits of the proposal must be balanced against harm to significance. It includes ridge and furrow within the site in this list. It also seeks to protect archaeological remains.

Policy WV8 – Community Services and facilities – sets out that community facilities including the allotments to the north should be protected and supports retention and improvement of these.

Policy WV10 – Infrastructure – seeks to ensure new housing is supported by appropriate infrastructure

Policies WV11 & WV12 – Housing Provision & Sturdee Poultry Farm – Policy WV11 sets out limits to development for Burton on the Wolds which exclude but directly abut the site to the west and south. The plan resists most forms of housing development outside these limits save for land on the opposite side of Sowters Lane which is allocated for housing in the event there is a need for housing identified within the emerging local plan by policy WV12.

Policy WV14 – Housing Mix – requires new housing development to have regard to recent assessments of housing need within the Wolds. It specifically focuses on the needs of older households and the need for smaller homes.

Policy WV 15 – Affordable Housing – supports conditions or planning obligations ensuring local people are prioritised for affordable units when they are allocated

Policy WV16 – Design – states that development proposals must comply with Burton in the Wolds Village Design Statement

Other material considerations

The National Planning Policy Framework (NPPF 2019)

The NPPF sets out the government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The NPPF policy guidance of particular relevance to this proposal includes:

Section 5: Delivering a sufficient supply of homes

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 73). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 61).

Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 111). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 103). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 104). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 109).

Section 12: Requiring well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124).

Section 14: Meeting the challenge of climate change, flooding and coastal change

New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 149). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 153) and renewable and low carbon energy development should be maximised (paragraph 154).

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

National Design Guide

This document sets out the Government's design guidance to support the NPPF.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

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

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

Design Supplementary Planning Document (January 2020)

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.

Leicestershire Highways Design Guide

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance.

Burton on the Wolds Village Design Statement (2006)

This document sets out residents aspirations for design within the village. It emphasises the need to protect the natural environment and work with the natural landscape "bowl" that the village lies within. Smaller scale developments are supported that complement existing styles and materials and avoid monotony.

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

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. As this application is for a site of less than 5 hectares and is for less than 150 dwellings it does not stand to be screened for an Environmental Impact Assessment.

Conservation of Habitat and Species Regulations 2010 (as amended)

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.

Protection of Badgers Act 1992

Badgers are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A licence is required from Natural England where development proposals may interfere with badger setts.

Equality Act 2010

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.

The Draft Charnwood Local Plan 2019-36

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16th December 2019. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries very limited weight at the current time.

Consultation Responses

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

Consultee	Response
Leicestershire Lead Local Flood Authority - LCC	Does not object to the proposal now that further drainage details have been received
Housing Strategy & Support CBC	Seeks 40 % affordable housing on the site at an appropriate mix and with 50% for rent and 50% for shared ownership
Environmental Protection - CBC	Does not object to the application on the grounds that mitigating condition relating to noise and odour are attached as detailed in the application documentation
Environmental Agency	Does not object to the application but points out that it is within 400m of a poultry farm and that the environmental impacts of this need to be assessed.
Leicestershire County Council - Highways	Does not object to the proposal subject to it being carried out in accordance with the access details included within the Transport Assessment. Conditions are suggested relating to the timing of the provision of the access, the protection of the visibility splay and to ensure surface water doesn't drain onto the highway
LCC Education	Seeks contributions of £306,432 towards remodelling and improving capacity at Burton on the Wolds primary school and £208,970.44 towards improving capacity at Rawlins Academy.
Burton on the Wolds, Cotes & Prestwold Parish Council	Objects to the application on the grounds that it is unsustainable development in the countryside that is contrary to the development Plan. Specific concerns are raised with regard to limited amenities and employment, poor public transport, highway safety, landscape impact, loss of ecology, school capacity, loss of agricultural land and cramped design. Additionally it highlights concerns regarding the response from the Highway Authority as it does not feel that the speed survey reflective of the

	situation.
Wymeswold Parish Council	Objects to the application on the grounds of sustainability and volume of traffic
CPRE	Objects to the proposal on the grounds that it is unsustainable development within the countryside, that it would cause landscape harm and lead to loss of agricultural land
NHS	Seek a contribution of £35,567.40 towards improving the capacity of Barrow health centre to allow for the accommodation of 170 additional patients generated by the scheme.
Burton on the Wolds Primary School	Highlights that the school would be unable to cope with the additional pupils without replacement of a mobile classroom, additional toilets, extensions to the dining hall and a new boiler. The additional pupils being driven to school would also worsen existing parking problems.

Other Comments Received

166 objection letters have been received from local residents. A letter in support of the Parish Council's objection has also been received from Nicky Morgan former MP who reiterates concerns relating to the loss of ridge and furrow landscape and incompatibility with the Core Strategy settlement hierarchy. The list below summarises the areas of comment that have been received from residents with regard to the application. Please note that residents' comments can be read in full on the Council's website www.charnwood.gov.uk

- Access is unsafe
- Increased traffic
- Impact on services
- Harm to ecology
- Contrary to local and national policy
- Poor public transport
- Sewer system can't cope
- Loss of green space
- Loss of tranquillity
- Local school does not have capacity
- Air pollution
- Noise
- Scale of development too large
- Affordable housing demand does not exist for this area
- Odour particularly if shed are being cleared
- Density of development is too high
- Planting to the east will not screen landscape impacts
- Poor local amenities
- Access onto Sowters lane is unsafe due to it being narrow and unlit
- Flooding

- Traffic surveys are flawed
- Sowters Lane is a private road
- Insufficient parking
- Disruption during construction
- Impact on Seals Close
- Loss of agricultural land
- Loss of trees
- Loss of ridge & furrow
- Harm to character of the village
- Smaller homes with provision for retirement are needed
- Poor or absent pavement links
- Loss of allotments
- No safe route to school
- Lack of community involvement
- Question genuine affordability of homes
- Impact on archaeology and loss of setting for nearby grange remains
- Tracking at roundabout for larger vehicles
- No need for the development
- Concerns development will break the skyline
- Verges are a landmark feature of the village
- Harm to the landscape
- Lack of accessible housing
- Relates poorly to village
- Poor cycle routes
- Trics and safety assessments are flawed
- Impact on tranquillity of cemetery
- Trees alone will not mitigate this scale of development
- There are better sites to use including brownfield ones

Planning History

The following planning history is that which is most recent and relevant to the proposal:

Reference	Application	Decision
P/92/1777/2	Residential development adjacent to 20/2 Seals Close	Approved 12/92
P/92/3075/2	Residential Development	Refused 12/92
P/93/1867/2	Erection of detached house	Approved 09/93
P/94/0169/2	Residential Development	Refused 03/94
P/94/1796/2	Erection of detached dwelling	Approved 09/94
P/94/2052/2	Extension of time for implementation of development	Approved 09/94
P/94/2589/2	Erection of two houses	Approved 12/94
P/95/0183/2	Erection of dwelling	Approved 03/95
P/08/0822/2	Erection of dwellings	Dismissed on

Consideration of the Planning Issues

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 Charnwood Local Plan 2011-2028 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 and the Draft Wolds Villages Neighbourhood Plan 2018-2028, (for the reasons outlined above). It is acknowledged that several of these plans are over 5 years old; therefore it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. These policies are compliant with the NPPF and there is no reason to reduce the weight to be given to them.

As the Core strategy is now five years old, its policies for the supply of housing are considered out of date and the Authority must instead use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (4.1 years), and as a result, any policies which directly relate to the supply of housing cannot be afforded full weight if they restrict the provision of this supply.

The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

In situations where para 11d of the presumption applies consideration should be given to paragraph 14 in relation to Neighbourhood Plans in the context of the Authority having more than three years supply of deliverable housing sites and good housing delivery. The Neighbourhood Plan for the Wolds has yet to be made but it has reached an advanced stage in its preparation and crucially one where an Inspector has found it sound. Whilst it has not proceeded to referendum and formal development plan status, due to the pandemic, it is considered that in accordance with the ministerial statement it would be reasonable to afford great weight to the document. As such it stands to be assessed under paragraph 14. Whilst the neighbourhood plan is less than two years old there is no unreserved housing allocation to meet an identified housing need within the plan. Accordingly any contradiction with policies relating to the provision of housing cannot be considered as a significant and demonstrable harm sufficient to outweigh identified benefits on its own. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative.

The main issues are considered to be:

- The principle of the proposed development;
- Housing mix
- Landscape & Visual Impact

- Design
- Open space
- Amenity, Odour and Noise
- Heritage
- Arboriculture
- Soil
- Ecology
- Flood risk/drainage
- Highway matters
- Infrastructure

Principle of the proposed development

The application site is located outside but adjacent to, the Development Limits to the settlement of Burton on the Wolds, as established under “saved” Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026 and latterly updated under Policy WV11 of the Wolds Neighbourhood Plan. For land outside these Development Limits policies CT/1 and CT/2 apply which seek to control development outside of a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. Within the settlement hierarchy, Burton on the Wolds is identified as an “other” settlement where a limited level of housing growth which is predominantly small scale and within limits to development is acceptable. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment.

The Wolds Neighbourhood Plan has identified a housing requirement for the village of 36 new units based on a percentage share of the “other” settlements housing target deriving from the draft local plan. It takes the stance that the housing requirement in the current Core Strategy has already been met with regard to “other” settlements and does not seek to increase housing targets to cater for this. The Neighbourhood Plan anticipates that this housing requirement will be met within the limits to development that it sets out. In the event that there remains a need once the Local Plan is adopted it identifies the adjacent poultry farm site as being a suitable location for at least 36 dwellings.

These policies are those that are the most important ones for establishing whether development of the site for housing is acceptable in principle.

The development is at odds with these housing supply policies as it comprises a large-scale development that is outside the limits to development. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, conflict with the above policies can be considered as an adverse impact but given the age of policies CS1, CT/1, CT/2 and ST/2, (all over 5

years old), the weight that can be ascribed to them would be reduced. Accordingly there is harm resulting from conflict with the development approach set out in policies CS1, CT/1, CT/2, ST/2 and WV11, which seeks to direct growth away from smaller settlements, which weighs against the proposal and needs to be considered within the planning balance for the proposal.

In terms of principle overall, the proposal would result in the provision of 70 new houses at a time when the Local Planning Authority cannot demonstrate a five year supply of housing land and although there is some conflict with the Development Plan this does not outweigh this benefit. Accordingly the proposal is considered to be acceptable in principle.

Housing mix

Policy CS3 of the Core Strategy and Policies WV14 and WV15 of the Wolds Neighbourhood Plan help define housing mix for this site. Policy CS3 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 70, (28), units should be affordable. The Housing SPD provides further guidance in support of this relating to how these units should be detailed. Policy WV14 requires new housing development to have regard to recent assessments of housing need within the Wolds with particular focus on older households and smaller homes. Policy WV15 seeks to ensure that affordable units are used to meet local need.

These policies generally accord with the National Planning Policy Framework 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.

The proposal is in outline and includes an undertaking to provide 28 affordable homes. The size, type, tenure and design of these is not currently known although it is anticipated that much of this detail would be established by later reserved matters. It would, however, be important to set down parameters relating to, for example, the size of units required at outline stage and it is suggested that the s106 legal agreement could be used to do this.

The Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

Affordable	
1 bed	40-45%
2 bed	20-25%
3 bed	25-30%
4+ bed	5-10%
Market	
1 bed	0-10%
2 bed	25-35%
3 bed	45-55%
4+ bed	10-20%

It is suggested that a size mix profile to reflect this could be achieved although care would need to be taken, (as per CS3), to ensure the character of this edge of village location was not harmed by this.

It is considered that a proposal which complies with CS3, WV14 and WV15 could be achieved. The provision of 28 affordable units is also a benefit of the scheme which weighs within the planning balance.

Landscape and Visual impact

Policies CS2, CS11 and WV1 are concerned with protecting the landscape and ensuring new development does not result in visual harm. A landscape and Visual appraisal has been submitted with the application which looks in detail at these impacts. These policies generally accord with the National Planning Policy Framework and do not directly impact on 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.

Landscape

The Landscape assessment (LVA) finds limited impact on nationally defined character areas but that there is a small adverse impact on the locally defined "Wolds" character area, (following mitigation measures in the form of layout measures and additional tree planting). This impact is limited due to the comparatively small scale of the site in comparison with the character area and the relatively low value of the landscape character overall. Within the character appraisal the importance of concentrating development within valleys to maintain distance views and conserve the rolling rural landscape is noted as important and it is agreed that the topography of the site and its surroundings allows this. There is, however, loss of ridge and furrow and erosion of the green space and tree cover to the site frontage which runs counter to the guidelines for protection of the Wolds landscape. There would also be a loss of tranquility albeit on a relatively small scale.

Within the site itself, there would be significant impact on this localised landscape as agricultural land would be replaced with built form. This impact would, however, be locally limited due to the surrounding topography and vegetation.

Whilst the mitigation measures go some way to reducing landscape impact they do not address the loss of ridge and furrow, loss of rural character or the erosion of the site frontage. These must be accepted as areas of landscape harm that arise from the development & which conflict with elements of policies CS2, CS11 and WV1. Given the localised scale of this harm, as discussed above, it is not considered that this in itself it would be so significant or demonstrable that refusal of planning permission could be justified solely on landscape grounds. Nevertheless the identified harm should be considered as part of the planning balance along with any other harm identified and benefits.

Visual Impact

The Landscape appraisal addresses visual impacts from a number of key locations, including Melton Road, Sowters Lane, Wymeswold Lane and more distant views

from rights of way and the surrounding area. It finds the main areas where adverse visual impacts would occur to be Sowters Lane and the bridleway to the east. The table below looks at the visual impacts from the identified viewpoints, which it is agreed are the most relevant:

Viewpoint	Impact
Melton Rd (eastbound)	As the views from here are well contained by planting with limited distance views the visual impacts from here are lessened. The new access will partially alter this but new planting around this can be used to contain views so that they are similar to the existing situation.
Melton Road (westbound)	There are some distance views possible from this viewpoint but these are against the backdrop of the existing village edge and other development. As a result visual impacts are low and can be mitigated by way of additional frontage planting.
Wymeswold Lane	Direct views towards the site will be available from this junction although they will be mostly screened by existing vegetation and within the context of entering the village. Accordingly, visual impacts from this point will be low.
Sowters Lane	This Lane is well used by residents meaning that the scope of any visual impact will be wide. There are established open views from the lane across the site that will be permanently lost and mitigation measures within the layout will do little to mitigate this. There will be significant visual impacts from this viewpoint.
Rights of way	There are two Rights of way that would experience impacts; to the north and to the east. From the north these impacts would be more limited as they are constrained to views through the frontage vegetation and against the backdrop of the village. From the east there would be clear distance views and whilst the edge of the settlement is already visible built development would become closer. As planting around and through the proposal matures these impacts would be reduced to acceptable levels.
Long distance (Six Hills Road)	There are clear views across open countryside to the south and east but these are reduced by distance and against the backdrop of the existing village and surrounding development. Visual impacts in this respect would be low.

This shows that from most of the identified viewpoints the visual impacts would be low after mitigation measures mature. There would be adverse visual impact from Sowters Lane, however, it is not considered this would result in significant or

demonstrable adverse impacts, although it will need to be factored into the planning balance for the proposal.

Design

Policies CS2 and WV16 seek high quality design for new development. These policies generally accord with the National Planning Policy Framework 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.

As this proposal is in outline, approval of the design and layout is not currently sought. However, an indicative layout has been included which shows how the site could be developed and design principles are also set out within the Design and Access Statement. It is important that any key design parameters are identified and secured for inclusion within any reserved matters application by way of conditions if they are fundamental to the acceptability of the outline consent.

Given the need for landscape and visual mitigation and the need to protect amenity the following design parameters are suggested:

- Tree planting and open space to the east of the proposal
- Buffer planting, layout measures and appropriate dwelling heights on southern edge to reduce impact on 109, 22a, 23 and 24 Seals Close.
- Retention of pond within linear open space linking Sowters Lane and open countryside to the east.
- Provision of a footpath link to Sowters Lane
- Development to be single or two storey

If the application were to be considered acceptable on balance a planning condition securing these parameters would need to be attached to secure compliance with the above design policies. Accordingly, a proposal that complied with the Development Plan and national guidance in terms of design could be achieved for the site.

Open space

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. Within the Neighbourhood plan policies WV2, 6, 8 and 10 are all concerned with ensuring the village is served by an adequate framework of open space and that there is infrastructure to support the needs of residents. These policies generally accord with the National Planning Policy Framework and do not directly prevent 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.

The indicative plan and the design and Access Statement suggest that within the site there will be approximately 1.86 ha of green space incorporating amenity open space, play space and a potential allotment area. As a result there is an ample quantum of space to meet informal recreation needs and for children's play. There is, however, no provision for older children or sports. Given the size of the site it is unlikely that these typologies could all be provided for within the site but a commuted sum to improve facilities elsewhere within the village could be secured.

The neighbourhood plan includes policies to protect and enhance green spaces and community areas in the village, including the area to the north of the site and the allotments. The proposal would not impact on the allotments but result in a small loss of green space and trees in order to provide the new access. This would lead to a small level of local harm in terms of quantity but, subject to additional planting, could be mitigated in terms of quality.

Overall it is considered that the development would provide good quality open space proportionate to its size and that existing losses would be small scale and could be mitigated against, accordingly the proposal is considered to comply with policies CS15 and WV6, 8 and 10 of the Development Plan.

Amenity, Odour and Noise

Policies CS2 and EV/1 require the amenity of existing and future residents to be protected. These policies generally accord with the National Planning Policy Framework 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 it.

It is clear from the indicative layout that there is ample space to ensure that the amenity of adjacent houses is not harmed by loss of light, privacy or outlook, particularly if the southern edge is sensitively designed.

The adjacent poultry farm does, however, give rise to the potential for noise and odour impacts for future residents. Assessments of both these matters have been submitted with the application.

Noise

The development itself is not predicted to have an adverse impact on the quality of life of existing residents in terms of noise. Within the development itself, noise from the existing poultry farm and roads could be mitigated by way of a glazing and ventilation strategy that would seek to ensure sensitive rooms closest to noise sources were glazed and ventilated to reduce noise, (acoustic trickle vents). Additionally gardens areas would be adequately screened from noise nuisance by way of standard close board garden fencing.

Odour

The application is accompanied by an odour survey. This identifies three odour zones with only zone A experiencing regular odour. This zone is the area in the south western corner of the site. Radiating in bands beyond this are two further zones where odour may be experienced from time to time or infrequently. As a result of this analysis the illustrative layout was revised and now includes an area where there would be no housing, (community orchard).

Both these background documents have been considered by Environmental Health officers at Charnwood and the methodology and conclusions are considered to be accurate. Accordingly, it is considered that the impact of both noise and odour on

future residents could be mitigated to acceptable levels.

In conclusion the proposal is considered to provide acceptable standards of amenity for future residents and to be capable of being designed so that there is no adverse impact on existing residents. This would mean it would fully comply with Development Plan Policies EV/1 and CS2.

Heritage

Policy CS14 of the Core Strategy is concerned with heritage and seeks to ensure heritage assets are protected and conserved. This policy accords with the National Planning Policy Framework and does 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 it.

The site is not within a conservation area and there are no listed buildings within the vicinity that the proposal would impact upon the setting of. There is the potential for features of archaeological interest to be located within the site but this could be dealt with by way of planning conditions securing a watching brief and the appropriate recording of any subsequent remains.

The neighbourhood plan identifies in policy WV7 heritage features that are of local interest and includes the site due to its earthwork remains of ridge and furrow. As a non-designated heritage asset the NPPF requires a balanced assessment having regard to the scale of harm and the significance of the asset. The proposal would result in loss of the asset although it would be possible to survey and record the ridge and furrow earthworks and possibly preserve elements of it within the areas of open space. Ridge and furrow is a relatively commonplace landscape feature particularly within the Wolds area and this particular example has no recognised significant heritage or archaeological merit. However, it is a landscape feature that is identified in the character assessment and which the neighbourhood plan seeks to protect. On balance, however, the loss of it is not considered to cause significant harm sufficient to justify refusal of planning permission.

It is considered that with the imposition of appropriate conditions and with an appropriate detailed design that a proposal that preserves heritage and complies with policies CS14 and WV7 could be secured.

Arboriculture

Policies CS2 and CS11 of the Core strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. Policy WV3 of the Neighbourhood Plan seeks to retain and protect valuable trees and hedges in the area. These policies generally accord with the National Planning Policy Framework 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.

Arboricultural survey work submitted with the application shows that the majority of the trees and hedges within the site are to be retained save for the removal of four

trees to facilitate the site access and minor hedgerow to allow footpath links to Souters Lane. These trees are a small ash tree in poor condition, a semi mature ash tree in moderate condition, a crack willow in poor condition and a further ash which is in good condition. The removal of three hawthorn bushes all in good condition is also proposed. Willow trees close to the site entrance are also to be re-pollarded.

None of these trees are protected by means of a protection order or worthy of this level of protection and it is possible for replacements to be provided as part of a landscaping scheme for the site. Given this it is considered that the removal of the trees would initially cause a minor level of visual harm but that this could be mitigated. This harm would not be so significant that it would justify refusal of planning permission and it is considered that it complies with Development Plan policies CS2, CS11 and WV3.

Ecology

Policy CS13 of the Core Strategy seeks to protect biodiversity and to ensure that where there is any loss this is avoided, mitigated or compensated. Policy WV2 of the Neighbourhood Plan is concerned with green spaces and recognises the value of these in terms of biodiversity. This policy generally accords with the National Planning Policy Framework and does 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 it.

The ecological reports submitted show that there are no designated sites within or immediately adjacent to the application site although there are three local wildlife sites within the vicinity. A desktop appraisal confirms there are no records of protected species within or around the site although there is evidence of bat roosting and foraging within the area. The pond within the site has not been found to contain Great Crested Newts although there are records relating to adjacent ponds.

The site itself generally comprises improved grassland and those areas of higher value habitat, (boundary habitats), are not the areas proposed for redevelopment.

As a result it would be possible to develop the site without significant ecological loss and indeed to provide a net biodiversity gain. To ensure that this was the case planning conditions would need to be attached to secure a detailed habitat mitigation strategy accompanied by a full biodiversity impact assessment and to ensure biodiversity was protected during the construction phase. Accordingly the proposal is considered to comply with Development Plan policy CS13.

Soils

Policy CS16 gives support for development that protects agricultural resources such as best and most versatile agricultural land. Soil survey work that accompanies the application shows the site to fall within grade 3a which is classed as best and most versatile land for agriculture. This policy generally accords with the National Planning Policy Framework and does 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 it.

Whilst the development would result in the loss of some best and most versatile land it comprises a relatively small area that does not make a significant economic contribution to agricultural production or form an essential element to a larger holding.

Whilst the harm resulting from its loss must be acknowledged the low economic impact of this, (which the NPPF seeks to protect such land for at paragraph 170 b.), it would not in itself result in a significant adverse impact, or be a reason which could justify the refusal of planning permission. The proposal is considered to comply with policy CS16 in this respect.

Flood risk/drainage

Policy CS16 of the Core Strategy and policy WV5 of the Neighbourhood Plan seek to ensure that development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the National Planning Policy Framework and does 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 it.

The site lies within flood zone 1 where the risk of flooding is generally low. The Flood Risk Assessment submitted with the application confirms this and also that there is an area close to the northern boundary of the site that is susceptible to surface water flooding. The illustrative layout plan recognises this and does not include development within this area. Within the site generally it is also proposed that finished floor levels are raised by 15cm to ensure that surface water run off does not run into properties.

The application includes a drainage strategy to ensure that drainage problems are not created in the surrounding area. The strategy suggests that surface water would be collected within a detention basin and discharged at a controlled rate into the brook to the north. This rate would be equivalent or less than greenfield run off rate. The strategy would also include two new culverts along the brook line, under the new access road and permeable paving or filter strip trenches to private drives.

The Lead Local Flood Authority does not object to the submitted drainage strategy although it does suggest a number of planning conditions. As the first of these requires the pre commencement submission of surface water drainage details (already submitted and scrutinised), this condition would not be necessary.

Accordingly it is considered that the proposal can be satisfactorily drained and that there would be no flood risk to future or existing residents. As a result it would comply with Development Plan policies CS16 and WV5.

Highway matters

Policy CS2 of the Core Strategy seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy

Framework and do not directly prevent 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.

Capacity

The proposal seeks approval for access which would be via a T junction onto Melton Road and is accompanied by a Transport statement and a safety audit. The statement identifies a maximum traffic count for the use and suggests a maximum increase of 64 two way vehicle movements during the morning peak. At a rate of approximately 1 vehicle per minute this is not considered to give rise to capacity issues on the adjacent highway network. The Local highway Authority raises no objection to this assessment and considers the junction can operate without significant queuing or delay.

Safety & Suitability

The proposed access is not controlled and is onto a stretch of road with a 40mph speed limit. Although there is no personal injury accident data recorded in the vicinity of the site it has nevertheless been designed with appropriate visibility and geometry and a road safety audit has been carried out. The Local highway Authority raises no objection on highway safety grounds providing the development is carried out as per the submitted access plans.

Sustainability

The proposal includes improved foot and cycle links to the village including via two proposed footpaths onto Sowters Lane. These would help integrate the site with the village and would encourage journeys to local facilities and green space on foot. There are bus stops within easy reach of the development on Melton Road, (approximately 160m), and the applicant has indicated a willingness to supply new residents with travel packs and bus passes to encourage the use of this service. Whilst the location in itself does not offer the best transport choice within the Borough the development itself is designed to maximise the potential that this location can offer. In this regard the development is considered to comply with policy CS17.

In conclusion the proposal is considered to comprise a safe and suitable access for the amount of development proposed. Although site layout details are currently unknown it would be possible to provide internal roads and parking for the scheme to an acceptable design. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choice for its location. Accordingly the proposal is considered to comply with relevant development plan policies and not to give rise to transport related harm.

Infrastructure

Policy CS24 states that new development should contribute either on or off site to any infrastructure arising as a result of the proposal. As set out within related legislation such requests 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.

Education	£560,047.81 towards secondary & primary school provision in the area
NHS	£35,567.40 towards improving additional accommodation for 170 patients at Barrow Health Centre
Open Space	<ul style="list-style-type: none"> • Provision on site for young people (additional to children's play) or an off site contribution of £66,779 towards facilities in the village • £23,056 towards outdoor sports facilities within the Borough • Provision of 0.06ha of allotment land or a contribution of £7,905 towards enhancement of existing provision in the village • Contributions of £31,793 towards pools provision, £30,720 towards indoor courts and £4,536 towards bowls rinks.
Sustainable Transport	Travel packs for each dwelling to include two application forms for 6 month bus passes

The majority of these contributions are considered to be CIL compliant although there are concerns that the contributions sought with regard to indoor sports facilities would not be so. This is because they are based on a national threshold that does not take into account existing provision. As a result this particular request is not necessary to make the development acceptable in planning terms.

As the application is subject to a non-determination appeal, a decision can no longer be made regarding it and the Section 106 negotiations have not commenced. As a result, the proposal before members does not include a draft Section 106 although it should be noted there is an undertaking by the developer to enter into one. At this current time, in the absence of a completed legal agreement, it must therefore be concluded that the proposal does not provide the necessary infrastructure to meet policy CS24. Additionally, although the applicant is willing to provide a policy compliant level of affordable housing the mechanism to achieve this, (the Section 106 legal agreement), is not currently in place to secure its delivery. Accordingly, a reason for refusal around this is suggested. It is important to note that in the event of the appeal progressing, a section 106 legal agreement could be drawn up and if this is the case, this reason for refusal would fall away.

Planning Balance

As there is currently an insufficient supply of deliverable housing sites, this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide 70 new units of which 28 could be

affordable homes, (this would need to be secured by way of a section 106 legal agreement), at a time when there is an acute need for these. This is a significant benefit of the scheme. These would not be provided in the most sustainable type of settlement in the Borough but nevertheless in one where there are some local facilities and a low frequency bus service to higher order centres. The site offers the potential for high quality design and an acceptable mix of market and affordable housing. There are no technical constraints relating to highways, odour, noise or flooding that cannot be mitigated and ecological gain and landscape compensation can be secured by way of detailed landscape design.

Weighed against this there is conflict with the Neighbourhood Plan which does not seek to provide new housing in this location, which seeks to protect green space at the site frontage and the site itself for heritage reasons. There would be localised harm to landscape and visual amenity both at the site frontage and from Sowters Lane. Additionally, the proposal would lead to at least partial loss of a ridge and furrow landscape which is recognised as important in relevant landscape character assessments. Additionally, the development would fail to preserve a non-designated heritage asset and would lead to loss of best and most versatile agricultural land.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing. However, the scheme would currently fail to provide necessary infrastructure to support future residents as no Section 106 Legal Agreement is included. The harm to infrastructure provision is considered to be significant as it would render the development unsustainable and is considered to outweigh the benefits of the proposal.

Conclusion

That the application would have been refused due to the lack of a section 106 Legal Agreement to ensure that affordable housing, an appropriate housing mix and infrastructure requirements are provided.

Recommendation

That the Planning Inspectorate be informed that the planning application would have been refused by the Borough Council for the following reason:

1. The development creates demand for open space, education provision and healthcare services which cannot be met by existing services. Additionally there is a need to secure affordable housing and an appropriate mix of type tenure and size of home in order to ensure that the proposal complies with development plan policy CS3. These matters would normally be secured by way of a Section 106 Legal Agreement but this has not at this time been

provided. Accordingly the development fails to comply with policies CS3 and CS 24 of the Development Plan and would lead to significant and demonstrable harm which would outweigh the benefits of the scheme.

