



PLANS COMMITTEE

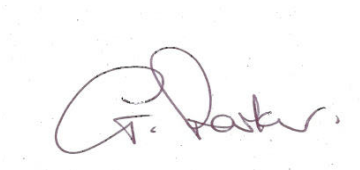
This meeting will be recorded and the sound recording subsequently made available via the Council's website: charnwood.gov.uk/pages/committees

Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Bebbington, Bentley, Campsall, Forrest (Vice-Chair), Fryer, Gerrard, Grimley, Lowe, Page (Chair), Seaton, Snartt, Tassell and Tillotson
(For attention)

All other members of the Council
(For information)

You are requested to attend the meeting of the Plans Committee to be held in the Preston Room - Woodgate Chambers on Thursday, 1st November 2018 at 5.00 pm for the following business.



Chief Executive

Southfields
Loughborough

24th October 2018

AGENDA

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING 3 - 6

The Committee is asked to confirm as a correct record the minutes of the meeting held on 11th October 2018.

3. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

4. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

5. PLANNING APPLICATIONS

7 - 98

The list of planning applications to be considered at the meeting is appended.

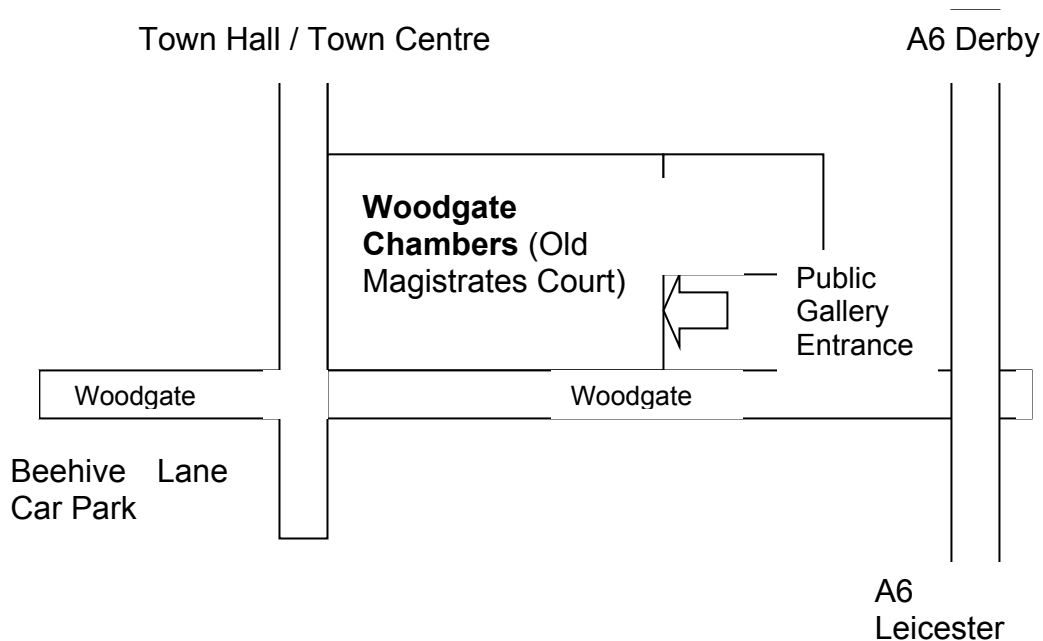
6. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

99 - 100

A list of applications determined under powers delegated to officers for the period from 28th September 2018 to 19th October 2018 is attached.

WHERE TO FIND WOODGATE CHAMBERS

Woodgate Chambers
70 Woodgate
Loughborough
Leicestershire
LE11 2TZ



PLANS COMMITTEE 11TH OCTOBER 2018

PRESENT: The Chair (Councillor Page)
The Vice-chair (Councillor Forrest)
Councillors Bebbington, Campsall, Gerrard,
Grimley, Lowe, Ranson, Savage, Snartt, Tassell
and Tillotson

Head of Planning and Regeneration
Team Leader Development Management
Principal Solicitor (KH)
Democratic Services Officer (MH)

APOLOGIES: Councillors Bentley, Fryer, Gaskell and Seaton

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

28. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 10th September 2018 were confirmed as a correct record and signed.

29. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

30. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The Chair relayed advice from the Monitoring Officer regarding the disclosure of interests by members of the Committee who were members of Leicester City Football Club or who had a close affiliation with the club.

The following disclosures were made:

- (i) by Councillor Gerrard – a personal interest in item P/18/1269/2 as she had attended several functions at the golf club; however she retained an open mind;
- (ii) by Councillor Grimley – a personal interest in item P/18/1269/2 as a supporter of Leicester City Football Club; however he retained an open mind;
- (iii) by Councillor Lowe – a personal interest in item P/18/1269/2 as both of his sons were season ticket holders at Leicester City Football Club and he had attended several functions at the golf club; however he retained an open mind;

- (iv) by Councillor Ranson – a personal interest in item P/18/1269/2 as she knew the previous owner of the golf club; however she retained an open mind;
- (v) by Councillor Snartt – a personal interest in item P/18/1269/2 as a supporter of Leicester City Football Club since his youth and as he had attended an event to celebrate the club winning the Premier League when he was Chairman of Leicestershire County Council; however he retained an open mind.

31. PLANNING APPLICATIONS

Reports of the Head of Planning and Regeneration, setting out applications for planning permission, were submitted (items 1 and 2 in the appendix to the agenda filed with these minutes). An Additional Items report in respect of application P/18/1269/2 was also submitted (also filed with these minutes).

In accordance with the procedure for public speaking at meetings, the following objectors, representative of the applicant and representative of a parish council attended the meeting and expressed their views:

- (i) Mr A. Bennett and Ms K. Chapman (objectors), Mr N. Alcock (on behalf of the applicant) and Mr R. Brown (on behalf of Seagrave Parish Council) in respect of application P/18/1269/2.

In accordance with the procedure for Borough Councillors speaking at Plans Committee meetings, the following Councillors attended the meeting and expressed their views:

- (i) Councillors Poland and Murphy in respect of application P/18/1269/2.

In respect of application P/18/1269/2 (Leicester City Football Club Ltd, Park Hill Golf Club, Park Hill Lane, Seagrave) officers provided details of the response received from Highways England following the receipt of the technical transport assessment referred to in the Additional Items report. The response was read out in full and was available as part of the planning file on the Council's website. The applicant had also responded to the technical assessment and to the issues raised by Edward Argar MP.

RESOLVED

1. that, in respect of application P/18/1269/2 (Leicester City Football Club Ltd, Park Hill Golf Club, Park Hill Lane, Seagrave):
 - A. authority be given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990, on terms to be finalised by them, to secure:
 - a monetary contribution of £2,970.00 for the suitable replacement of three highway trees on Park Hill Lane in Seagrave;

- B. subject to the completion of the Section 106 legal agreement referred to in resolution A above or the receipt of a Unilateral Undertaking which delivers the same contribution, planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration and to the following:
- (i) amendments to conditions 15, 16, 17, 18, 25, 28, 29, 30, 31 and 34 and an additional informative note as set out in the Additional Items report;
 - (ii) an additional informative note stating that the trees to be planted should include an appropriate number of semi-mature trees as well as saplings and include native and locally native species;
 - (iii) an amendment to condition 8 to require the construction traffic management plan to include wording to ensure that construction traffic uses the A46 rather than roads through the surrounding villages;
 - (iv) an additional condition to require the submission of an updated sustainable transport plan prior to the occupation of the site;
 - (v) amendments to conditions 29 and 31 to refer to the show pitch rather than show pitches;
2. that the Head of Planning and Regeneration be asked to write to Highways England and the Local Highway Authority to express the Committee's concerns that Highways England had not provided the Local Planning Authority with details of collision data for the A46, regarding the safety of the junction of Park Hill Lane and the A46 and the need to make improvements to that junction, and, following representations made to the Local Planning Authority, whether the additional traffic movements that would be generated by the proposed development had been correctly estimated;
3. that, in respect of application P/18/1397/2 (Mr Sharp, 1 Woodgon Road, Anstey), having taken account of the update report of the Head of Planning and Regeneration and the comments made by Anstey Parish Council, the Committee's previous resolution to grant planning permission subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration considered by the Committee on 20th September 2018 be confirmed.

32. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

A list of applications determined under powers delegated to officers for the period from 10th September 2018 to 28th September 2018 was submitted (item 6 on the agenda filed with these minutes).

NOTES:

1. No reference may be made to these minutes at the Council meeting on 5th November 2018 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Plans Committee.

Charnwood Borough Council

Plans Committee – 1st November 2018

Index of Committee Items

Item	Application No	Applicant and Location, Description	Recommendation	Page
1	P/18/0174/2	Christina Church Kennel Block Quorn Hall Meynell Road QUORN LE12 8BQ Retention of change of use to dwelling (Class C3) with domestic curtilage and two areas of decking.	Grant Conditionally	9
2	P/18/0827/2	Mr & Mrs R Merchant 85 Castledine Street Loughborough Leicestershire LE11 2DX Demolition of existing garage and outbuildings and erection of detached dwelling and garage.	Grant Conditionally	21
3	P/18/1712/2	Mrs Jane Gray 216 Bradgate Road Anstey Leicestershire LE7 7FD Removal of condition 4 of P/14/1824/2 to enable annexe to be used as a separate dwelling.	Grant Conditionally	35

4	P/17/0388/2	<p>McCarthy and Stone Retirement Lifestyles Ltd Unit 11, Clear View Farm 103 Loughborough Road Quorn Leicestershire LE12 8DU</p>	<p>Grant Conditionally subject to S106 Agreement</p>	43
		<p>Erection of a retirement village comprising 2 and 3 storey building (containing 45 self-contained flats, communal lounge and guest room), 4 bungalows, 5 one and half storey chalet bungalows (Class C3), and associated car parking and landscaping following demolition of existing buildings and structures.</p>		
5	P/17/2591/2	<p>Jelson Ltd Land off Loughborough Road Burton On The Wolds Leicestershire</p>	Refuse	71
		<p>Outline application for 58 dwellings (considering access).</p>		

Item No. 1

Application Reference Number P/18/0174/2

Application Type:	Full Planning Permission	Date Valid:	20/02/2018
Applicant:	Christina Church		
Proposal:	Retention of change of use to dwelling (Class C3) with domestic curtilage and two areas of decking		
Location:	Kennel Block Quorn Hall Quorn		
Parish:	Quorn	Ward:	Quorn & Mountsorrel Castle
Case Officer:	Patrick Reid	Tel No:	01509 634747

Background

This application was reported to the Plans Committee meeting on 17th May 2018. Following the receipt of additional information the Committee resolved that together with two other applications relating to The Stables at Quorn Hall (P/18/0274/2 and P/18/0358/2) the application should be considered at a future meeting of the Committee.

The two applications relating to The Stables have been withdrawn and it is now appropriate to report this application to committee for determination.

The Planning Application

This application is referred to Plans Committee following the 'call in' process by Councillor Shepherd who is concerned about design, traffic and uncertainty about the history of the site.

Description of the Site

The application site is located on the northern side of Huntsman's Close and is part of a group of buildings associated with Quorn Hall.

It is within the Limits to Development and inside Quorn Conservation Area. Quorn Hall and outbuildings are Grade II Listed Buildings. Several of the buildings within the hall complex have been converted to residential dwellings and the Hall itself is used for residential training and education.

Quorn Hall is located to the north of the site, with other associated buildings to the west. The River Soar defines the eastern boundary. The southern boundary fronts Huntsman's Close. There are a variety of detached houses on the opposite side of Huntsman's Close.

The kennels is a 19th century two storey red brick building, situated on the western boundary of the site. To the east, in the centre of the site, is a modern timber clad building used as a gym. The area between the two buildings comprises a lawned garden with vehicular access and parking. The land to the east of the gym building is undeveloped and slopes down to the River Soar. There are a number of mature trees on the southern boundary of the site, adjoining Huntsman's Close.

Description of the Proposals

The application seeks to regularise the change of use of the buildings and associated curtilage from commercial use to a dwelling (Class C3). It also relates to the retention of two areas of wooden decking.

The main kennels building and the gym were previously part of the training and education use of Quorn Hall. In 2017 their use changed to a private dwelling.

Also in 2017 (see Relevant Planning History section below) the applicants submitted applications to seek retrospective Listed Building Consent for new windows (P/17/1678/2) and Listed Building Consent for the installation of thermal cladding inside the building (P/17/1203/2). Listed Building Consent was granted for the windows. The application for the cladding was withdrawn after discussion with officers who advised that consent was not necessary for these internal works.

The application proposes to retain the two storey kennels building as a dwelling. There is one bedroom and a bathroom on the first floor and kitchen and living accommodation on the ground floor. There are no external alterations, apart from the recently approved new windows.

It is proposed that the detached gym building would be used for purposes ancillary to the use of the new dwelling in the kennels. This is a substantial structure and for the avoidance of doubt it is recommended that its use is controlled by a planning condition.

The application proposes the retention of two areas of decking. The first is an 8.4 metres long deck with a curved front with a depth of between 2 and 5.9 metres, raised approximately 0.3 metres above ground level. This is situated in the garden area of the dwelling next to the gravelled access and parking, to the east of the kennels building.

The other area of decking is attached to the east of the gym building, overlooking the River Soar. It is in two sections at slightly different levels, with a total frontage of 22 metres and extending between 2.9 metres and 7.5 metres from the building. The decking is approximately 1 metre above ground level with steps down and wood and steel railings on the higher section.

There is also a new gravel access and parking area.

Development Plan Policies

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

The following policies are relevant to this application:

Policy CS1 – Development Strategy sets out the development strategy for the Borough. This includes a direction of growth which focuses housing development in locations around Loughborough and Shepshed with three Sustainable Urban Extensions. Quorn is one of the seven Service Centres, which are the next tier of settlement considered to be acceptable for development.

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; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on 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 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 12th 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 policies are:

Policy ST/2 – Limits to Development seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.

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

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

Material considerations

National Planning Policy Framework (NPPF)

Whilst all proposals must be determined in accordance with the development plan, the National Planning Policy Framework, (The Framework), is a material consideration in planning decisions. The Framework contains a presumption in favour of sustainable development and defines 3 roles a development must fulfil in order to be sustainable:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services
- An environmental role – contributing to protecting and enhancing the natural, built and historic environment.

In addition the Framework offers the following advice that is particularly relevant to the consideration of this proposal:

- Paragraph 127 lists a set of criteria that all development should seek to achieve, in order to ensure good design.
- Paragraph 170 seeks to minimise impacts on biodiversity and paragraphs 175 and 176 state how this may be achieved in decision making as well as preventing new and existing development from being put at unacceptable risk of soil, air, noise or water pollution.
- Paragraph 180 states that planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
- Paragraphs 193-196 highlight the need to consider the impact of development proposals upon heritage assets.

Planning Practice Guidance

ID 26 - Paragraphs 001-003 state that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor quality design should be refused. Paragraph 007 states that planning should promote local character. New development should be integrated within existing surroundings.

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

This consolidates previous legislation relating to special controls in respect of buildings and areas of special architectural or historic merit and sets out what alterations can be carried out to listed buildings and within Conservation Areas

without the formal consent of the local planning authority. The Act also sets out the procedure for local authorities to consider compiling a list of properties considered to be of special architectural or historic interest and how applications affecting such assets are to be advertised.

Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

Quorn Conservation Area Character Appraisal (2008)

This has the purpose of examining the historical development of the Conservation Area and describes its present appearance in order to assess its special architectural and historic interest. The appraisal is then used to inform the consideration of management and development proposals within the area. This document describes Quorn Hall and Quorn House as playing little part in the townscape of the conservation area as both are set within their own areas of parkland and are significant features of the village. Quorn Hall was a major employer in the village during its years as host to the Quorn Hunt and this influenced development of the locality.

Quorn Village Design Statement (2008)

This document seeks to record the natural and built features of Quorn that are valued by its residents with the purpose of safeguarding and enhancing the village with appropriate and contextually sympathetic development. This document states that new development should respect the diverse origins of the village and avoid uniformity. Variety and innovative contemporary design is encouraged subject to harmonizing with the scale and character of the immediate locality and the village as a whole. The document seeks to ensure that future developments preserve the essential character of Quorn and to suggest opportunities for appropriate restoration or enhancement. The aim of the document is to safeguard the integrity and independence of the village so that succeeding generations will continue to enjoy, understand and defend its historic foundation.

Relevant Planning History

The application site:

P/17/1678/2 – Retention of replacement windows (Listed Building Consent) - Unconditional Consent

P/17/1203/2 – Installation of thermal cladding (Listed Building Consent) - Withdrawn

P/16/0660/2 – Retention of a single storey extension to the rear and cladding to whole building - Conditional Approval

Wider area:

Various applications made over the years relating to alterations to Quorn Hall and conversion of buildings within the complex to residential properties.

Responses of Statutory Consultees

Conservation Officer

Proposal is likely to result in less than substantial harm to heritage assets.

Charnwood Borough Council Ecologist

No objection.

Environment Agency

No objection.

Lead Local Flood Authority

No comment. Standing advice is applicable.

Campaign to Protect Rural England (CPRE)

Consider that the evaluation of the application is flawed and the main issues which they have raised are:

- Inaccurate summary of planning history and neighbour objections
- Inadequate consideration of options to reduce 'harm' to heritage asset
- Absence of adequate drawings for the change of The Kennels
- Absence of LBC application and no explanation why insulation works did not require LBC
- Failure to address misleading statements in previous applications
- Failure to deal with continuing breaches of planning control
- Unclear about closing date for comments on deferred applications.

Quorn Parish Council

No specific objections to this application.

Supports local residents' concerns about lack of vehicle turning and parking for the canoe centre. Expresses concern about the number of retrospective applications submitted in relation to the Quorn Estate.

Other Comments Received

Meynell Road – 1, 5, Garden Cottage
Huntsman's Close – 1, 3, Huntsman's Cottage

Agent representing residents of Huntsman's Close

Main issues of concern are:

- History of retrospective applications and question intentions of applicants.
- Disregard of planning and heritage legislation.
- Failure of applicant to liaise with neighbours lack of respect for their peace and quiet.
- Disturbance from building works.
- Harm to heritage asset.
- Roadside parking of vehicles on Huntsman's Close obstructs emergency vehicles.
- Drawings are inadequate and fail to indicate extent of works and number of units.
- No details of drainage provided.
- Question whether works have complied with Building Regulations.
- Listed Building Consent is required for the works.
- Change of use will result in loss of Heritage Lottery Funded canoe centre.
- Change of use of site, including gym building, will result in disturbance from canoe centre due to loss of privacy and adverse impact of traffic.
- Request that the canoe use ceases permanently to overcome current concerns about impact of use upon residential amenity and highway safety.
- Disturbance from staff at school.
- Application should be reported to committee.
- Application fails to address extensive landscape works.
- General support for applicant's educational work and operation of canoe centre.

Note that a number of representations refer to the relationship between The Kennels and The Stables ,which were the subject of two applications (ref. P/18/0274/2 and P/18/0358/2). Following the withdrawal of those two applications this relationship is not considered to be relevant to the determination of this application, which only relates to The Kennels.

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

- Principle of Development
- Impact upon Heritage Assets
- Impact upon Neighbours
- Highway Issues
- Flooding and Drainage
- Other Matters.

Principle of Development

The principle of development is guided by the development strategy set out in Policy CS1 of the Core Strategy. It directs growth to the edge of Leicester, with the majority

of the remainder being met in Loughborough and Shepshed. Quorn is a Service Centre, which is the next tier of settlements identified for new housing development. The site is within the defined Limits to Development for Quorn. The broad principle of the proposed development is therefore compliant with Policy CS1.

Impact on Heritage Assets

The Government's aim is to promote high quality and inclusive design over the lifetime of developments, and require development to contribute positively to making places better for people. The proposal meets the requirements of central government policy on design in that the development has enabled the adaption of the building to an acceptable alternative use.

The Kennels is listed by virtue of being a curtilage building associated with Quorn Hall, which is Grade II listed, and it is situated within Quorn Conservation Area. As such, potential harm to the heritage assets themselves and their setting requires consideration.

The appearance of the building is not altered by this proposal. The windows were recently replaced, in accordance with Listed Building Consent P/ 17/1678/2 dated 15th January 2018. It was also previously agreed that formal consent was not necessary for the installation of thermal cladding inside the building.

The addition of the decking and alterations to the garden have not had a significant impact upon either the overall character and appearance of the site or the setting of listed buildings. The works to the grounds of the building have been the provision of a gravel drive and parking area in addition to the decking, as detailed above.

The decking attached to the gym building is seen as part of that contemporary structure and does not significantly alter its overall impact upon the listed building and the conservation area. The smaller area of decking in the garden and the gravelled areas have altered the character of the site, but they are domestic in scale and appearance. It is considered that the character and appearance of the conservation area and the setting of the listed building would be preserved by these changes.

The change of use has altered the character of the site. The educational use of the buildings and land generated associated noise and activity associated mainly with students and vehicles. The change of use to a dwelling has probably reduced the levels of noise and activity and has, at least, preserved the character of the conservation area.

The change of use has resulted in minimum impact on the significant historic fabric of the building. It is considered that the change of use of this building has caused less than substantial harm to the designated heritage asset itself and the Quorn Conservation Area and a neutral impact on setting of the principal listed building at Quorn Hall and its other associated outbuildings. This harm can be weighed against the public benefits provided by the proposal in accordance with Paragraph 196 of the NPPF. In this instance it has resulted in bringing an under-used building into current

viable use and helped sustain the long-term maintenance of a heritage asset and, therefore, is considered to be acceptable.

The development therefore accords with Policy CS14 of the Core Strategy and Policy EV/1 of the Local Plan.

Impact on Neighbours

The western side of Huntsman's Close, opposite the application site, is characterised by individual detached dwellings fronting on to the lane. The change of use of this site continues that pattern of development. There are educational uses in other parts of the Quorn Hall complex to the east and north of the application site.

The main windows in the kennels overlook either the garden area of the dwelling itself or a car park to the rear of the building. Dwellings on the opposite side of Huntsman's Close are set back approximately 12 metres from the street frontage. It is unlikely that the use of the buildings and site for domestic, rather than educational purposes, has had a significant detrimental impact upon the amenities of neighbours. The additional domestic activity, outside the times when the educational use was operating, are likely to be similar to those of neighbouring dwellings and are therefore considered to be acceptable.

There has been reference to disturbance due to building works on site, but that was generally temporary in nature and outside the scope of this application.

The site has been used as a base for canoeing activities. Neighbours are concerned that with the change of use to residential this has resulted in mini buses parking in Huntsman's Close and adverse impact upon the amenities of neighbours as canoes enter and leave the River Soar. The applicant has confirmed that this use ceased in June 2018 and that to ensure that the amenities of neighbours are protected would accept a condition to permanently cease the use. However for the reasons discussed in the highways section below, such a condition is not considered necessary.

It is considered that the change of use has not led to a significant detrimental impact upon neighbouring residential amenity and complies with Policy CS2 of the Core Strategy.

Highway Issues

The buildings on the site have a history of various uses. The kennels are being used as a one bedroom dwelling with the provision of 2 parking spaces. It is not considered that the use of the site as a single dwelling generates significantly more traffic movements than previous uses.

There is no evidence that the use is detrimental to highway safety or has led to increased traffic congestion or traffic noise. Neighbours have expressed concern about the adverse impact of traffic associated with canoeists upon the highway safety. As noted above, this use has permanently ceased. The agent representing neighbours suggested that a condition to enforce the closure of the canoeing activity

could be applied to a planning permission for the retention of the dwelling. It is considered that this would be disproportionate and unreasonable.

The access which was used by canoeists is outside the application site. A condition as proposed would be extremely difficult to enforce and would also fail to satisfy a number of the other tests which must be applied to planning conditions.

The change of use complies with Policy TR/18 of the Local Plan.

Flooding and Drainage

The kennels building and the garden area are within Flood Zone 1, which is an area of least risk from flooding.

Part of the gym, including the new decking attached to that building, and adjacent land to the east are in Flood Zone 2 and the margins of the site, bounding the River Soar, are in Flood Zone 3. The sequential test is not applicable to these types of minor development.

The application is supported by a flood risk assessment (FRA). In summary, this concludes that there are local flood defences and that no significant flood risk has been identified at the property. The Lead Local Flood Authority and Environment Agency have no objections subject to standing advice, which has been applied in this case with the submission of the FRA.

There is also insufficient evidence to doubt that the existing public systems are unable to accommodate the drainage of this development.

There are therefore no objections to the proposals with regard to flooding and drainage issues.

Other matters

The Parish Council and many of the objectors have expressed concern that this is the latest in a series of applications seeking retrospective permission for the development of the Quorn Hall site. There have also been comments about unauthorised development.

While these frustrations and comments are appreciated, the application can only be considered on its planning merits. The fact that the development has been carried out, and the behaviour of the applicant, cannot be taken into account as material planning considerations in the determination of this application.

There are ongoing investigations into alleged unauthorised development, which do not preclude the determination of this application.

The CPRE has criticised an earlier version of this report due to inaccurate record of the planning history and the summary of neighbours' representations. It is considered that the planning history is accurate and that the report contains a reasonable summary of neighbours' representations.

Conclusion

It is considered that the change of use of this building has caused less than substantial harm to the significance of the designated heritage asset itself and the Quorn Conservation Area. The public benefit of the building converted to a long term, viable new use is considered to outweigh any harm to the heritage assets. The two areas of decking preserve the character and appearance of the conservation area and the setting of the listed building. The new use has not had any significant adverse impact upon either the amenities of neighbours or highway safety. There are no technical or other material objections to the change of use or the two areas of decking.

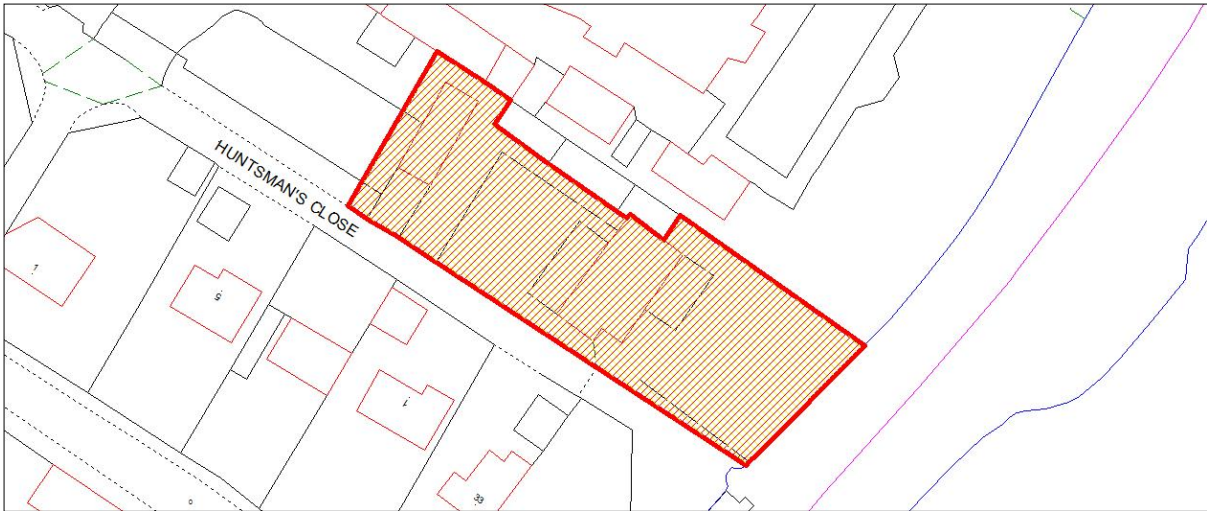
RECOMMENDATION:

Grant Conditionally:

1. The gym building shown on the approved plans shall only be used for private domestic purposes, ancillary to the use of the dwelling hereby approved on this site. REASON: For the avoidance of doubt and in the interests of the amenities of neighbours.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS14 and CS25 of the Charnwood Local Plan 2011-2028 Core Strategy and Policies EV/1 and TR/18 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application. The development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
- 3 In addition, as the proposed development is located within a conservation area, the Council has considered whether it would enhance or preserve its character and appearance. Planning permission has been granted on the basis of the Council's opinion that the development would, at least, preserve that character.



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Item No. 2

Application Reference Number P/18/0827/2

Application Type:	Full	Date Valid:	18/04/2018
Applicant:	Mr & Mrs R Merchant		
Proposal:	Demolition of existing garage and outbuildings and erection of detached dwelling and garage		
Location:	85 Castledine Street Loughborough Leicestershire LE11 2DX		
Parish:	Loughborough	Ward:	Loughborough Southfields
Case Officer:	Helene Baker	Tel No:	01509 634741

This application is presented to the Plans Committee at the request of Councillor Mercer on the grounds of its damaging impact on the Conservation Area and the residential amenity of the neighbouring property in terms of loss of privacy.

Description of the Application Site

The application site is on the north-eastern side of Castledine Street, diagonally opposite its junction with Stanley Street. It is located within the Victoria Street Conservation Area, south-west of and within walking distance of the town centre. Castledine Street is a quiet, private and unadopted road, characterised by properties of mixed styles, types, sizes, ages and materials sited on varying plot sizes and some with landscaped frontages and trees. There is no uniform building line along the road and spaces between dwellings vary with some closely related and/or abutting the front boundary and others set back and/or on generous sited plots. Moreover, not all properties face the street. This eclectic mix of architectural styles and orientations is identified in the Victoria Street Conservation Area Character Appraisal. The majority of properties provide a distinct front boundary to the street and are built in a common palette of materials.

The application site comprises part of the substantial curtilage of No 85 Castledine Street, a large house located to the rear of its mature garden, adjacent to the north-eastern boundary with the Loughborough Schools Foundation. This dwelling is white rendered, with a double bay frontage and a hipped roof, dating from around the 1930s. There is a slightly more recent flat roofed two storey extension on the eastern side of the dwelling. No 85 currently has two vehicular access points from Castledine Street, and is enclosed by a brick wall and gates to the front (the south west) and a brick boundary wall to the rear (the north east). A high wall abuts the north-western boundary with No 93, an imposing and attractive 2.5 storey semi-detached dwelling which has a number of windows and its front door on the side elevation facing the application site.

The site of the proposed dwelling forms the relatively level side garden of No 85. There is a detached garage towards the front of this part of the application site and a flat roof outbuilding in the north-western corner. One of the two accesses currently serving No 85

– the gated access to the garage – would provide independent access to the site. There are a number of mature trees on the site, mainly on its frontage which restrict views into the site. Five trees on the application site are protected by a Tree Preservation Order; these are towards the front of the plot for the proposed dwelling.

The application is accompanied by a Design and Access, Planning and Heritage Statement, a Bat Building Assessment and Protected Species Scoping and an Arboricultural Survey.

Description of the Application

The proposal relates to the erection of 2.5 storey 5 bed dwelling, set back on the plot behind the centre line, with a detached hipped roof garage to the front adjacent to the north-western boundary. The proposed dwelling is set in from the common boundaries with Nos 85 and 93 by 8m (min) and 4-5m respectively. It has two 2.5m high front gables, containing first floor Juliette balconies, these are linked by a higher 2.5 storey element. There is a 2.5 storey wing to the rear as well as a flat roof single storey element. There are front and rear facing windows, as well as on the side elevations of the proposed dwelling at ground and first floor level. There are rooflights on all of the roof planes. The proposed external materials include brick/render, plain roof tiles and upvc doors and windows.

Access to the application site is via the existing gated access which is not proposed to be altered. On-site parking and turning is proposed. No.85 would continue to use an existing access, parking, turning and double garage.

Development Plan Policies

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

The following policies are relevant to this application:

Policy CS1 – Development Strategy sets out the development strategy for the Borough for the period from 2011 to 2028. Loughborough and Shepshed are identified as key locations for new housing growth, with at least 5,000 new homes to be provided, including a sustainable urban extension to the west of Loughborough delivering 2,440 homes and 1,200 homes within and adjoining Shepshed during the plan period. The policy states that the remaining development needs shall be met through sustainable development which supports the Council's strategic vision, makes effective use of land and complies with the Core Strategy policies.

Policy CS2 – High Quality Design requires new developments to make a positive contribution to Charnwood resulting in places where people would wish to live through high quality, inclusive design which responds positively to its context. New developments should respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. The policy also requires new developments to protect the amenity of people who live and work nearby and those who will live in the new development.

Policy CS3 – Strategic Housing Needs states that the Council will manage the delivery of at least 13,940 new homes between 2011 and 2028, seeking an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs and the character of the area.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment for its own value and the contribution it makes to the community and economy.

Policy CS14 – Heritage seeks to conserve and enhance historic assets. It supports proposals which protect heritage assets and their setting and supports developments which reflect Conservation Area Character Appraisals.

Policy CS25 – Presumption in favour of sustainable development echoes the sentiments of the National Planning Policy NPPF in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12th 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.

Policy EV/1 – Design seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, and layout.

Policy TR/18 - Parking Provision in New Development notes that planning permission will not be granted for development, unless off-street parking for vehicles included, to secure highway safety and minimise harm to visual and local amenities.

Material considerations

The National Planning Policy Framework (July 2018)

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This is achieved through (inter alia) the application of the policies in the NPPF. It requires that decisions should apply a presumption in favour of sustainable development and therefore planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF requires development to achieve high quality design that respects local distinctiveness and poor design should be refused. However planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The Framework requires that planning decisions should, inter alia, ensure that developments are visually attractive as a result of good architecture and layout, are sympathetic to local character and history and maintain a strong sense of place through use of materials, and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity of existing and future users.

In respect of proposals affecting heritage assets, the Framework recognises the desirability of new development to making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of harm to its significance.

The Framework requires the planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value (in a manner commensurate with their identified quality in the development plan) and recognising the intrinsic character and beauty of the countryside.

In considering development proposals, that safe and suitable access to the site can be achieved for all users. Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

National Planning Policy Guidance (PPG)

This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The guidance also sets out relevant guidance on aspects of design, the setting and significance of heritage assets, landscape, supporting the policy framework as set out in the NPPF.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

This gives Local Planning Authorities a statutory duty to give special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The adopted Loughborough Victoria Street Conservation Area Character Appraisal (December 2006)

This examines the historic development of the Conservation Area and describes its present appearance in order to assess its special architectural and historic interest. It informs and guides planning decisions relating to development which may affect the Conservation Area.

Leading in Design Supplementary Planning Document February 2006

This document seeks to encourage and provides guidance on achieving high quality design in new development.

Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

Housing Supplementary Planning Document May 2017

Provides guidance on housing mix.

Five Year Housing Land Supply

The assessment of five year supply has been updated following the publication of the revised National Planning Policy Framework on 24th July 2018 and provides an initial interpretation of the approach to be taken to the calculation ahead of the publication of detailed guidance in the Planning Practice Guidance.

It identifies 5.93 years supply of housing land and is based on a 5% buffer and also reflects changes to the methodology for counting communal accommodation set out in the Housing Delivery Test Measurement Rule Book. This being the case the relevant policies for the supply of housing are considered up-to-date in relation to paragraph 11 of the NPPF.

Relevant Planning History

P/81/1209/2: Site for residential development (one house). Planning permission granted June 1981

P/93/1908/2: Conversion and extension of stables to form two bed bungalow. Planning permission granted November 1993

P/94/0076/2: Site for the erection of a detached dwelling. Planning permission granted June 1994

P/94/2068/2: Change of use of dwelling to 50 place nursery with living accommodation above. Planning permission refused September 1994

P/98/1834/2: Conversion and extension of stables to form 2 bed bungalow (renewal of pp P/93/1908/2). Planning granted December 1998.

P/16/0213/2: Felling of 1 Horse Chestnut tree. Withdrawn

P/16/0249/2: Felling of 1 Juniper, 1 Blackthorn, 1 Cherry, 1 Yellow Cypress, 1 Cedar and 1 Fruit tree (Conservation Area). TPO is not considered to be appropriate

P/17/0953/2: (Advice) Proposed erection of up to 5 dwellings following demolition of existing dwelling and outbuildings.

Responses of Statutory Consultees

Severn Trent Water

No objection – advises that the applicant is required to make a formal application to STW for connection to public sewerage system. It notes that there is a public sewer within the application site and advises that the applicant contact STW to discuss the proposal.

Other Comments Received

Councillor Mercer objects to the proposal on the grounds that it will weaken and erode the character of the Conservation Area due to the demolition of the garage, an architecturally important building, its harm to the setting of the adjacent significant building and to the rhythm and pattern of development in the area. He is also concerned that the proposed dwelling would reduce the privacy of the neighbouring property.

There have been objections received from the residents of 5 properties on Castledine Street who raise the following concerns:

- Inappropriate and insensitive 'garden-grabbing' development
- Creates a terracing effect
- Infills a green, landscaped and undeveloped gap which contributes to the character of the street scene and the Conservation Area
- Scale, massing, layout and design does not respect the character of the area
- Upsets the pattern and rhythm of development along Castledine Street
- Results in the demolition of an architecturally important building
- Does not preserve/enhance the character and area of the Conservation Area
- Harms the setting of the adjacent architecturally important building
- Garage unnecessarily high and over dominant in relation to No 93
- Overlooking of No 93 particularly from first floor gym, rooflights and Juliette balcony
- Loss of light to No 93
- Exacerbate drainage problems in the street.

Consideration of the Planning Issues

The main issues for consideration are:

- Principle of Development
- Impact on the heritage assets
- Design/Impact on Visual Amenity
- Impact on residential amenity
- Impact on trees
- Impact on biodiversity
- Highway Impact / Safety / Parking

- Other issues raised.

The Principle of Development

This proposal is a small-scale development, in a primarily residential area within the built up limits of Loughborough.

Loughborough is identified in the Core Strategy as a key location for new housing growth. The site is considered to be in a sustainable location being within walking distance of the town centre.

The proposal relates to a large 5 bed dwelling. Policy CS3 and the Housing SPD identify a demand for medium-sized properties (2 and 3 bed dwellings) in the Borough as a whole however in the absence of an identified local need for a particular type of housing type/size/tenure, it is not considered that there are grounds for refusing the application for not providing a smaller house with less bedrooms.

Having regard to the site's attributes and the contribution that it would make to the housing land supply (currently over 5 yrs), it is considered that the proposal would represent a sustainable form of development and be acceptable in principle, subject to considerations relating to its impacts on the issues considered below.

In principle terms the proposal accords with Policy CS1 of the Core Strategy and saved Policy ST/2 of the Local Plan and the NPPF.

Impact on the heritage assets

The application site is located within the Victoria Street Conservation Area, the designated heritage asset, and is adjacent to Nos 93-95, a pair of semi-detached 2.5 storey properties which are considered to be a non-designated heritage asset.

This is one of the few remaining undeveloped parcels of land fronting Castledine Street. The distinctive red brick wall across most of its frontage and the mature trees behind it are all proposed to be retained (whilst providing access to the proposed dwelling) and thus would still contribute positively to the character and appearance of the Conservation Area and the setting of Nos 93-95. The garage proposed to be demolished, whilst not unattractive, is not of notable historic or architectural interest and, being single storey, is not prominent in the street scene. Its loss would not lead to harm to the significance of the designated or non-designated heritage assets.

The proposed dwelling is located on a relatively large plot and is set in from its side boundaries resulting in a relatively spacious pattern of development in the immediate vicinity of the application site which, whilst not uncommon, is less prevalent along other sections of Castledine Street. The siting of the proposed dwelling on the rear half of the plot with its detached garage on its frontage, provides a stepped link between the forward position of No 93 and the set-back siting of No 85, thus contributing to the varied building line which is characteristic of the Conservation Area. The siting, as described, and the retained front wall and trees which restrict views into the site would ensure that the proposal does not appear unduly prominent and help to assimilate it with its surroundings

such that it would not lead to harm to the character and appearance of the Conservation Area.

The proposed 2.5 storey dwelling would reflect the height of the semi-detached properties immediately to the north west of the application site at No 93-95. The traditional design of the proposed dwelling would complement the form, scale and mass of surrounding dwellings in the Conservation Area and picks up some of the architectural features of dwellings in the nearby vicinity such as window heads, cills and eaves to inform its design. The building would be constructed in brick and render with a plain tile roof. Overall, the proposed dwelling is considered to be a high quality design which responds positively to its Conservation Area location and reinforces its sense of place.

It is recognised that the key to the success of the development will be in the details of the design as well as its execution on site and thus it is important that details of the design are agreed by condition. Good quality upvc windows which replicate the form and profile of timber windows would be required to be provided.

Taking account of the above, it is considered that the proposed development would at least preserve the character and significance of the designated heritage asset, the Conservation Area and the non-designated heritage asset at Nos 93-95. In this instance the requirements set out in Paragraphs 196 and 197 of the NPPF to weigh the harm to the designated heritage asset against the public benefits and to make a balanced judgement in respect of the non-designated asset will not therefore apply and the proposal is in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS14 of the Core Strategy and the Conservation Area Character Appraisal.

Design and impact on the visual amenity

The siting, design, form, scale, massing and detailing are described in the preceding section.

The proposed dwelling is located on a relatively large plot and is set in from its side boundaries resulting in a spacious pattern of development with neighbouring properties. This would not represent inappropriate garden grabbing or create a terracing effect as has been suggested in representations..

The proposed dwelling would not be prominent in the street scene, being sited well back on the plot, behind the front boundary wall and a belt on significant trees which are all to be retained. The trees help assimilate the proposal with its surroundings by respecting the green and sylvan character of the street. The traditional design, form, scale, massing and detailing of the proposed dwelling would result in a visually pleasing dwelling which would be compatible with the eclectic mix of dwelling on the street and thus contribute positively to the street scene.

For these reasons set out above, the proposal is considered to be in accordance with the NPPF, Policy CS2 of the Core Strategy, saved Policy EV/1 of the adopted Local Plan and the SPG in terms of design and visual amenity.

Impact on Residential Amenity

Insofar as No 93 is concerned, the proposed dwelling would be sited on the south-eastern side of that property which has its front door and a number of windows on its side elevation facing the application site, including a second floor dormer window. There is a high brick wall on the boundary with the application site as well as some mature vegetation on both sides of that wall. The proposed dwelling would set back behind No 93 with its front façade just behind the front of No 93's detached garage which is adjacent to the common boundary. The proposed hipped roof garage would be located to front of the proposed dwelling, closer to the side of No 93.

In terms of the impact of the proposed dwelling on No 93, the only side facing first floor window serves a gym which could reasonably be required by condition to be fitted with obscure glazing with fixed/restricted openings. Ground floor windows would face the boundary wall. The roof lights would have cill heights of 2 metres and therefore views out of them would be skyward and not downward over the neighbouring properties. The front first floor bedroom full height window would have limited angled views towards No 93 with garages and the boundary wall further restricting views. This bedroom window and the side facing dormer bedroom window would be 16m apart. As their relationship is not back to back and neither are habitable room windows¹, this distance is considered acceptable and does not breach space standards set out in the SPD. The proposal would not therefore result in a loss of privacy which would significantly detract from the living conditions of No 93. Dominance and loss of light/sunlight/aspect have also been considered in respect of No 93. Taking account of the off-set relationship of the existing and proposed properties, their distance apart and relative orientation and existing physical features, the proposal is not judged to have in a damaging impact on the existing property.

The proposed garage would be immediately adjacent to the common boundary with No 93, along which there is a high brick wall. Whilst the garage would be seen above the wall from No 93, there is a driveway width from the side of the dwelling, the garage has a hipped roof sloping away from the common boundary and it would not breach either the 45 degree or 20 degree rule.

In terms of No 85 to the east of the proposed dwelling, the juxtaposition of the two properties and distance apart ensure that the amenities of No 85 are not adversely affected in terms of loss of privacy, light, sunlight, aspect or dominance. The remaining garden in front of No.85 would provide an adequate private garden space for that property, screened from the road by the boundary wall and mature trees.

The living conditions of the future occupiers of the proposed property also need to be considered. The adjacent dwellings would not have an adverse impact on the new dwelling in terms of dominance, light penetration or aspect. Adequate levels of privacy could be achieved subject to the first floor bay window at No 85 facing the application site being obscure glazed and fixed. This could be secured by planning condition.

¹ Main habitable rooms are rooms that are primarily occupied during the day (ie lounges, dining rooms and kitchens) – Supplementary Planning Document Leading in Design.

Noise and disturbance have also been considered but as the proposed dwelling is located within a residential area, it is not considered that levels would be significantly high as to be harmful to residential amenity.

Having regard to the above, it is considered that the proposal would accord with the NPPF, Policy CS2 of the Core Strategy, saved Policy EV/1 of the adopted Local Plan and the Leading in Design SPD with regard to residential amenity.

Impact on Trees

A number of the substantial and prominent trees on the site make an important contribution to the street scene and the Conservation Area. The five protected trees towards the front of the site are all shown to be retained and will be conditioned to be protected during construction works. Surfacing within the Root Protection Areas of these trees will need to be of a no-dig type, which can be conditioned to be agreed. Other trees not covered by the TPO within the application site have been assessed to have limited amenity value and/or are poor specimens. Their removal is considered to be acceptable in terms of the impact on visual amenity and the character and appearance of the Conservation Area.

Taking account of the above, the proposal will not conflict with Policies CS2 and CS14 of the Core Strategy and saved Policy EV/1 of the Local Plan in terms of the impact of the development on trees on the site.

Impact on Biodiversity

The Bat Building Assessment and Protected Species Scoping Report submitted with the application concludes that the buildings on the site to be demolished have negligible roosting potential for bats and that there is negligible potential of foraging and commuting bats on the site as a whole. There is one (protected) tree on the site which has low potential for roosting bats and this tree is shown to be retained. No evidence of other protected species was found during the site survey.

Notwithstanding these findings, it is considered that the site forms part of a network of gardens and represents the most significant component of green infrastructure locally, given the urban context. The loss of green space would be significant at the scale of the site and mitigation is therefore required to be provided which is proportionate to the scale of loss to accord with Policy CS13 of the Core Strategy and the NPPF.

It is considered that a permanent area of enhanced habitat forming part of the site's surface water drainage system (details to be agreed) would provide adequate mitigation for the loss of green space.

Highway Impact/Safety/Parking

The proposed dwelling would be served by an existing gated access which meets highway standards in terms of its width. Whilst there are no pedestrian visibility splays, there is no pavement across the site frontage (just a grass verge) and there is good vehicle visibility as Castledine Street is straight and there are clear views of traffic using Stanley Street.

On-site turning is also proposed to be provided. Taking account of the above and the low volume of traffic using this relatively wide residential cu-de-sac, it is considered that the access arrangements are acceptable in highway safety terms. The road is unadopted and, consequently, the highway authority has not commented on the proposal.

To refuse a planning application on highway safety grounds it must be demonstrated that there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Taking account of the above, the proposal would not result in such harm. The proposal therefore accords with the NPPF.

There is a double garage and parking within the site which meets the Highway Authority standard for a 4+ bedroom dwelling. The proposal therefore accords with saved Policy TR/18 of the adopted Local Plan in terms of on-site parking provision.

Other Matters

Satisfactory drainage in relation to residential development is a matter is dealt with under the Building Regulations. Moreover, Severn Trent Water owns and controls drainage systems which serve more than one property, as is the case in Castledine Street. It is, therefore, the authority responsible for ensuring that the existing system is maintained and functioning properly. A note to applicant advising the applicant to contact STW to discuss site drainage can be attached to the decision notice if planning permission is granted.

Conclusion

The framework makes it clear that there is a presumption in favour of sustainable development. All proposals are required to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the reasons set out in the assessment section of the report, the proposal has been assessed to be acceptable in principle and would not result in harm (subject to appropriate conditions) to residential amenity, visual amenity, the heritage assets, trees, biodiversity, or highway safety. The proposal would therefore comply with Policies CS1, CS2, CS13, CS14 and CS25 of the Core Strategy, saved Policies ST/2, EV/1 and TR/18 of the Local Plan, the National Planning Policy Framework, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Conservation Area Character Appraisal and The Leading in Design Supplementary Planning Document. There are not considered to be any material considerations which indicate that this proposal should not be determined in accordance with the development plan.

It is therefore recommended that planning permission should be granted

RECOMMENDATION

Grant Conditionally

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and

Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, 17024-17-01, 17.3449.08, 09A, 10, 11A and 12.

REASON: To define the terms of the planning permission.

3. No materials shall be placed on the site until the following details regarding the design and appearance of the proposed dwelling have been submitted for the agreement of the local planning authority:

- a) Samples of the facing bricks, render and roof tiles to be used on the external surfaces of the dwelling and garage
- b) Full details of the design and materials of the windows, doors and rooflights, including large-scale horizontal and vertical sections
- c) Full details and materials of lintels and sills
- d) Full details of rainwater goods
- e) Full details of the design and colour of the front door and
- f) Full details of the verge and eaves.

Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory and preserves and enhances the significance of the Heritage Asset.

4. The first floor window in the north-western elevation of the dwelling, hereby permitted, shall be glazed with obscure glass to Pilkington privacy level 4 or above (or equivalent) and either fixed or fitted with restrictive openings and thereafter be retained at all times. Details of the restrictive opening specifications shall first be submitted for the approval in writing of the local planning authority. No changes shall be made to this window nor shall any additional windows be inserted in this elevation thereafter.

REASON: To minimise the effect of the development on the privacy and amenities of nearby residents.

5. No materials shall be placed on the site until a scheme for the treatment of the south-eastern application site boundary has been submitted to and agreed in writing by the local planning authority.

REASON: To ensure the satisfactory, overall appearance of the completed development and to provide a satisfactory level of privacy for the occupiers of the new and existing dwellings.

6. The dwelling hereby permitted shall not be occupied until the scheme for boundary treatment, agreed under the terms of the above condition, has been fully completed.

REASON: To ensure the satisfactory, overall appearance of the completed development and to provide a satisfactory level of privacy for the occupiers of the new and existing dwellings.

7. No development, including site works, shall begin until each tree shown to be retained on the approved site plan 17.3449.08 has been protected, in

accordance with the details contained in the Arboricultural Survey dated 17 November 2017. Each tree shall be protected in the stated manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

8. The dwelling hereby permitted shall not be occupied until such time as the on-site car and turning area shown on the approved Site Plan has been provided in accordance with construction and surfacing details which shall first have been submitted to and approved in writing by the local planning authority. Once provided, the area shall be retained at all times thereafter.

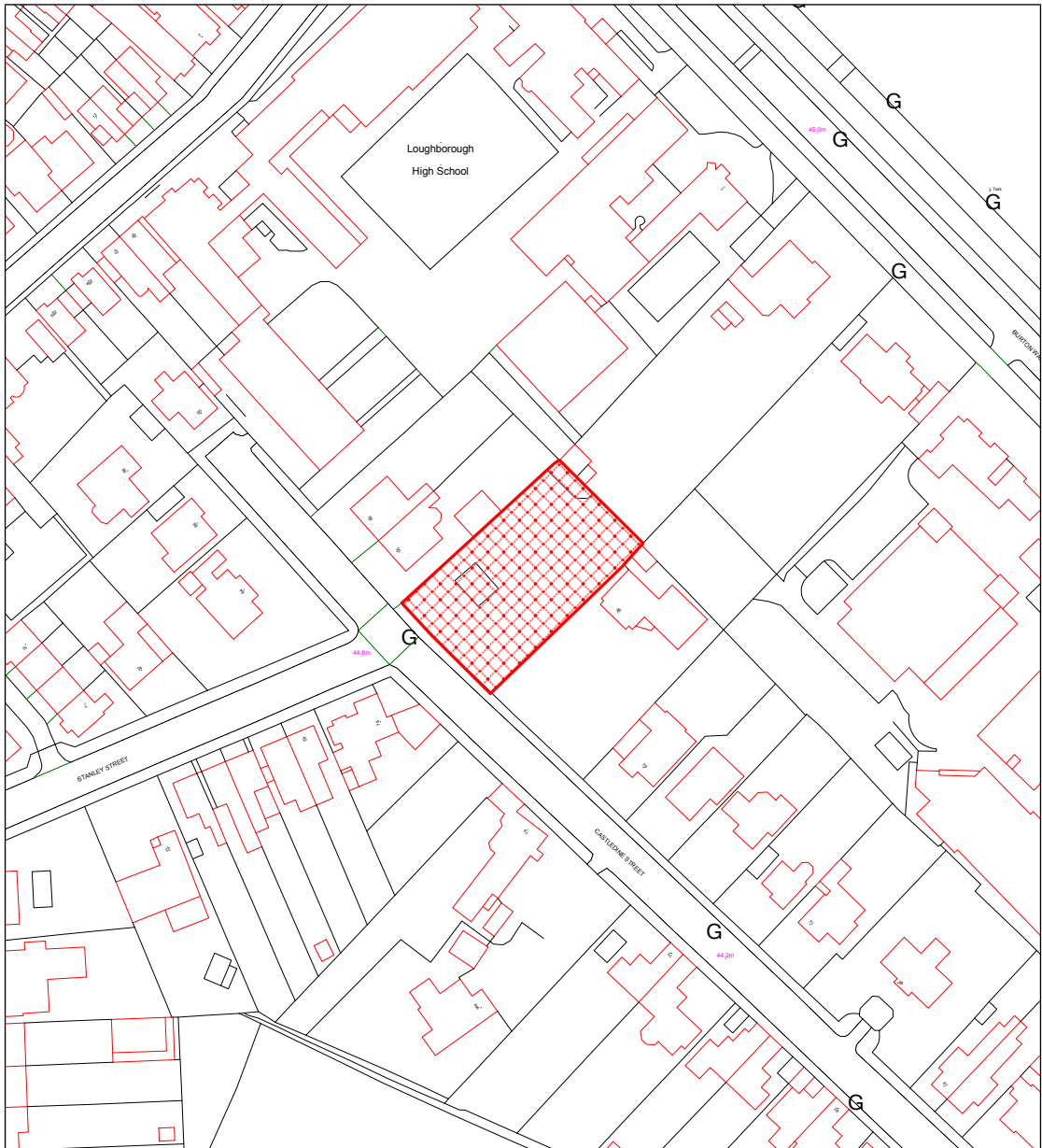
REASON: In the interests of visual amenity and to safeguard the well-being of the protected trees on the site.

9. The dwelling hereby permitted shall not be occupied until such time as the surface water drainage from the site, incorporating an area of enhanced biodiversity habitat, has been provided in accordance with details which shall have been submitted to and agreed in writing by the local planning authority. The agreed works shall be retained at all times thereafter.

REASON: To make sure that the site is drained in a satisfactory way and to provide adequate mitigation for the loss of green space on the site.

The following notes should be taken into account when carrying out the development

1. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water (Tel: 024 7771 6843) to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.



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Item No. 3

Application Reference Number P/18/1712/2

Application Type:	Full	Date Valid:	23/08/2018
Applicant:	Mrs Jane Gray		
Proposal:	Removal of condition 4 of P/14/1824/2 to enable annexe to be used as a separate dwelling.		
Location:	216 Bradgate Road Anstey Leicestershire LE7 7FD		
Parish:	Anstey	Ward:	Anstey
Case Officer:	Joseph Davies	Tel No:	01509 634988

This application is presented to the Plans Committee at the request of Councillor Deborah Taylor on the grounds of there not being any significant change to circumstances that would justify the removal of the condition which was deemed to be necessary in 2014.

Description of the Application

Site Description

The application site comprises a detached single storey building to the rear of No. 216 Bradgate Road. It is a two bedroom annexe which was granted planning permission in 2014. No.216 is a detached flat-roofed bungalow set back from the street on a large plot. To the rear of the dwelling is a garden and there is a large parking area to the front and side of the dwelling. To the north of the site is the property at 216a Bradgate Road, to the south is the dwelling at 214 Bradgate Road and to the west is agricultural land.

Proposal

The application proposes the removal of condition 4 of planning permission P/14/1824/2. This application granted planning permission for the single storey, self-contained annexe to the rear of number 216, which was constructed in 2015. Condition 4 of this planning permission prevents the annexe from being occupied as a separate dwelling. The applicant wishes to remove this condition so that it can be occupied as a separate dwelling. The only external works proposed by the application are the subdivision of the existing garden with a 1.8 metre high boundary fence and the separation of the parking provision for 216 and the annexe.

This would result in a modest rear garden for the annexe, with the majority of the garden being retained by No.216. The annexe would have 2 parking spaces and No.216 would have 3 spaces.

Development Plan Policies and other material considerations

Charnwood Local Plan 2011-2028 Core Strategy

Policy CS1 – Development Strategy sets out the priority locations for growth in the Borough over the plan period. It establishes a settlement hierarchy in which Anstey is designated as a service centre.

Policy CS2 – High Quality Design sets out the design-related criteria for achieving high quality design. It includes reducing the impact of development to make it more resilient to the effects of climate change; well-designed streets and spaces and making sure development is of an appropriate quality to protect the amenities of people who live or work nearby. It will therefore be essential to consider the massing, height, landscape, layout and materials in new development.

Policy CS25 – Presumption in Favour of Sustainable Development sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

Saved Policies of the Borough of Charnwood Local Plan

Policy EV/1 – Design seeks to ensure a high standard of design for development which respects the character of the area, nearby occupiers, and is compatible in mass, scale and layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

Policy TR/18 – Parking Provision in New Development seeks to ensure adequate car parking is provided to secure highway safety and minimise harm to visual and local amenities. The adopted standards are used as a starting point in assessing the level of provision and represent the maximum level.

The National Planning Policy Framework 2018 (NPPF)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

Paragraph 8 identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being.

Paragraph 108 states that in considering development proposals, opportunities to promote sustainable modes of transport should be taken up, safe and sustainable access should

be achieved for all users; and any significant impacts from development on the transport network should be cost effectively mitigated to an acceptable degree.

Leicestershire Highways Design Guide (2018)

This document sets out the highways requirements including parking and visibility standards for new developments across Leicestershire.

Leading in Design (SPD)

Seeks to encourage, promote and inspire higher design standards in new development throughout Charnwood and, amongst other things, at Appendix 4 sets out Space Standards for Residential Development.

Relevant Planning History

P/11/0898/2 – Single storey extension to rear of dwelling – Granted conditionally

P/14/1824/2 – Erection of self-contained annexe following demolition of garage – Granted conditionally

P/14/1827/2 – Erection of two semi-detached dwellings – Refused

Responses of Statutory Consultees

Anstey Parish Council

- Objected to the application noting that when application number P/14/1824/2 was originally looked at by the Parish Council objections were made, noting it as a new dwelling which was not appropriate for the site. The location is too close to the neighbour's boundary. These reasons are reiterated in this objection to the application.
- This proposal reduces the space available between properties. It provides limited space for vehicle manoeuvres and increases traffic onto Bradgate Road.

Other Comments Received

Councillor Taylor

- Objects to the application and requested that it be determined by Plans Committee on the basis that when the original application for the annexe was determined in 2014, several objections were received and it was felt necessary to condition that the annexe is not occupied separately from the main dwelling. It is stated that nothing had changed since 2014 which would justify the removal of this condition. Concern was also raised that there would be insufficient turning space to manoeuvre vehicles and that the garden would be very small. The issue of noise and disturbance due to the close proximity of the two properties was also raised.

Councillor Snartt

- Objects to the application on the grounds that there was no change in circumstances since the previous application to justify the removal of the condition.

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

- i) The principle of development;
- ii) Design;
- iii) Neighbour amenity;
- iv) The amenity of future occupiers; and
- v) Highway safety and parking provision.

The principle of development

All planning applications must be considered on their individual merits in accordance with the development plan in place at the time, unless material considerations indicate otherwise. In this context, the site lies within Anstey and is within the settlement boundary in both the currently adopted and emerging Development Plans. Anstey is designated as a Service Centre under Policy CS1 of the Charnwood Local Plan Core Strategy 2015. The Core Strategy makes provision for at least 3,000 new homes within and adjoining Service Centres between 2011 and 2028. It also states that the Council will respond positively to sustainable development which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies in the Core strategy.

The principle of a new dwelling in this location is therefore considered to be acceptable, unless material considerations indicate otherwise. The removal of condition 4, therefore, generally accords with the tenet of Policies CS1 and CS25 of the Charnwood Local Plan 2011-2028 Core Strategy.

Design

In relation to design, the only external alteration would be the sub-division of the existing garden, with the erection of a 1.8 metres high fence and the provision of a surfaced area in front of No.216 to accommodate 2 parking spaces. Given the set back from the street, the impact of this would be negligible. A fence of this height could be erected without planning permission. There is also no uniform building line on this part of Bradgate Road and the occupation of the annexe as a separate dwelling would, therefore, not be out of keeping with the locality.

The impact of the removal of condition 4 on design and visual amenity is therefore considered to be in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy and Saved Policy EV/1 of the Borough of Charnwood Local Plan 2004.

Neighbour amenity

The removal of condition 4 would not result in any physical alterations to either the proposed separate dwelling or No.216. It is considered that there would be no significant impact upon the amenities of neighbours, who have not commented on the proposal.

The annexe is set behind and close to the boundary with No.214. It has a blank wall on this elevation. There would be no overlooking of this neighbour and the additional activity and associated noise and disturbance which a modest dwelling, rather than an annexe, would generate is not likely to be significant.

The annexe is approximately 5 metres from the rear corner of No.216 and has windows which look towards the rear garden of that property. The proposed fence would ensure that both properties enjoy reasonable levels of privacy. The access and parking associated with the proposed new dwelling would be close to the side elevation of No.216. This elevation has one secondary window, with the proposed fence ensuring that any disturbance or overlooking of No.216 is kept to acceptable levels.

In light of the above, the impact of the proposed development on the amenity of neighbours is considered to be acceptable and would accord with Policies CS2 and EV/1.

The amenity of future occupiers

The annexe has been built with adequate light and ventilation and the erection of a 1.8 metres high fence to the north of the building would not have a significant impact upon the amenities of future occupiers. The garden is small, but is not overlooked and is considered to be adequate for a modest dwelling. There are no adopted minimum size standards for garden space and as a result it would be difficult to resist the proposed development on these grounds. The impact of the removal of condition 4 on the amenity of future occupiers is therefore considered to be acceptable and would be in compliance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015.

Highway safety and parking provision

With regard to the impact on parking provision, there would be room to provide 2 parking spaces for the proposed separate dwelling and at least 3 spaces for No. 216. Furthermore, there would also be sufficient space for turning to allow vehicles to both enter and leave the site in a forward gear. There would be no adverse impact on visibility at the access.

Given the above, the proposed development is considered to be acceptable in relation to highway safety and parking provision and is in accordance with Saved Policy TR/18 of the Borough of Charnwood Local Plan 2004 and Paragraph 108 of the National Planning Policy Framework 2018.

Conclusion

Condition 4 of planning application P/14/1824/2 was imposed because the annexe was proposed in the rear garden of No.216, which it was considered would be an unsatisfactory relationship for a separate dwelling.

The applicants have proposed a sub-division of the site which satisfactorily addresses the two specific reasons why this condition was imposed. These are the amenity of the occupiers of both properties and their parking and access arrangements, which are detailed above.

There are no adopted standards relating to amenity space and the alterations to the parking provision as a result of the subdivision of the plot means that the access would be acceptable. While it is a slightly unconventional layout there are no reasons to refuse planning permission

The application site lies within a Service Centre as designated in the adopted 2015 Core Strategy, which states that development would be supported in these locations subject to other material planning considerations. The provision of a modest two bedroom bungalow meets an identified local need. The impacts on design, visual amenity, neighbour amenity and highway safety issues raised, are considered to be acceptable and there are no other material planning considerations that would justify the retention of this condition. It is therefore recommended that condition 4 of planning permission P/14/1824/2 is hereby removed.

RECOMMENDATION:-

Grant Conditionally

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
WA51 - 100 - Rev B - Proposed Plot Splitting Plan.
REASON: To define the terms of the planning permission.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any order revoking and re-enacting that Order, with or without modifications), no openings or windows shall be inserted in the south side elevation of the building bordering 214 Bradgate Road.
REASON: To prevent undue overlooking of nearby dwellings, in the interests of the privacy of nearby residents.

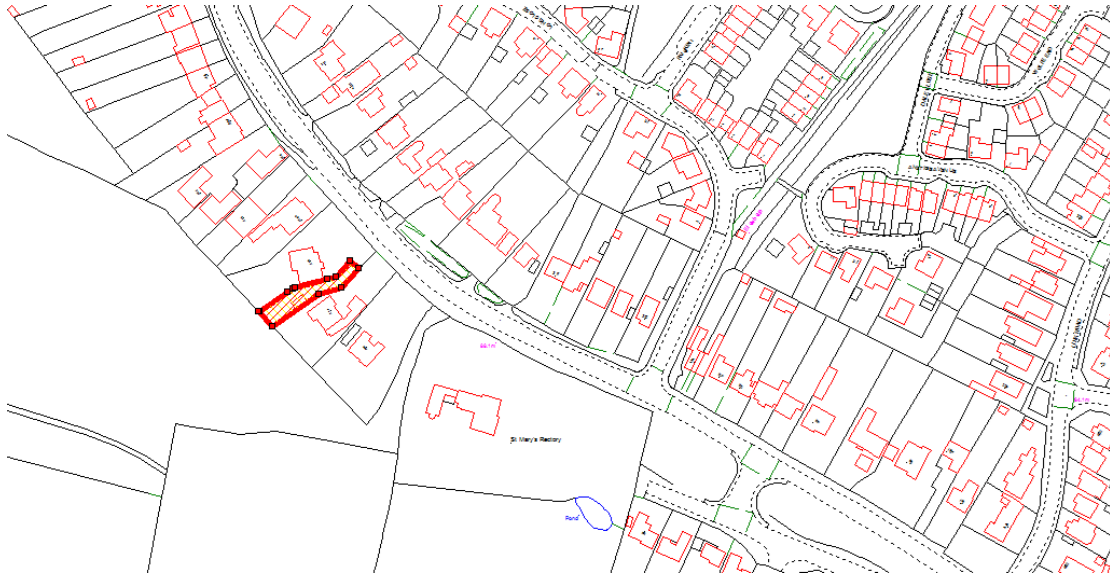
- 3 The occupation of the annexe as a separate dwelling shall not commence until the parking provision shown on the plan: 'WA51 - 100 - Rev B - Proposed Plot Splitting Plan' has been provided.
REASON: To ensure that adequate off-street parking is provided and maintained, in the interests of road safety.

The following advice notes will be attached to a decision:

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2 and CS25 of the Charnwood Local Plan Core Strategy 2015, Saved Policies EV/1 and H/16 of the Borough of Charnwood Local Plan

2004 and the provisions of the National Planning Policy Framework 2018 have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.

- 2 Planning permission has been granted for this development because the Council has determined that it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Document 'Leading in Design'.
- 3 Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.



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Item No. 4

Application Reference Number P/17/0388/2

Application Type: Full
Applicant: McCarthy and Stone Retirement Lifestyles Ltd
Proposal: Demolition of existing buildings and structures and erection of a retirement village comprising 2 and 3 storey building, (containing 48 self-contained flats communal lounge and guest room); 12 bungalows (class C3), and associated car parking and landscaping.
Location: Clear View Business Park
103 Loughborough Road
Quorn
Leicestershire
LE12 8DU
Parish: Quorn **Ward:** Quorn and Mountsorrel Castle
Case Officer: Karen Brightman **Tel No:** 01509 632520

This application is called to Plans Committee at the request of Councillor Shepherd as it is outside limits to development for Quorn.

Description of the Site

This 0.88ha site is located approximately 1km to the north of Quorn village. It lies outside limits to development for the village and is separated from open land to the northwest by a large conifer hedge. To the northeast is the recently completed 4G pitch for Quorn Football Club along with associated parking and a club house which is directly on the site boundary. Loughborough Road is along the site's southwestern boundary, with open land beyond. To the southeast is a former training pitch area which has planning permission for the erection of a two-storey, 64 bedroom Care Home, (P/16/0947/2).

The site currently houses a mix of uses which comprise Clear View Business Park. These include caravan sales, a plant nursery and some small scale light industrial units set in single storey buildings. There is an established hedge to the Loughborough Road boundary of the site, set behind a wide grass verge which encloses the footway. This is regularly clipped so that some of the buildings within the site can be seen. There are a number of attractive street trees within the verge near the site's southwest corner.

Description of the Application

The application is for the erection of 48 one and two bedroom retirement apartments within a three storey block, 12 one and two bedroom bungalows and to provide associated parking and landscaping. The proposal includes communal facilities such as a communal garden and lounge, a manager's office and a guest suite. The flats do, however, all have their own self-contained, cooking, bathing and living room facilities. In this respect they fall within use class C3, rather than C2, like the recently permitted care home.

The applicant, McCarthy and Stone, would manage the grounds and buildings and offer residents various help and care packages to suit that resident's current need.

The following documents accompany the application:

- Planning Statement February 2017
- Needs Report January 2017
- Landscape and Visual Appraisal January 2017 Rev C
- Design and Access Statement June 2018
- Viability Assessment (confidential and not on website)
- Health Impact Assessment 2017
- Noise Survey report May 2018
- Tree survey JTK/9302/RevA/SO
- Parking Appraisal June 2018
- Transport Assessment June 2018
- Travel Plan June 2018
- Flood Risk Assessment June 2018

The plans and many of the supporting documents were revised in June, following concerns expressed by officers in relation to design and massing. For completeness and clarity the most recent set of proposed plans being considered for this application are:

40783 003 Site Location Plan, WM-2395-03-AC 001G Proposed Site Plan, WM-2395-03-AC 003B Boundary Treatment Plan, 40783 13A Demolition Plan, WM-2395-03-AC 001G 010F Ground and First Floor Plans, WM-2395-03-AC 011E Second Floor Plan, 2735 101 H Landscape Layout, 2735 201 G Planting Plan, WM-2395-03-AC 018B Side and rear Elevations, WM-2395-03-AC 012E Front and side Elevations, WM-2395-03-AC 012E Materials Schedule, WM-2395-03-AC 013 Bungalow Type B, WM-2395-03-AC 015 Bungalow Type F, WM-2395-03-AC 021 Bungalow Type A, WM-2395-03-AC 023 Bungalow Type C, 17-0443-210 D Proposed Private Levels, 17-0443-240 H Proposed Drainage Layout 1, 17-0443-241 A Private Drainage layout 2, 9302/01 A Tree Constraints Plan, WM-2395-03-AC 017C Sales Units, 24275B-1-2D Underground Services.

Development Plan Policies

Policy CS1 – Development Strategy sets out the development strategy for the Borough. This includes a direction of growth which focuses housing development in locations around the edge of Leicester, Loughborough and Shepshed through three Sustainable Urban Extensions. The 7 Service Centres, including Quorn, are identified to deliver 3,000 houses with the policy providing positive support for sustainable development which meets our development needs. It should be noted that there are commitments for around 3,500 houses in the Service Centres.

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; protect the amenity of people who live or work nearby, provide

attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – Strategic Housing Needs supports an appropriate housing mix for the Borough, including type, size and tenure and sets targets for affordable homes provision. In Quorn 40% affordable homes are sought on sites of 10 dwellings or more.

Policy CS11 – 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 to ensure development takes into account impact on recognised features.

Policy CS15 – Open Space, Sports and Recreation deals with open space and requires all new development to meet the standards in the open space Strategy.

Policy CS16 – Sustainable Construction and Energy supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

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

Policy CS18 – The Local and Strategic Highway Network seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.

Policy CS24 – Delivering Infrastructure seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.

Policy CS 25 – Presumption in Favour of Sustainable Development sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Borough of Charnwood Local Plan 1991-2006 (adopted 12th 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 policies are:

Policy ST/2 – Limits to Development seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.

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

Policy CT/1 – General Principles for areas of the countryside, green wedge and local separation. The policy restricts new development to that which is small-scale and where it meets certain criteria.

Policy CT/2 – Developments in the Countryside indicates in areas defined as countryside, development acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and safeguards its historic, nature conservation, amenity and other local interest.

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

Other material considerations

The National Planning Policy Framework 2018 (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF seeks to achieve sustainable development that fulfils economic, social and environmental objectives.

Paragraph 11 states that where development accords with an up to date Development Plan it should be granted planning permission but that where relevant policies are absent or the policies which are most important for determining the application are out of date permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- policies in the NPPF that protect areas or assets of importance provide a clear reason for refusal.

Footnote 7 makes it clear that where applications for housing are being considered if a 5 year supply of housing land cannot be demonstrated or the housing delivery test indicates that the level of delivery of housing is less than 75% of the housing requirement over the last 3 years that housing supply policies should be considered to be out of date.

Paragraph 12 adds further emphasis to the primacy of the development plan stating that where proposals don't accord with an up to date plan they should normally be refused unless material considerations indicate otherwise.

In terms of the remainder of the NPPF, sections relevant to the consideration of this application include the following:

Paragraph 57 states that the weight to be given to viability assessments is a matter for the decision taker. It points that, where proposals accord with up to date policies on contributions, it should be assumed that the proposal is viable.

Paragraph 59 makes it clear that the needs of groups with specific housing requirements should be addressed.

Paragraph 61 states that planning policies should consider the need for housing for different groups including older people.

Paragraph 64 states that where major development involving housing is proposed that at least 10% of the affordable homes should be for affordable ownership. Purpose built accommodation for the elderly is recognised as one of a number of exemptions to this requirement.

Paragraph 77 says that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

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

Paragraph 118 lends weight to the use of brownfield sites to meet identified need for housing. It extends this to the promotion of development of underutilised land and buildings where there is housing need and land supply is constrained.

Paragraph 122 seeks to use land efficiently using higher density development where this is appropriate.

Paragraph 127 seeks to foster high quality design.

Paragraph 129 states that local planning authorities should ensure that, amongst other things, they make use of appropriate tools and processes for assessing and improving the design of development. This includes assessment frameworks such as Building for Life

Planning Practice Guidance

This web based resource provides supplemental guidance to the NPPF. It provides advice on a range of topics including: design, housing need, housing land availability and viability. The sections relating to housing need and viability have recently been updated to reflect the 2018 NPPF. Recent changes include the counting of communal accommodation such as C2 care homes within the housing supply figure, the definition of specific inputs into a viability appraisal and a requirement for viability appraisals to be made public.

Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

Housing Supplementary Planning Document (2017)

The Housing SPD was adopted in May 2017 and provides guidance to support the Local Plan Core Policy CS3: Strategic Housing Needs. It provides advice relating to affordable housing and offers encouragement for specialist accommodation and extra care facilities where these address the needs of older people.

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 demographic changes over the same period. Whilst the objectively assessed need figure remains untested in a plan making environment and needs to be considered in light of the standard housing methodology it is therefore not to be relied upon at the current time, the housing mix evidence can be accorded significant weight as it reflects known demographic changes.

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

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

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

Environmental Impact Assessment Regulations (2017)

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. For residential development the threshold to consider under Schedule 2 developments are 150 dwellings or 5 hectares (Criteria 10(b)).

Relevant Planning History

Relevant applications for the site and surrounding area are set out in the table below:

Ref.	Description	Decision	Date
P/76/1777/2	Erection of storage buildings	Granted	Dec 76
P/85/2599/2	Erection of Agricultural Dwelling	Granted	Mar 85
P/92/1428/2	Change of use of grazing land to football pitch and clubhouse	Granted	April 92
P/93/3008/2	Erection of Clubhouse	Granted	Apr 93
P/94/1048/2	Retention of units for B1 and B8 use	Granted	Oct 94
P/94/1047/2	Use of units for B2 uses	Granted	Jul 94
P/96/0343/2	Retention of use of clubhouse without complying with condition restricting uses to football club activities	Granted	May 96
P/16/0894/2	Installation of 4G pitch, fencing, netting and new floodlights	Granted	Jul 16
P/16/0947/2	Erection of 64 bed care home	Granted	Dec 16

Responses of Statutory Consultees

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

Response from	Comments
Quorn Parish Council	Has responded to the revised plans and supports the development in principle due to the need for this type of accommodation within Quorn. The commitment to the village design statement is welcomed and the sentiments of the travel plan encouraged. Concerns remain relating to the ability of village medical facilities to cope, the suitability of the existing access and the lack of a safely accessible bus stop on the south bound carriageway.
Natural England	Has no comment on the application but refers to its standing advice.
Severn Trent	Has no objection subject to the inclusion of a condition requiring details of surface and foul water drainage.
Environment Agency	Refer to the need to consult the LLFA and comment that if any ground contamination is found during construction that this would require remediation survey work.
LCC Library Services	Makes no claim for additional service needs.

Response from	Comments
LCC Education	Makes no claim for additional service needs.
LCC Civic Amenity	Made no claim for additional service needs with regard to the previous scheme as the nearest Civic Amenity site was able to cope. Now seeks a contribution of £3100 with regard to the amended plans which reflects increased use by 60 households.
LCC Highways	The Highway Authority does not object to the proposal as it does not consider that it would have a severe impact on the highway network. The access arrangements are considered suitable and the internal layout and levels of parking are supported. In order to improve sustainability a scheme to improve bus accessibility is sought along with cycle parking.
LCC lead Flood Authority	Does not offer additional comment on the revised proposals but comments that the proposal is acceptable in principle subject to the imposition of four standard conditions.
CPRE	Supports the application in principle as it fulfils a local need. Nevertheless reservations are expressed with regard to parking provision, and the lack of chimneys within the bungalow designs.
NHS West Leicestershire CCG	States that a contribution of £22,804.98 towards extending Quorn Medical Centre would be needed to accommodate the additional patients. However, it points out that recent attempts to extend the practice have failed to gain planning permission due the limited amount of space available and amenity issues that extending upwards creates.
CBC - Environmental Health	Concurs with the findings of the noise assessment and considers the mitigation measures it suggests to be suitable.
CBC – Housing	Seeks 40% affordable units on the site in line with CS3. These should equate to 24 one bed units, 21 two bed units and 9 two bed bungalows. The tenure split should be 80% for rent and 20% for intermediate housing. As the demand in Quorn is for general purpose affordable units this should be provided on an alternative site or a commuted sum paid.

Response from	Comments
Leicestershire Police	Do not object to the proposal but make recommendations relating to fencing height, landscape maintenance, lighting CCTV and general design features.
Councillor Shepherd	Requests that the decision is made by plans committee as the site is outside limits to development.

Other Comments Received

The following table summarises responses received from residents (these comments can be read in full on the Council's website):

From	View	Comments
5 Kelcey Rd, Quorn	Objection	Concern is expressed at the lack of adequate parking.
41 Sutton Close, Quorn	Comment	Welcomes the bungalows but expresses concern about the lack of green space and parking for the flats.
23 Sanders Road, Quorn	Comment	Supports the principle but expresses concern regarding lack of parking.
3 Leicester Road, Quorn	Support	Comments that development of this type is needed.
19 Bingham Rd, Radcliffe on Trent	Support	States the development would look attractive, use brownfield land and meet a need.
LE12	Objection	Is concerned that the development is too dense for the site and that the location away from the village centre and next to football club and busy road is unsuitable. Concerns are also expressed with regard to parking and loss of rural character.
1 Northage Close, Quorn	Support	Supports as meets local need.
26 Sandalwood Road	Support	Supports as meets local need.
27 Mansfield Avenue, Quorn	Support	Supports as meets local need and is of the view it is in keeping.
Resident (no address given)	Comment	Ample disabled parking should be provided.
4 Brown Avenue, Quorn	Support	Supports as meets local need.
Responses to Revised Plans		
36 Craddock drive	Support	Keen to see the scheme built.
7 Freeman Way	Support	The development is needed and the design pleasing.
7 Chaveney Walk	Support	There is a need for bungalows.
27 Mansfield Avenue	Support	Will improve this part of the village and provide much needed accommodation.

From	View	Comments
26 Sandalwood Road	Support	States the development is necessary.
2 White Street	Support	Will be an asset to the village improved by a bus stop outside.
6 Ashmead Crescent	Support	Development is needed and in a sustainable location where it enhances the area and support local services.

Consideration of the Planning Issues

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

- Principle of development
- The Need for Retirement Living
- Affordable Housing
- Deliverability
- Impact on the landscape and the character of the area
- Design and Living Conditions
- Highway Safety and Parking
- Impact on infrastructure
- Ecology
- Drainage
- Loss of Employment
- Noise and Lighting.

Principle of development

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.

Policy CS1 sets a development strategy and settlement hierarchy that guides residential development to the edge of Leicester and Loughborough/Shepshed before smaller places in the Borough. Quorn is categorised as one of seven service centres, which are expected to accommodate at least 3,000 dwellings within and adjoining the settlement during the plan period 2011 to 2028. CS1 says that sustainable development which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the other policies in the Core Strategy will be positively supported.

The proposal is outside the limits to development for Quorn but is on the edge of the built form of the village and, as a consequence, is relatively close to the facilities that the service centre offers. It is also previously developed land, the use of which is supported by CS16.

The Council is currently able to demonstrate a 5 year supply of housing land and monitoring of housing completions satisfies the new delivery test set out within the NPPF. This means that there is a sufficient supply of deliverable sites and there are

good prospects for achieving the planned supply. In accordance with the NPPF CS1 is not considered to be out of date and there is no overarching need for the homes from the proposal to contribute towards the supply of homes. However, older people are identified within the Core Strategy, Housing SPD and National Guidance as a group with specific needs and the prospects for the proposal to meet an identified need for older people should be taken into account. This is discussed below.

The need for Retirement Living

Policy CS3 intends to meet the strategic housing needs of the Borough. It seeks to do this in a number of ways including the provision of an appropriate mix of housing types having regard to identified needs and the character of the area. Paragraph 4.46 of the supporting text to CS1 recognises that the priority is to see any new development at Service Centres take place within the existing built-up areas but that “greenfield” locations may be appropriate where there is a recognised local housing need and insufficient capacity to meet that need within built up areas.

The supporting text for policy CS3 recognises that there is a growing need for housing for older people (paragraphs 5.3 and 5.4) and that specialist provision is needed once people require more support (paragraph 5.5). The need for smaller houses and bungalows is also noted (paragraph 5.7) and the text goes on to say, (paragraph 5.8), that in order to define and meet need evidence from the Strategic Housing Market Assessment, (SHMA), local housing needs surveys and household projections needs to be used when considering planning applications. The SHMA has since been updated by the Housing and Economic Needs Assessment (2017) (HEDNA).

HEDNA 2017 has examined the housing needs of older people in Charnwood, identifying significant growth in the over 65’s (78% between 2011 and 2036), with the greatest growth in the oldest part of this age range. HEDNA identifies that a combination of this ageing population and the associated higher levels of disability and health problems will result in an increased demand for specialist housing. HEDNA looks at housing for older people under two Use Class categories; C3 and C2. In terms of C3, current provision shows 92 sheltered/extra care units in the HEDNA market area per 1,000 people over 75. Nationally it is advised that there should be 170 units per 1,000 people aged over 75. To raise the level of provision, to that recommended, 2,205 units would need to be provided in Charnwood between 2011 and 2036. This equates to 88 units per annum.

Turning to C2, the analysis identifies the need for 182 care spaces per annum across the HEDNA market area. Based on the same proportioning between districts used for specialist C3 housing this would equate to a need for 32 spaces/annum within Charnwood.

It is difficult to examine age specific C3 based schemes across the Borough as these are often not clearly distinguished from other C3 development. The following table lists larger scale, (5+ rooms), commitments for care home accommodation in the Borough from 2014 to the present time. Those highlighted in grey are identified age restricted proposals that fall within use class C3:

Reference	Proposal	Spaces	Notes
P/14/0002/2	Change of use D1 to C2	8	Storer Road, Loughborough. Described as C2 although accommodation is self contained.
P/14/1249/2	Extensions to Nursing Home	8	Rose Cottage, Mountsorrel.
P/14/0420/2	Extensions to Care Home	6	Fosse Way, Syston.
P/14/0431/2	Extensions to Care Home	14	Cedar House, Cropston.
P/14/1486/2	Erection of Care Home	72	Hallam Fields Centre.
P/14/1489/2	Extension to Care Home	5	Mountsorrel Lane, Sileby.
P/14/1833/2	New Care Home	64	West of Loughborough SUE.
P/14/2402/2	New Extra Care Complex	62	Derby Road, Loughborough.
P/15/1788/2	Extensions to Care Home	9	Rearsby Residential Home.
P/16/1660/2	New Care Home	70	NE Leicester SUE.
P/16/0836/2	New Care Home	66	Linkfield Farm, Mountsorrel –
CS 20	Direction of Growth to include extra care housing	65	Details not finalised. Application pending.
P/16/0947/2	Erection of Care Home	64	Application approved construction not yet commenced
P/16/1829/2	Extension to care Home	9	Cedar House, Cropston
P/18/0302	Erection of Care Home	64	Allendale Road, Loughborough
	total	586	

This suggests that units have been provided at an approximate rate of 130 annum over the 4.5 year period. This is slightly higher than the combined C2 and C3 rates derived from HEDNA 120/annum, (88+32). However, it should be noted that no proposals came forward during 2017 and that permissions do not necessarily mean the units have been provided. 199 of the spaces are part of larger Strategic Urban Extension schemes, which will not provide an immediate supply due to the timing and phasing of these parts of the schemes. In simple quantitative terms, in order to maintain a consistent and regular supply over the HEDNA period delivery of roughly two developments, equivalent in size to the current proposal, might be expected on an annual basis.

HEDNA goes on to note that as many older people are owner occupiers and because the highest level of supply for older peoples housing is in the affordable sector there is likely to be a specific future need for market specialist housing, (as opposed to

affordable or Local Authority provision). HEDNA suggests that the split between market and affordable housing for older people should be 50:50. This lends some support to the market tenure that the scheme would provide.

HEDNA also identifies a demand for bungalows and points to the popularity of schemes that include them with older people. The proposal would provide 12 single storey units which would help to meet with this demand.

Leicestershire County Council has published an accommodation Strategy for Older People 2016-2026. The strategy supports the findings of HEDNA and includes a “toolkit” endorsed by the Department of Health, which seeks to identify potential demand for different types of specialist housing for older people and models the future range of housing and care provision. The toolkit suggests that per 1000 people over 75 years old there should be 125 conventional sheltered housing properties; and 25 extra care properties totalling 170 specialist units. It should be noted that of the 170 specialist units required there is a range of type of provision and that specialist housing does not necessarily equate to extra care provision.

There is a clear need for further market specialist housing to serve older people within the Borough and there is no disagreement that this also applies to Quorn itself. The relevance of this smaller area, due to the people wishing to remain within or close to their existing community is also acknowledged. Given national guidance and the aims of the Core Strategy the weight that should be attributed to this need is significant. However, this must be tempered by the evidence that supply over the last 4 years has largely met the rate derived from HEDNA without the need, (other than for the Sustainable Urban Extension projects), to utilise land outside Local Plan limits to development. Whilst a sequential appraisal of whether there are enough remaining sites to continue to meet need in this way has not been carried out there is equally nothing to suggest that there are insufficient sites.

In conclusion, there is clear evidence of the need for specialist housing for older people and that some of this should be market housing to allow for continued home ownership. Examination of committed and permitted schemes over the last few years shows provision above the suggested HEDNA figure to meet this need. However, this level of committed provision is reliant upon allocations within the SUE’s that may be delivered later in the plan period. The inclusion of other proposals that can be delivered sooner, such as the current scheme would allow for greater flexibility and prospects for supply. The proposal would comply with the provisions of policy CS3 in this regard and would meet an identified need that weighs in favour of the proposal.

Affordable Housing

Policy CS3 is also concerned with tenure and seeks a target of 40% of affordable units, within Quorn, subject to market considerations, economic viability and other infrastructure requirements. In other words this level should be sought but not at the expense of making an otherwise acceptable proposal undeliverable.

The Council’s Housing Strategy team has advised that a commuted sum in lieu of the agreed level of provision would be preferable to physical provision on the site, due the

difficulty of managing units within a primarily flatted scheme and the challenge of finding a registered provider who would take this task on. Using the Council's Supplementary Planning Guidance this would equate to an off site sum of £2,190,000.

The applicant has submitted viability information which has been independently examined by the District Valuation Office. The figures show that the development would generate a loss equivalent to the cost of the healthcare contribution of £22,804.98. As this is a necessary provision to ensure the development can be supported by necessary infrastructure it is not a negotiable input in terms of the viability.

The provision of affordable housing is a policy based target and that policy does allow for flexibility in cases where viability is marginal. In this instance it has been demonstrated with independent testing that the provision of affordable housing would render a marginal scheme unviable. For this reason, it is considered that the proposal complies with policy CS3 as the level of affordable housing required should have regard to economic viability and in this case is not capable of being provided. This means that the proposal cannot be refused on the grounds of not complying with CS3, although equally it gains no positive weight within the planning balance due to the lack of provision of affordable homes.

Deliverability

The figures above show that the proposal would operate at a loss when all standard inputs are balanced, even with no contribution to affordable housing. This raises a question as to whether the proposal can be delivered and this in itself is a planning consideration that must be added to the planning balance.

As set out above there is not currently a deficit in the supply of housing across the Borough but nevertheless sites that cannot be delivered do not aid this supply. This limits the weight that can be attached to sustaining a five year supply but nevertheless does not negate other benefits of the scheme such as the provision of specialist housing.

In response to concerns relating to deliverability the developer has pointed out that high build costs are affecting very many developments at the moment and that its own cost risk profile supports development within the life of the permission. To further illustrate developer confidence in this regard a reduced implementation period of 18 months (as opposed to the usual 3 years) is offered.

In this respect it is not considered that deliverability could be used as a sole reason to refuse the proposal but that the concerns around it may reduce any weight to be given to sustaining a five year supply of housing land.

Impact on the landscape and the character of the area

Policy CS2 seeks to ensure that new development respects and enhances the character of the area in which it is situated whilst policy CS11 supports and protects the character of the landscape and countryside in the Borough. In order to assess

the impact the proposal would have on the character of the area, three factors are considered. These are:

- Relationship to the village
- Views into the site
- Impact on open land.

Relationship to the village – the site is located on the edge of the village and although within the countryside it is not in an isolated location. There is development in depth on the opposite side of Farley Way and an extant planning permission, (P/16/0647/2), for a two-storey nursing home between this and the application site. There is also a ribbon of development on the opposite side of Loughborough Road, although this does not extend as far as the application site. To the north east is the football pitch associated with Quorn FC and its associated parking and structures. Directly to the north west is open land between Loughborough and Quorn. As a result of this local context, the site is enclosed on two sides by existing development and relates reasonably well to the settlement form and pattern of the village, particularly given the existing structures and uses on the land.

Views into the site – There are several approaches into and out of the village where the development would be visible. These are:

- a) Exiting Quorn via Loughborough Road
- b) Entering Quorn via Loughborough Road
- d) Heading North along Woodhouse Road
- e) From Farley Way.

The table below sets out an assessment from these points:

Approach	Assessment
Exiting Quorn via Loughborough Road	As the traffic signal junction is approached the road widens and there is a grassed central reservation. Housing is visible to the left but housing to the right is well screened by trees and landscaping. The site itself is not visible until a point almost directly level with its frontage. The site is currently screened by hedging and the low buildings and structures, that it currently houses, are relatively well hidden. The proposed development would alter this and provide views of a substantial three storey building along with the lesser impact of the group of bungalows. This would be within the context of the extant planning permission for the nursing home which will provide a new two storey building in a prominent corner location much closer to the Loughborough Road frontage. Revisions to the proposal, (repositioning the bungalows to the west and removal of the leylandii hedge), mean that a softer edge of settlement form could now be achieved.

Approach	Assessment
Entering Quorn via Loughborough Road	On entering the village there is a rural feel until approximately the position of the 30 mph sign. At this point the existing nursery buildings become visible and the hedgerow to the left is, (at times), trimmed into a more suburban form. The landscape to the right remains rural with distance views of the Victorian villa on the corner of Woodhouse Road. The proposal would not be visible until a point close to the site frontage due to the curve of the road and existing planting at and near this boundary. There would inevitably be a change in character close to the site frontage but in terms of distant views this would be limited. In terms of evolving views on entering the village the revised plans allow for a softer edge to the settlement.
Heading North along Woodhouse Road/Farley Way	There is a gentle uphill gradient as the signalised junction is approached from Woodhouse Road. There are residential properties on either side as the junction is reached and walling with greenery behind defines the boundaries. Due to gradient and the alignment of the road the site only becomes visible as the entrance to the corner property on the left is passed. From this point there would be distant views of the development, set behind and above the approved nursing home development. Amendments to the plans have reduced this impact considerably as the apartment building, (although now entirely three storey), is set further back from the road with its longest elevations running north/south rather than east/west along Loughborough Road.
Farley Way	The site is currently well screened from Farley Way due to existing planting. However, the new nursing home proposal will open up this frontage more due to pruning of vegetation, and removal of some of the trees, particularly to make way for the new access. Whilst the proposed apartment block would be set behind the nursing home and some distance from Farley Way, views of it would be possible both above the care home, (as it is 2m higher) and across the care home car park. These views are not considered to be harmful, however, due to the limited nature of them and given the immediate context.

The proposal would give rise to visual impacts and in the immediate vicinity of the site these would be significant. However, revisions to the plans have lessened this by setting the larger building into the site and altering its orientation. The visual impacts that would occur are not in themselves considered to be harmful to such an extent that planning permission should be refused although they should be added to the planning balance as a negative.

Impact on open land – The site is within an area of open land that is between Loughborough and Quorn. Policy CS11 seeks to ensure that new development maintains the separate identities of towns and villages in Charnwood though it is not considered that in this instance the proposal would lead to a marked visual narrowing of the gap due to the existing characteristics of the area.

The Core Strategy also states that the opportunity for new Areas of Separation will be explored in those areas previously designated as Green Wedge in the 2004 Local Plan. In March 2016 a Green Wedges and Areas of Local Separation Study was produced to provide evidence on these matters, ostensibly for plan making but the study also provides evidence that is material to considering planning applications. The study considers the area between Quorn and Loughborough and concludes that an Area of Local Separation (ALS), named PALS - , could be designated, based on the boundary of the former Green Wedge with appropriate amendments. Whilst this evidence has not been translated into policy, it is noted that the evidence suggests that there will be a future Area of Local Separation and that it could include the application site. The boundaries for the designation are to be defined by the Local Plan but the study concludes that Farley Way would be a defensible boundary. However, this does not take into account the recent consent for a nursing home west of Farley Way, which would alter this situation or the current brownfield status of the site. Its exclusion, along with the nursing home site, would not be critical to the overall function of the area, (particularly given its size). The eastern boundary of the site would provide a defensible boundary that could be defined within the Local Plan, particularly given the structural planting that is proposed. It is considered that the site itself would not be critical to the function of providing a new ALS between Loughborough and Quorn and that this would not be a reason to refuse planning permission or of substantial weight in the overall planning balance.

In conclusion the site is considered to relate reasonably well to the village in terms of settlement form and its existing use means that impacts on a potential strategic area of local separation would be limited. There would be visual impacts in the immediate vicinity of the site but these are not considered to be so harmful that they should be afforded significant weight in the planning balance.

Design and Living Conditions

Policy CS2 seeks high quality design. It sets out broad criteria for achieving this suggesting that the quality of proposals should be assessed using national design guidance. Building for Life contains important government guidance on design and sets out a series of headings which good quality designs should perform well under. An initial assessment against these criteria is summarised below:

Building for Life Summary		
1	Connections	The proposal connects to the surrounding area only by utilising the existing access. Opportunities to improve this are constrained and may conflict with the need for security for residents Neutral

2	Facilities and Services	The proposal is reasonably close to existing services and facilities but is on the edge of the village. Neutral
3	Public Transport	There is a good range of public transport within easy reach of the site. The relocation of or a new westbound bus stop adjacent to the site would enhance this element further. Positive
4	Local Housing requirements	The proposal is specifically aimed at meeting an identified housing need within both Charnwood and the local area. Positive
5	Character	The proposal comprises a mix of building heights and styles but predominantly is of a traditional and simple design. Efforts have been made to reflect local architecture and materials and to add interesting features such as balconies to give the development presence and character. The development would have two distinct character areas grouped around a linear parking area: the bungalows to the east and the higher density flatted block to the west. The design could be improved by creating more of a focal point around the entrance to the two areas. Neutral
6	Site and Context	<p>Attempts have been made to respond to existing context with materials and design elements. The mass of the main building is not typical but has been broken down to a more domestic scale using a mix of materials, architectural features and varied roof forms and chimneys.</p> <p>There are no nearby residential properties which would be directly impacted by the development in terms of loss of amenity.</p> <p>There is a distance of approximately 24m between the side gable of the nursing home, (which contains stairway windows), and the proposed front elevation, (with main windows), which would meet with guidance for privacy and over dominance. This is the tightest relationship between the two buildings, save an oblique relationship between the bedroom window to units 4 and 19 and the rear facing units of the nursing home, that are nearest the boundary, which is the same distance. Positive</p>
7	Well defined streets and spaces	The scheme by its nature is self-contained but there are clear spaces for vehicles and for residents to use. Positive
8	Finding a way round	The development is small and as a result easy to navigate. Positive

9	Streets for all	It is difficult to apply this criteria internally to a proposal of this scale and type. The central courtyard is overlooked by the apartment block and bungalows. Positive
10	Car Parking	There is parking provision in the form of a communal car park and on plot spaces and garages for the bungalows. This does not over-dominate the design and layout. Specific buggy storage has been provided in the apartment building. Positive.
11	Public and private spaces	The bungalows have reasonably sized private gardens and there is private communal garden serving the apartment block. The space provided is appropriate for the use proposed. Positive.
12	External storage and Amenity space	Provision has been made for outside storage of cycles and there is an indoor store for bins. Positive

Overall the scheme performs well in 9 of the 12 criteria. This suggests that it is a good quality design which would be in keeping with the provisions of policy CS2 and the provisions of the Development Plan.

Highway Safety and Parking

Leicestershire County Council Highway Authority does not object to the principle of the development and considers that the residual cumulative impacts of development are not severe in accordance with Paragraph 109 of the NPPF. Its response covers the following areas:

- Site Access – Vehicular and pedestrian access is proposed from Loughborough Road in the same location as the existing Business Park access. Revisions to the plans have led to the access road being widened to 5.5m at the site boundary before reducing to 4.9m further into the site and the Highway Authority is now satisfied that the site access arrangements are acceptable as per the RGP site plan drawing reference WM-2395-03-AC 001 G.
- Off-Site Implications – Collision analysis shows no particular issue in the area. The Highway Authority is satisfied that the impact of the development has been appropriately assessed, and should in fact lead to a reduction in traffic in comparison to what the site could currently generate.
- Internal Layout – The Highway Authority considers that an appropriate level of parking has been provided. It suggests the inclusion of a condition relating to the provision of cycle parking.
- Transport Sustainability – Recognises that many residents will use the bus service as they will be entitled to concessionary bus passes by virtue of their age. It is suggested an additional westbound bus stop in the vicinity of the site is introduced

and that investigations into improving access to the eastbound stop opposite are undertaken. To address these points, a condition requiring a scheme of works to be submitted and approved is recommended.

Given the above positions and taking into account the representations that have been submitted on the application, it is considered that the proposal would not result in harm in terms of highway safety and that a sustainable and accessible development can be achieved by attaching suitable conditions. The proposal therefore complies with policies CS17 of the adopted Core Strategy and TR/18 of the local plan.

Impact on infrastructure

A contribution of £22,804.98 towards healthcare at Quorn Medical Centre is sought. This would be used towards providing a patient lift at the centre. The applicant has indicated a willingness to meet this and has included it within viability calculations for the site.

It is not possible to physically extend the medical centre, the site is constrained and planning permission has been refused for an additional storey. A lift would allow full use of the consulting rooms, most of which are above ground floor level, by all patients. This would improve patient throughput allowing the surgery to cater for an increased population and crucially for the older people, that the scheme provides for, and who are more likely to experience mobility problems. Given the above context, it is considered that this contribution complies with the relevant provisions of the Community Infrastructure Levy (CIL) regulations.

In response to the revised plans a Civic Amenities contribution of £3100 is now sought. This would be develop land adjacent to Mountsorrel Civic Amenity site and is based on calculating how much waste the average Leicestershire household produces and multiplying it by the number of units to work out additional tonnage of waste. However, there are concerns relating to whether this is CIL compliant. It is unclear, particularly in the light of the earlier response, why or if the existing civic amenity facilities can no longer cope with the level of waste the development would generate. Given the relatively small time lapse, and limited change in scale, this does not appear to be justified. It is also questionable as to whether an average household waste production figure is an appropriate means of assessing the output for this development. The units are small retirement units supporting single or two person households and the level of waste produced is likely to be significantly lower than for standard family housing. Given this context, it is considered that this contribution request is not necessary to make the development acceptable in planning terms or proportionate to the development. Accordingly it is not compliant with the CIL regulations.

In conclusion, it is considered that the requested provision of a healthcare contribution is appropriate in this case and that this should be secured as part of the proposed development as part of a S106 Legal Agreement.

Ecology

The Council's Senior Ecologist has examined the proposal and is of the view that the ecological appraisal submitted with the application is robust. This confirms that the site lacks ecological value at present and that there would be no harm to ecological interest should the development take place. It should also be noted that there is the potential to enhance ecological value via an appropriate landscaping scheme. This would be in keeping with policy CS13 of the adopted Core Strategy and advice in the National Planning Policy Framework.

Drainage

The site lies within flood zone 1 and as a result there is no risk of flooding within the site. The Environment Agency has not objected to the scheme on this basis.

The application is accompanied by a revised drainage strategy and a flood risk assessment. These have been examined by the Lead Local Flood Authority which has advised that as the revised layout decreases attenuation and increases impermeable area on the site that updated network calculations and possibly a resultant increase in underground storage may be required. It points out that there is ample space to do this (if it is needed), and for this reason suggests that this issue is resolved at detailed design stage. A series of standard conditions are advised.

Loss of Employment

The site is currently used for a number of small scale employment uses. There are lock up units, (understood from the applicant to be vacant), a car windscreen repair workshop and a garden centre on the site. The applicant has indicated that both the car windscreen repair company and the garden centre intend to relocate should the proposal receive permission.

It has not been possible to obtain employment numbers but it is understood that the nursery is run by a couple who employ casual staff on a seasonal basis and that the numbers employed within the windscreen business are relatively low. Nevertheless the site provides existing employment and this would be lost as part of the proposed development. This must be considered in the planning balance. The NPPF requires support for a prosperous rural economy and retaining employment uses on the site could be considered to meet this requirement.

However, this must be tempered by uncertainties about the long term future of the uses on this site, the levels of current vacancy on the site and the absence of any specific development plan protection policy for the site. In this respect it is not considered that the loss itself should be ascribed weight that would be determinative.

Noise and Lighting

The proposed development adjoins an established local football club where there is the potential for harm to amenity by virtue of noise and due to the presence of floodlighting.

The application is accompanied by a Noise Survey Report. This report looked at existing noise levels around the site and recommended that, providing the building envelope has the recommended minimum acoustic ratings, noise from football matches would not be disturbing to residents. This could be achieved using enhanced performance double glazing and acoustic trickle vents for the Loughborough Road facades and standard thermal double glazing and trickle vents for the rest of the development.

This conclusion is reached assuming a 3 metre close-boarded perimeter fence between the site and the football club and on the basis that no bedroom, living room or dining room glazing is to overlook the football club from the multi-occupancy unit.

Given these findings it is considered that suitable conditions could be attached to ensure there is no harm to the amenity of future residents as a result of noise and that the scheme complies with CS2

Lighting details from the planning application on the adjacent site, (P/16/0894/2 - installation of floodlights), indicate that light spill into the development is minimal. A contour line indicating light spillage of 5 Lux, (suitable in zone E2, zones of low district brightness, such as small villages), lies directly adjacent to part of the northern façade of the apartment block. This is the closest relationship between the floodlights and the proposed development. It is also noted that there are no windows within this part of the elevation and only doors and windows serving communal areas in the part of the elevation that lies slightly further away from the 5 lux lighting contour.

Given this context and relationship, it is not considered that there would be harm to the residential amenity of occupants of the proposed development due to the presence of the floodlighting on the adjacent site.

The proposed development would therefore provide adequate levels of residential amenity in compliance with the provisions of Policy CS2 of the adopted Core Strategy.

Planning Balance and Conclusion

The proposal would provide housing which would contribute towards the five year supply of housing land, although the weight given to this is reduced by the presence of a five year supply and due to concerns relating to deliverability. However, the scheme would provide specialist housing to meet the needs of a growing sector of the population, contributing towards a need identified in HEDNA, and this should be given significant weight in the planning balance. This is a clear positive aspect in the planning balance for the proposal.

The site is considered to relate reasonably well to the village in terms of settlement form and its existing use and adjacent development means that impacts on a potential strategic area of local separation would be limited. The design proposed is of a reasonable quality when assessed against appropriate standards and there is no harm to amenity or harm with regard to technical matters such as highway safety and capacity, drainage and land contamination, that cannot be mitigated. These issues are therefore neutral in the planning balance.

However, there would be visual impacts in the immediate vicinity of the site and whilst these are not considered to be so harmful that they should be afforded significant weight in the planning balance, they nevertheless weigh against the proposal and should be afforded some limited weight. Employment uses would be lost but, due to the limited nature of these, this is also considered to have limited weight in the planning balance. Whilst the scheme provides housing to meet a specific group and is a good mix in terms of type and size, it fails to provide any affordable housing either within the proposal or by way of a commuted sum. Although policy compliant, this aspect must also weigh against the proposal and this weight is considered to be limited.

On balance, the key benefit the scheme offers is considered to outweigh the multiple but limited areas of harm, as set out above, and the proposal is considered to comply with relevant Development Plan policies when these are taken as a whole. It is recommended that planning permission be granted subject to relevant planning conditions and a S106 legal agreement to secure an appropriate planning contribution.

RECOMMENDATION

RECOMMENDATION A:-

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

- A sum of £22,804.98 towards the provision of a patient lift at Quorn Medical Centre

RECOMMENDATION B:-

That subject to the completion of the agreement in A above, planning permission be granted subject to the following conditions:

1.	The development, hereby permitted, shall be begun not later than 18 months from the date of this permission. REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
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2.	<p>The development shall be carried out in accordance with the following plans: <i>40783 003 Site Location Plan, WM-2395-03-AC 001G Proposed Site Plan, WM-2395-03-AC 003B Boundary Treatment Plan, 40783 13A Demolition Plan, WM-2395-03-AC 001G 010F Ground and First Floor Plans, WM-2395-03-AC 011E Second Floor Plan, 2735 101 H Landscape Layout, 2735 201 G Planting Plan, WM-2395-03-AC 018B Side and rear Elevations, WM-2395-03-AC 02E Front and side Elevations, WM-2395-03-AC 012E Materials Schedule, WM-2395-03-AC 013 Bungalow Type B, WM-2395-03-AC 015 Bungalow Type F, WM-2395-03-AC 021 Bungalow Type A, WM-2395-03-AC 023 Bungalow Type C, 17-0443-210 D Proposed Private Levels, 17-0443-240 H Proposed Drainage Layout 1, 17-0443-241 A Private Drainage layout 2, 9302/01 A Tree Constraints Plan, WM-2395-03-AC 017C Sales Units, 24275B-1-2D Underground Services.</i></p> <p>REASON: For the avoidance of doubt and to make sure that the scheme takes the form agreed by the Authority.</p>
3.	<p>No development, including site clearance/demolition shall take place until a Construction Management Plan, which includes the following has been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> • Construction traffic routing • Construction traffic parking • Number and location of wheel washing facilities • Proposed hours of construction • A timetable for the provision of the construction traffic parking and wheel wash. <p>REASON: To ensure that the construction process is not harmful to amenity or highway safety. This information is required before development commences as it relates to the construction process.</p>
4.	<p>No development shall commence until detailed remediation proposals, to demonstrate how any ground gas can be reduced to acceptable levels, have been submitted to and approved in writing by the Local Planning Authority. These measures shall be put in place before any of the affected units, (those requiring mitigation measures to be installed), are occupied.</p> <p>REASON: To ensure that the site can be developed safely without harm to future occupiers. This information is required prior to commencement as it may necessitate engineering and ground works and to ensure safety during construction.</p>
5.	<p>No development shall commence until updated network calculations to demonstrate that the revised surface water drainage strategy performs within acceptable parameters have been submitted to and approved by the Local Planning Authority. In the event that these calculations demonstrate additional underground storage provision is required a revised drainage strategy shall then be submitted to and approved by the Local Planning Authority prior to the development commencing. The scheme shall be fully implemented in accordance with these approved details. .</p> <p>REASON: To ensure that there is no flooding of nearby land as a result of the development. These details are required prior to development commencing as they may necessitate ground and engineering works before construction starts</p>

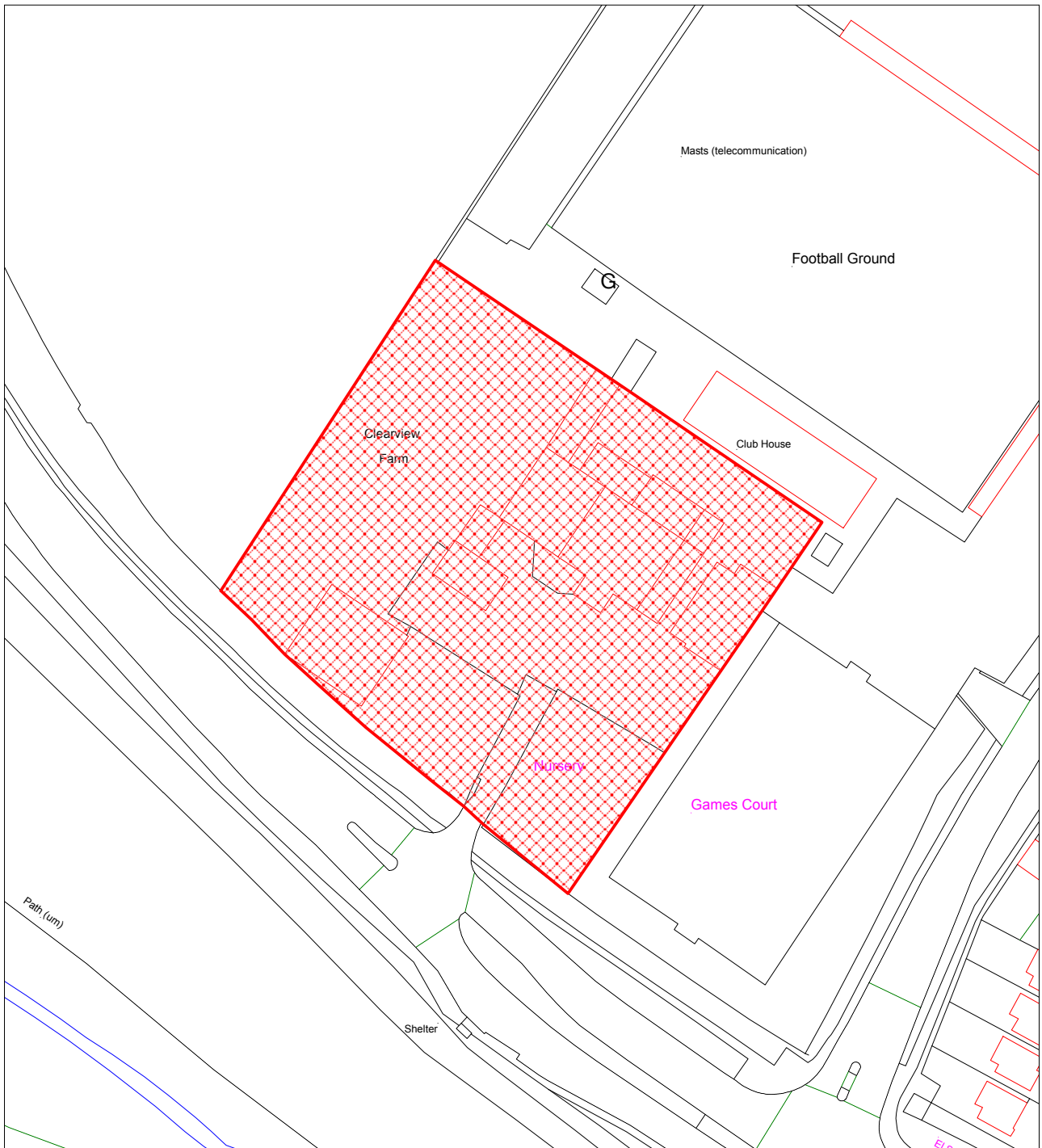
	and because elements relate to how the construction itself takes place.
6.	<p>No development shall commence until a Construction Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To ensure that there is no flooding of nearby land as a result of the development. These details are required prior to development commencing as they may necessitate ground and engineering works before construction starts and because elements relate to how the construction itself takes place.</p>
7.	<p>No dwelling or unit shall be occupied until details of secure and covered cycle parking have been submitted to and approved by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved scheme before the first 10 units are occupied and shall thereafter be so retained.</p> <p>REASON: To promote sustainable travel patterns by residents and visitors.</p>
8.	<p>No dwelling or unit shall be occupied until a scheme to improve residents accessibility to local bus services operating in the vicinity of the site, (bus accessibility scheme), has been submitted and approved by the Local Planning Authority. Those measures outlined within the bus accessibility scheme shall be carried out before the first 10 units are occupied and shall thereafter be so retained.</p> <p>REASON: To promote sustainable travel by residents and visitors</p>
9.	<p>No occupation of any unit shall take place until species details of the new trees and the understorey shrub mix, shown to be planted on the approved Landscape Layout Plan 101 H, have been submitted to and approved in writing by the Local Planning Authority. The Trees and shrubs shall be planted in accordance with these approved details by the first planting season following final occupation of the development.</p> <p>REASON: To ensure that a mix of native planting suitable for enhancing the ecological value of the site is used, as recommended within the ecological appraisal, and to ensure compliance with CS13.</p>
10.	<p>No occupation of any unit shall take place until a scheme for the incorporation of bird nest boxes and bat roost boxes within existing planting, structural planting or attached to the buildings has been submitted to and approved in writing. The measures shall be installed in accordance with the approved scheme before final occupation of the development.</p> <p>REASON: To ensure that measures for enhancing the ecological value of the site are used, as recommended within the ecological appraisal, and to ensure compliance with CS13.</p>
11.	<p>No occupation of any unit shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all the communal landscape areas has been submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall thereafter be fully implemented.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.</p>
12.	<p>No occupation of any of the bungalows shall take place until the parking and turning facilities for that unit have been provided and made available for use. The parking and turning facilities shall thereafter be permanently kept available.</p>

	REASON: To ensure adequate off street parking is provided in the interest of highway safety.
13.	No occupation of any of the apartment units shall take place until at least 10 parking spaces to serve the apartment block have been provided and made available for use. Thereafter the remaining apartment block parking spaces shall be provided as follows: 10 spaces – prior to occupation of the 25 th unit 16 spaces – prior to occupation of all the units. The parking and turning facilities shall thereafter be permanently kept available. REASON: To ensure adequate off street parking is provided in the interest of highway safety.
14.	The development shall only be occupied by households where at least one resident within each household is aged 55 or over. REASON: Planning permission has been granted for the development on the basis that it meets a specific need for housing for older people and accordingly that it seeks to provide an appropriate mix of housing in accordance with policy CS3.
15.	The development shall be carried out in accordance with the following recommendations set out within the submitted Noise Survey Report: <ul style="list-style-type: none"> • Using enhanced performance acoustic double glazing and acoustic trickle vents for the bungalows on plots 10-12 and for the apartment block façade that faces Loughborough Road. • Using standard thermal double glazing and standard trickle vents for the remainder of the development • A 3m acoustic fence is erected to the north east boundary as shown on boundary treatment plan WM-2395-03-AC 003 B • No bedroom, living room or dining room windows within the apartment block overlook the football club. REASON: To ensure there is no harm to the amenity of future occupiers
16.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order, with or without modifications, no enlargement, improvement or other alteration of any of the bungalows shall be carried out and no building, enclosure or other structure shall be erected within the private garden areas of these dwellings. REASON: The bungalows are located on small plots where extensions or garden structures ordinarily permitted under permitted development rights may be harmful to the amenity of adjacent dwellings.

The Following Advice notes will be attached to the decision

1	The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
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2	<p>DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION - Policies CS1, CS2, CS3, CS10, CS11, CS12, CS13, CS15, CS16, CS17, CS18, CS24 and CS25 of the Charnwood Local Plan 2011-2028 Core Strategy, EV/1, ST/2, CT/1, CT/2 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and the National Planning Policy Framework have been considered in reaching a decision on this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.</p>
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Item No. 5

Application Reference Number P/17/2591/2

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

Background

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

Description of the Site

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

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

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

Description of the Proposal

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

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

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

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

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

The application is accompanied by a number of supporting documents.

Policy Context

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

Development Plan Policies

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

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

Policy EV/1 – Design seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features.

Developments should meet the needs of all groups and create safe places for people.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Material Considerations

National Planning Policy Framework (NPPF revised July 2018)

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

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

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

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

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

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

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

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

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

S106 Developer Contributions Supplementary Planning Document (adopted 2007)

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

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

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

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

Leading in Design Supplementary Planning Document (February 2006)

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

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

Housing Supplementary Planning Document (Revised December 2017)

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

Burton on the Wolds Village Design Statement

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

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

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

Relevant Planning History

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

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

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

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

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

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

An appeal against this refusal was subsequently withdrawn.

Responses of Statutory Consultees

Campaign for the Protection of Rural England (CPRE)

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

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

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

Burton on the Wolds, Cotes and Prestwold Parish Council

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

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

Historic England

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

Natural England

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

Environment Agency

The Environment Agency has made no comments.

Leicestershire and Rutland Bridleways Association and British Horse Society

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

Leicestershire County Council (Library Services)

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

Leicestershire County Council (Waste Management)

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

Leicestershire County Council (Lead Local Flood Authority)

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

Charnwood Borough Council (Open Spaces)

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

Leicestershire County Council (Children & Family Services)

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

Leicestershire County Council (Highway Authority)

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

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

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

Leicestershire County Council (Access & Development Officer)

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

Leicestershire County Council (Landscape Officer)

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

Other comments received

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

Nicky Morgan MP

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

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

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

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

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

Consideration of the Planning Issues

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

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

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

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

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

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

Other issues relate to:

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

The Principle of the Development and Housing Land Supply

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Charnwood comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015) and those saved policies within the Local Plan which have not been superseded by the Core Strategy. The vision within the Core Strategy (2015) confirms that by the end of the plan period Charnwood aims to be one of the most desirable places to live, work and visit in the East Midlands. To achieve this development will have been managed to improve the economy, quality of life, the environment and biodiversity. The presumption in favour of sustainable development is reinforced in paragraph 11 of the NPPF.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Impact upon Sustainability of Burton on the Wolds

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

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

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

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

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

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

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

Impact on character of the existing landscape and surrounding countryside

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

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

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

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

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

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

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

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

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

Impact on Setting of Heritage Assets

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Transportation and Highway Safety

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

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

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

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

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

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

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

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

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

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

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

Loss of agricultural land

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

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

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

Implications for Biodiversity

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

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

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

Other Issues

Floodrisk/Drainage

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

Design of the development and the effect on residential amenity

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

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

Conclusion

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

RECOMMENDATION

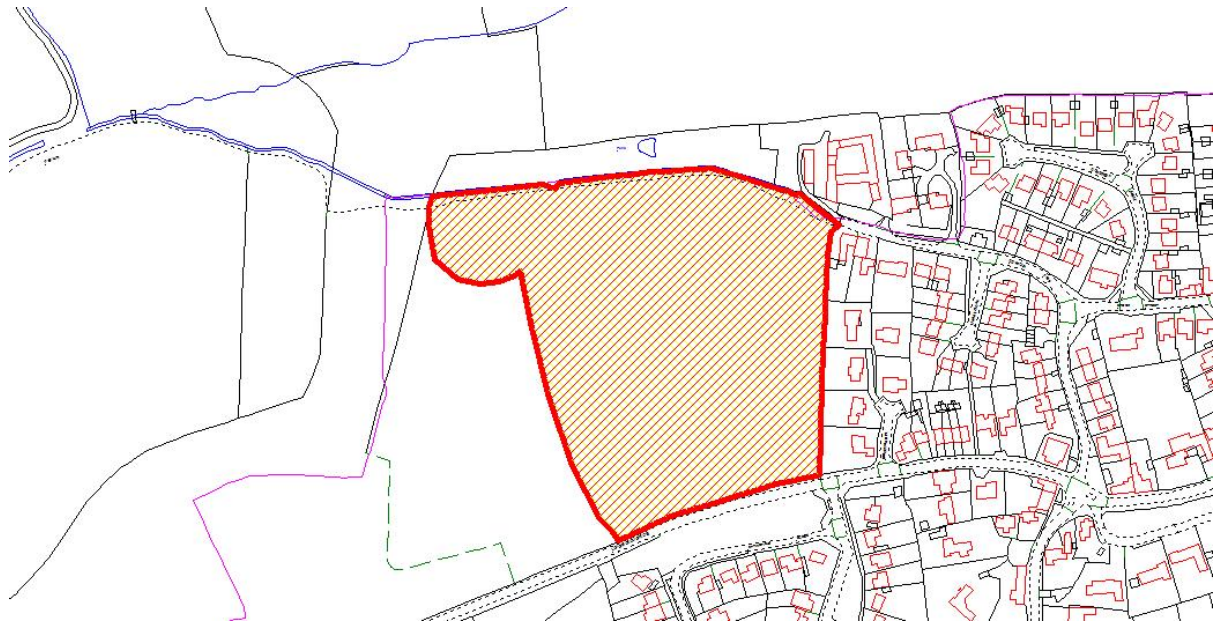
That the Planning Inspectorate be informed that had the Local Planning Authority been given the opportunity to determine the application then planning permission would have been refused for the reasons set out below:

Reasons for refusal

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

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

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



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Delegated planning decisions made by Charnwood Borough Council since the last Plans Committee meeting

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/18/0072/2	Full	80 Main Street Woodhouse Eaves Leicestershire LE12 8RZ	Erection of 2 detached dwellings to land rear of 80 Main Street.	Permission refused	03-Oct-2018	Forest Bradgate
P/18/1637/2	Full	Trinity College Moor Lane Loughborough Leicestershire LE11 1BA	Variation of condition 1 of P/16/0811/2 to allow the retention of the temporary classroom buildings and temporary toilet building on site until July 2022.	Permission granted subject to conditions	10-Oct-2018	Loughborough Hastings
P/18/1620/2	Full	19 The Leys Hathern Leicestershire LE12 5HX	Erection of one detached dwelling (Substitution of house type - P/15/2289/2 refers) (Plot 4)	Permission granted subject to conditions	11-Oct-2018	Loughborough Hathern & Dishley
P/18/1067/2	Full	Synergy House Lisle Street Loughborough Leicestershire LE11 1AW	Change of use of second floor from commercial to residential (use class C3) to create nine self-contained apartments and refurbishment and cladding of exterior of building.	Permission granted subject to conditions	05-Oct-2018	Loughborough Lemyngton
P/18/1662/2	Full	339 Beacon Road Loughborough Leicestershire LE11 2RA	Erection of two dwellings and associated access and parking arrangements including part demolition of existing house and erection of garage for existing house	Permission refused	11-Oct-2018	Loughborough Outwoods
P/18/1629/2	Full	School Of Art And Design Radmoor Road Loughborough Leicestershire LE11 3BT	Provision of five space car park	Permission granted subject to conditions	16-Oct-2018	Loughborough Southfields

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/18/1667/2	Full	146 Knightthorpe Road Loughborough Leicestershire LE11 5JU	Amendment to P/16/2208/2 (Removal of condition 4 and variation of condition 6).	Permission granted subject to conditions	11-Oct-2018	Loughborough Storer
P/17/0838/2	Full	Land off Charley Road Charley Leicestershire LE12 9YB	Retention of change of use from agricultural to equestrian and provision of graveled area.	Permission granted subject to conditions	08-Oct-2018	Shepshed East
P/17/2612/2	Full	Land off Seagrave Road Seagrave Road Sileby Leicestershire	Creation of playing field including sports pitch with associated boundary fence, footpath link and drainage.	Permission granted subject to conditions	04-Oct-2018	Sileby
P/18/1551/2	Full	1120 Melton Road Syston LE7 2HA	Single storey extension to side/rear of premises	Permission granted subject to conditions	04-Oct-2018	Syston West
P/18/1586/2	Full	Unit 46 The Half Croft SYSTON LEICESTER LE7 1LD	Insertion of window into first floor office space	Permission granted subject to conditions	05-Oct-2018	Syston West
P/18/1346/2	Full	155 Humberstone Lane Thurmaston LE4 8HP	Installation of new 7.7m high gas tank and associated compound. Relocation and upgrade of 2 spray booth flues and the replacement of cowls to two other existing flues.	Permission granted subject to conditions	04-Oct-2018	Thurmaston
P/18/0187/2	Full	Land to r/o 28 and 30 Main Street Cossington LE7 4UU	Erection of a detached dwelling.	Permission refused	05-Oct-2018	Wreake Villages