



**PLANS COMMITTEE**

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To: Councillors Bentley (Vice-Chair), Campsall, Capleton, Charles, Forrest, Fryer (Chair), Grimley, Lowe, Ranson, Savage, Tassell, Tillotson and Ward  
(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 Virtual Meeting - Zoom on Monday, 29th March 2021 at 5.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

19th March 2021

**AGENDA**

1. APOLOGIES
2. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8  
  
No questions were submitted.
3. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

4. PLANNING APPLICATIONS

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

## Charnwood Borough Council

### Plans Committee – Monday 29<sup>th</sup> March 2021

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1	P/20/1347/2	Strata 62 Iveshead Road Shepshed  Erection of 63 dwellings following the demolition of 62 Iveshead Road; to include associated vehicular access, open space, landscaping and drainage infrastructure. (Revised scheme: P/17/1935/2 refers).	Grant Conditionally subject to S106	4
2	P/20/2044/2	Davidsons Developments Ltd Land off East Road Wymeswold  Outline application for the erection of 45 new dwellings, all matters reserved except access (revised scheme, P/18/0081/2 refers).	Grant Conditionally subject to S106	32
3	P/20/2373/2	Swithland Homes Land to the rear of 83-89 Loughborough Road Hathern  Site for the erection of up to 18 dwellings (Outline planning application considering access)	Grant Conditionally subject to S106	63
4	P/20/2124/2	Mr D Knight Land adjacent to 6 Gisborough Way Loughborough  Erection of one dwelling - variation of Condition 9 of planning permission reference P/19/0920/2 - erection of boundary fences.	Grant Conditionally	90

## Item No. 1

**Application Reference Number** P/20/1347/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	18/8/2020
<b>Applicant:</b>	Strata Homes Ltd		
<b>Proposal:</b>	Erection of 63 dwellings following the demolition of 62 Iveshead Road; to include associated vehicular access, open space, landscaping and drainage infrastructure. (Revised scheme: P/17/1935/2 refers).		
<b>Location:</b>	Land to the rear of 62 Iveshead Road Shepshed LE12 9ER		
<b>Parish:</b>	Shepshed	<b>Ward:</b>	Shepshed West
<b>Case Officer:</b>	Lewis Marshall	<b>Tel No:</b>	07714846497

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## Background

This application has been brought to plans committee as it relates to a major housing development outside current limits to development. It has also been called in by Ward Councillor Popley for the following reasons;

- Concerns with the proposed designs / layout of the new dwellings, both of the house types proposed and also, positioning of different house types, including social housing;
- Significant change to the current layout of the current street scene/locality;
- Adverse effect to the natural habitat; and,
- Traffic concerns from both commuter traffic and those accessing the site.

## Description of the Application Site

The application site comprises of two fields located behind and to the east of an existing row of bungalows on Iveshead Road, Shepshed. The western field, now open land, was a former nursery/market garden. The southern site boundary is defined by trees and hedgerows beyond which lies Iveshead Lane, a narrow country lane and the open countryside. The northern and eastern site boundaries are shared with Morley Quarry, a now disused quarry and Local Wildlife Site. The site is within the Charnwood Forest, a distinct character area which is part of the National Forest.

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

## Description of the Proposal

The application seeks full planning permission for the erection of 63 dwellings with access obtained from Iveshead Road following the demolition of 62 Iveshead Road.

The proposal also includes the provision of SUDs features and onsite open space. The proposal seeks to provide 20% (13) affordable units.

The application includes the following supporting documents & plans:

- Application form
- Site location Plan – red line
- Design and Access Statement
- Transport Statement and Travel Plan
- Flood Risk Assessment & Drainage Strategy
- Drainage Impact Assessment
- Ecological Appraisal and Biodiversity Impact Assessment (BIA)
- Arboricultural Assessment and Tree Protection Plan
- Archaeological Assessment
- Ground Gas Monitoring report
- Geo-Environmental Investigation Reports (Phase 1 and 2)

## **Development Plan Policies**

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

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

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

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

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

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

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

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

Policy CS17 *Sustainable Travel* – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 – *The Local and Strategic Road Network* – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

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

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

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

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

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

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

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

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

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

#### **Other material considerations**

##### The National Planning Policy Framework (NPPF 2019)

The NPPF sets out the government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the

NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

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

*Section 5: Delivering a sufficient supply of homes*

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

*Section 8: Promoting healthy and safe communities*

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

*Section 9: Promoting Sustainable Transport*

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

*Section 12: Requiring well-designed places.*

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

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

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

Planning Practice Guidance

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

### National Design Guide

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

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

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

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

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

### Design Supplementary Planning Document (January 2020)

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

### Leicestershire Highways Design Guide

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

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

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

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

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example



where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

### Protection of Badgers Act 1992

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

### Equality Act 2010

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

### The Draft Charnwood Local Plan 2019-36

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

## **Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
Leicestershire Lead Local Flood Authority - LCC	Confirms that the site is in flood zone 1 and accepts the findings of the submitted ground investigations report and the proposed drainage strategy. Does not object to the proposal and suggests conditions.
Housing Strategy & Support CBC	Seeks 20% affordable housing on the site at an appropriate mix and with 50% for rent and 50% for shared ownership. The layout and clustering broadly complies with the housing SPD.
Environmental Protection - CBC	Does not raise any objections to the application.
Open Spaces – CBC	Does not raise any objections to the application. Seeks contributions towards offsite open space where need is not met on site in accordance with policy CS15. <ul style="list-style-type: none"> <li>• Provision for young people - £60,101 to be spent within Shepshed e.g. Skate Park.</li> <li>• Outdoor Sport - £15,351 to be used to implement recommendations of the Charnwood PPS 2018 e.g. Ancillary provision at Morley Lane Cricket</li> </ul>

	<p>Ground</p> <ul style="list-style-type: none"> <li>• Allotments - 7,114 for the creation of additional plots within Shepshed.</li> <li>• Natural and Semi-Natural Open Space e.g. improvements at Morley Quarry (at a cost of £14,322)</li> <li>• Indoor sport - 1.52 sq m pool space at a cost of £28,572), 0.04 indoor courts (at a cost of £27,611 and 0.01 Indoor Bowls Rinks (at a cost of £4,077).</li> </ul>
Environment Agency	Does not object to the application and confirms there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.
Leicestershire County Council, (LCC) - Highways	Does not object to the proposal. The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Conditions are recommended and financial contributions requested.
LCC Education	Seeks contributions of £275,788.80 towards remodelling and improving capacity at Newcroft Primary School, Oxley Primary School or St Boltoph's Primary School. Seeks contributions of £228,286.80 towards remodelling and improving capacity at Iveshead Secondary School.
LCC Libraries	Seeks a contribution of £1,900 towards library facilities at Shepshed Library.
LCC Civic Amenity	Seeks a contribution of £2691.00 towards increasing capacity at Shepshed Household waste and Recycling Centre.
Shepshed Town Council	Objects to the application on the grounds that the scale of the properties are not in keeping with the surrounding area, windows overlook existing properties, the design is poor and styles limited. The affordable house types are clustered together, lack of local facilities to serve new residents, insufficient existing drainage, and insufficient capacity on the local highway network. Existing trees should be TPO'd and the Hedge protected during site works. No vehicular access onto Iveshead Lane, Housing Mix is not in accordance with HEDNA. Requests that off site open space provision for young people is spent on Shepshed Skate Park.
Leicestershire Police	Do not object to the development in principle but makes suggestions relating to detailed design.
Ward Councillor Popley	Concerns with the proposed designs / layout of the new dwellings, both of the house types proposed and also, positioning of different house types, including social housing; Significant change to the current layout of the current street scene/locality;

	Adverse effect to the natural habitat; and, Traffic concerns from both commuter traffic and those accessing the site.
NHS CCG	Seek a contribution of £34,274.04 towards improving the capacity of Field Street and Forest House GP surgeries.
Jane Hunt MP	Writes to express support for a resident who has raised objections to the application.
The National Forest Company	Raises no objection in principle but makes suggestions around design and landscaping.

### Other Comments Received

26 objection letters have been received from local residents. The list below summarises the areas of concern that have been raised by residents with regard to the application. Please note that residents' comments can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

- Impact on the countryside
- Impact on the landscape
- Heights of building out of character with area
- Overdevelopment of the site
- Design of house types out of character with area
- Development does not reflect the style of the Charnwood Forest
- Flood risk
- Concerns regarding drainage capacity and surface water flooding
- Concerns regarding capacity of the highway network
- Concerns regarding highway safety
- Lack of infrastructure for additional population
- Location of affordable housing
- Unsustainable location
- Lack of need for additional housing
- Housing mix does not meet current needs
- Loss of privacy
- Overbearing impacts
- Loss of trees
- Harm to ecology
- Noise and disturbance during construction
- Urban sprawl - coalescence of Shepshed and surrounding settlements

### Planning History

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

Reference	Application	Decision
P/19/1223/2	Demolition of bungalow at 62 Iveshead Road (Prior notification)	Prior Approval of Details not required 29/08/2019
P/17/1935/2	Demolition of no.62 Iveshead Road and erection of 67 dwellings with associated vehicular access, open space, landscaping and drainage infrastructure.	Refused 20/03/2020
P/16/1980/2	Erection of 71 dwellings (Reserved Matters - Outline application P/14/0777/2 refers)	Refused 29/03/2017 and appeal dismissed
P/14/0777/2	Site for the erection of 103 dwellings following demolition of 62 Iveshead Road.	Refused 26/11/2014 Appeal allowed

### Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that several of these plans are over 5 years old; therefore it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly there is no reason to reduce the weight given to them.

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

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

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application.

The main issues are considered to be:

- The principle of the proposed development;

- Design, Layout and Landscape & Visual Impact
- Open space
- Residential Amenity
- Housing Mix
- Transport and Highway Impact
- Ecology and Biodiversity
- Flood risk/drainage
- Infrastructure
- Other matters

### **Principle of the proposed development**

The vision for the Borough as set out in the Charnwood Local Plan 2011-2028 Core Strategy (2015) confirms that by the end of the plan period Charnwood will 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 and the environment.

CS1 represents the strategic vision of the borough and is an expression of a sustainable growth pattern. 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 the smaller villages. In doing so it provides for at least 5000 new homes within or adjoining Loughborough and Shepshed. Approximately 1200 of these homes will be provided within and adjoining Shepshed. The local planning authority can currently demonstrate 4.1 years housing land supply and the Core Strategy is more than five years old. Accordingly, policy CS1 carries only moderate weight. At the last full monitoring period (March 2020) there had been 1,137 commitments and completions within and adjoining Shepshed. The proposal for 63 units would not therefore be adrift from the aims and objectives of Policy CS1 of the CS in respect of the number of units expected to be provided within and adjoining Shepshed over the plan period.

The site is located outside of the defined settlement limits of Shepshed and in the countryside as defined by saved policy ST/2. The proposal would not accord with the provisions of CT/1 in respect of development in the countryside. Due to their age and consistency with the NPPF, they carry moderate weight and any harms arising from the conflict with these saved policies will need to be considered in the overall planning balance. Paragraph 68 of the NPPF states that small and medium size sites can make an important contribution to meeting housing requirements and are often built out quickly. Support should be given to windfall sites through policies and decisions.

Planning permission has been granted on appeal in 2016 for a development of 77 houses. This appeal was allowed as an acceptable “windfall development” at a time when the council could demonstrate a 5 year supply of housing and had recently adopted the current Core Strategy. The benefits of the scheme, including the provision of 30% affordable housing were given significant positive weight in the determination of the appeal and planning permission was duly granted. This is a significant material consideration in the determination of this application. For this

reason, it is not considered that any conflict with CS1 or ST/2 would justify a reason to refuse planning permission taking into account the previous decision of the Planning Inspectorate. The proposed site is considered to be in a sustainable location and the principle of development is therefore considered to be acceptable.

#### Design, Layout and Landscape Impact

Local Plan Policy CS2 seeks to require high quality design where people would wish to live through design that responds positively to its context. Policy CS11 seeks to protect landscape character and countryside. The Charnwood Landscape Character appraisal describes this area of the Charnwood Forest a lower lying, predominantly open, arable landscape with some small pockets of pasture and small blocks of ancient woodland. The character area lies between central upland areas to the south and the wider lowland to the north. This area is heavily influenced by settlement from the urban edges of Shepshed and Loughborough. This area of the Charnwood Forest is defined by its distinctive vernacular style typically consisting of slate roofs, red brick and use of granite stone.

The site is located within the National Forest and within an area of Shepshed that is defined by its edge of countryside location. The character of the built environment is defined by a mix of house styles, ages and forms, albeit those immediately abutting the application site are predominantly bungalows and 1.5 storey properties set within deep frontages and spacious plots. Iveshead Road is also defined by its verdant character with deep grass verges and boundary hedgerows.

The proposed house types are predominantly constructed in brick and tile and the majority are designed with a vertical emphasis, many of which are 2.5 storeys in height with wide side gables. However these more urban forms are interspersed with more traditionally styled double fronted and two storey dwellings with dormer windows which are more appropriate to the edge of countryside location and the built forms found elsewhere along Iveshead Road. The stylistic mix of house types therefore relates to the predominantly rural character of the area and the distinctive use of materials found within this location on the edge of the National Forest. The design of the proposed house types therefore preserves the character of the area in accordance policy CS2 of the Core Strategy.

Whilst objections have been received in respect of the heights of the buildings and the subsequent impact on the countryside landscape, the majority of the 2.5 storey dwellings proposed are located away from existing properties, away from the edges of the site and follow the topography of the site. As such would not appear unduly prominent in the immediate or wider landscape. A view consistent with previous appeal decisions related to this site.

The proposed layout is largely focused around the different areas of public open space which connectivity within and around the site has been improved from submission with the introduction of pedestrian connectivity points and via a new pedestrian access to Iveshead Lane. It is considered that the design of the proposed layout is broadly compliant with the Design SPD and would result in a high quality environment with good access to the countryside and opportunities for social interaction.

Policies CS2 and CS11 of the Core strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Arboricultural survey work submitted with the application shows that the majority of the trees and hedges within the site are to be retained save for the removal of 13 trees and three sections of hedgerow to allow access.

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

It is therefore considered that the proposal would not result in adverse or unacceptable landscape or visual impact in accordance with policy CS11. It is also considered that the proposed house types and layout broadly respects the rural location within the National Forest and therefore accords with policy CS2 of the Core Strategy, EV/1 of the Local Plan and the Design SPD.

#### Open Space

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. The proposal includes several different areas of Public Open Space with varying functions in order to meet the different typology requirements expected by Policy CS15. The proposed LEAP is located to the north of the main access road in a highly visible and accessible location for all properties. Full details of the landscaping in and around the LEAP will be required by planning condition. Smaller overlooked areas of amenity green space are proposed within other areas of the development. Full details of long term management responsibilities of open space will be required by Planning condition and secured via the section 106 agreement.

Overall it is considered that the development would provide good quality open space proportionate to its size and accordingly the proposal is considered to comply with policies CS15 of the Core Strategy. Conditions are recommended in terms of securing of the detailed landscape design and long term management responsibilities

#### Residential Amenity

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance in order to ensure an adequate level of amenity.

Objections have been received from neighbouring properties that abut the site with concerns raised over the height and scale of the properties in relation to boundaries which they consider would result in loss of light and overshadowing of their properties.

Properties along Iveshead Road benefit from large rear gardens, and together with the proposed landscape buffer along the site’s western boundary will effectively separate and screen the development to prevent undue overlooking, loss of privacy, overbearing or loss of light. Bungalows are proposed adjacent to those 1.5 storey properties within the Pastures. Accordingly the layout of the proposed development has been designed to accord with the guidance contained within the Charnwood Design SPD and is considered acceptable in these regards.

The proposed access road will be situated between 60 and 64 Iveshead Road and therefore noise, disturbance and possible vibration from passing vehicles is a consideration. However, given the width of the access road and the intervening footpath and landscaping, it is not considered that the noise and disturbance would result in unacceptable impact to justify a refusal of planning permission. The Council’s Environmental Health Officer consulted as part of the application has raised no objections on grounds of noise or disturbance.

Overall, it is considered that the development would comply with policy CS2 of the Core Strategy and would not have a detrimental impact on residential amenity in terms of loss of light, over dominance or loss of privacy.

Housing Mix

Policy CS3 seeks an appropriate mix of housing having regard for identified housing need. Housing need in Charnwood is identified by the Housing and Economic Development Needs Assessment 2017 (HEDNA). This forms the evidence base for the policy, is up-to-date and should be given significant weight in the determination of planning applications. When seeking an appropriate mix, regard should be had for a number of factors which include the nature of the development site and the character of the wider area, as well as economic viability. Policy CS3 also requires that 20% of dwellings within new developments at Shepshed be affordable dwellings.

The surrounding area consists of a low density mix of dwellings in terms of size and type of housing, the mix proposed within the site should therefore reflect this. The site is also located on the edge of the settlement and therefore it would be expected that a proportion of larger 4+ bed detached properties be located at the edges of the site. The open market housing mix as proposed is set out below:

*Open Market Housing*

No. of beds	Proposed scheme %	HEDNA suggested %
1	0%	0%-10%
2	0%	25%-35%
3	62%	45%-55%
4+	38%	10%-20%

The proposed open market housing mix is therefore moderately adrift from the needs identified by HEDNA. However, Policy CS3 also requires that regard be given to the character of the area. It is considered that broadly speaking, the proposed open



market housing mix is acceptable on account of the sites location and that the mix represents the right balance between meeting identified needs and respecting the character, density and pattern of development in the surrounding area.

#### *Affordable Housing*

No. of beds	Proposed scheme %	HEDNA suggested %
1	0%	40-45%
2	76%	20-25%
3	24%	25-30%
4+	0%	5-10%

In terms of the location and distribution of the affordable housing, the housing SPD seeks to ensure the affordable housing is not distinguishable from the open market housing and should be in contiguous groups of no more than 10. The proposal complies with the housing SPD in this regard. The Council's Affordable Housing Strategy Manager has been consulted on the proposals and supports the mix, distribution and tenure proposed. Whilst the affordable housing mix is not strictly in accordance with the suggested HEDNA mix, HEDNA looks at borough wide need and does not take into account sub-local need. Furthermore, HEDNA is a material consideration but not a determinative factor in the decision. Taking the above into account the mix proposed is acceptable.

In conclusion, Overall, when considering policy CS3, the Housing SPD it is considered that the proposal accords with the development plan in respect of housing mix.

#### Transport and Highway Impact

In accordance with Policies CS17 and CS18 of the Core Strategy and Policy TR/18 of the Local Plan, applicants need to demonstrate sustainable travel options and demonstrate that a safe and suitable access can be provided. Paragraph 108 and 109 of the NPPF.

The Highway Authority has assessed the Transport Assessment and Travel Plan submitted in support of the application together with further additional information and evidence requested and submitted throughout the course of the application. It is considered that the number of dwellings proposed would not cause severe or unacceptable impact on the highway network and that the proposed access from Iveshead Road is acceptable. Furthermore, there is sufficient parking provided commensurate with the number and size of dwellings proposed. The Local Highway Authority raises no objection to the application subject to conditions. The Local Highway Authority has recommended a condition that restricts any pedestrian access onto Iveshead Lane. However, after discussions with the Local Highway Authority it was not considered that this condition is required in order to make the development acceptable in planning terms and would provide benefits for future residents that would far outweigh any minor risks to pedestrian or highway safety. Exact details of proposed pedestrian access are to be required prior to the commencement of development.

It is considered that subject to appropriately worded conditions the proposal would accord with Paragraphs 108 and 109 of the NPPF, policy CS17 of the CS and saved

policy TR/18 of the Local Plan in respect of parking, access and highway safety. Financial contributions requested by the local highway authority to mitigate the impacts of the development are considered below.

### Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. This policy generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The application site is located adjacent to the Morley Quarry Local Wildlife Site. The application is supported by an Ecological Appraisal and Biodiversity Impact Assessment. The scheme has been amended to mitigate impact on biodiversity as much as possible on site and it is considered that with the use of conditions to secure appropriate landscaping and management and the submission of a mitigation strategy, there would be a 20% net loss of biodiversity on site. The applicant is therefore proposing an offsite contribution of £255 799.00 for habitat creation and enhancement offsite in order to adequately mitigate the impacts of the development. Subject to the completion of a S106 agreement, the proposal would accord with Policy CS13 and Paragraph 175 of the NPPF.

### Drainage

Policy CS16 of the Core Strategy seeks to ensure that development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The site lies within flood zone 1 where the risk of flooding is generally low. The application includes a drainage strategy to ensure that drainage problems are not created in the surrounding area. The strategy suggests that surface water would be collected within a detention basin at the lowest part of the site and discharged at a controlled rate into an onsite ditch. This rate would be equivalent or less than greenfield run off rate.

The Lead Local Flood Authority does not object to the submitted drainage strategy although it does suggest a number of planning conditions.

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

Objections have been raised in respect of existing surface water flooding that occurs within the locality. Residents have also raised concerns that the existing combined sewer is poorly maintained and is not able to cope with existing flows. Severn Trent Water who is believed to be responsible for the drain has been consulted as part of the application and raises no objection. It is considered that the proposed development will not exacerbate existing offsite drainage issues experienced by local

residents and could improve the current situation by more effectively diverting and controlling surface water into the proposed onsite drainage basin.

The application is therefore considered to accord with policy CS16 in respect of drainage subject to conditions to secure implementation and maintenance of the drainage scheme, in the event that planning permission is granted.

#### Section 106 Contributions

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. This would be in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate to the impact of the proposals. The following contributions have been requested;

<b>Organisation requesting contribution</b>	<b>Amount</b>	<b>Location of spend</b>	<b>CIL assessment</b>
Affordable Housing	20% requested	On site	The requested provision on site is in compliance with Policy CS3.  Recommendation: CIL compliant
West Leicestershire Clinical Commissioning Group (Healthcare)	£34,274.04	The proposed site is within the practice boundary of the two GP practices in Shepshed located at Leicester Road and Field Street. The Off-site contribution would contribute towards healthcare enhancement at the two practices in order to meet the demands of the development.	The requested funds are needed to improve capacity at nearby primary healthcare services in order to mitigate the impacts of the development.  Recommendation: CIL compliant
Leicestershire County Council Education	£504,075.60	Improvements to capacity in primary and Secondary education within Shepshed where there would be a deficit of pupil places following the	Newcroft, Oxley, St Botolph's, St Winefride's and Iveshead Schools fall within the catchment of the application site and therefore is directly related in

		completion of the development.	scale and kind to the development proposed.  Recommendation: CIL compliant
Leicestershire County Council Library Services	£1900	The contribution is sought for research e.g. books, audio books, etc. for loan and reference use to account for additional use from the proposed development.	The development will impact on local library services in respect of additional pressures on the availability of local library facilities  Recommendation: CIL compliant
Leicestershire County Council Highways	<p>Travel Packs: one per dwelling at £52.85 per pack</p> <p>Bus Passes: 6 month bus passes, two per dwelling at £360 per pass</p> <p>Raised kerb provision at the nearest 2 bus stops at a cost of £3,500</p> <p>A512/ Charnwood Road/ Iveshead Road – the sum of £75,863.63 towards the highway improvement works.</p> <p>A512/ Leicester Road/ Ingleberry Road – the sum of £103,784.23 towards</p>	<p>Travel packs: Provision for new residents of the development</p> <p>Bus passes: Provided to new residents of the development</p> <p>Ashby Road West and Charnwood Road to support modern bus fleets with low floor capabilities.</p> <p>Highway improvements along the A512 in close proximity to the application site.</p>	<p>The contributions would contribute towards sustainable travel choices in accordance with Policy CS17 of the CS and the NPPF.</p> <p>Recommendation: CIL compliant</p> <p>Recommendation: CIL compliant</p> <p>Recommendation: CIL compliant - These works are currently under construction and have been forward funded by the County Council. It is considered that the works are directly related to the</p>

	the highway improvement works.		development and subject to further evidence as to how the sum has been calculated, the contribution is considered to be fairly and reasonably related in scale.
Leicestershire County Council Waste Services	£2691.00	Improvements to capacity at Shepshed refuse site	The development is located in close proximity to the waste site and is likely to increase its amount of usage. The contribution is therefore fairly and reasonably related in scale and kind to the development proposed  Recommendation: CIL compliant
Charnwood Borough Council Open Spaces	On site provision and £157,148.00 for off-site improvements	Parks, Amenity Green Space and Provision for Children (LEAP) is to be met on site. The remaining typologies (provision for young people, Natural and Semi Natural Open Space and Outdoor and indoor sports facilities and allotments) are being met off site with contributions requested totalling £157,148.00	In accordance with policy CS15 of the CS, on site public open space is to be provided. The Councils Open Spaces Team has confirmed a number of projects which the off-site contribution could fund and it would be within the vicinity of the site. Requests for off-site indoor sport are calculated using a national methodology and do not take account of local needs or circumstances and therefore are not CIL compliant.  Recommendation: Partially CIL

			compliant
The University of Hospitals of Leicester NHS Trust	£21,842.00	Sought will go towards the gap in the funding created by each potential patient from this development.	Recommendation Not CIL compliant
CBC Biodiversity	£255 799.00	For habitat creation and enhancement offsite in accordance with Policy CS13 and the NPPF.	Recommendation: CIL compliant

In respect of the request made by NHS University Hospitals Leicester, there are two main issues which arise in the context of the request for a contribution; Whether the contribution sought makes up funding which is intended to be provided through national taxation and therefore can lawfully be made subject to a valid s106 obligation having regard to the requirement such payments must serve a planning purpose and have a substantial connection to the development, and whether the contribution sought is in any event meets the requirements of reg. 122 of the Community Infrastructure Levy Regulations 2010 by reference to the requirements of whether they are (a) necessary to make the development acceptable in planning terms (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

In considering whether the contribution would make up a funding gap, in the case of this site, it is considered that the site has been committed previously of which consent lapsed in 2018 therefore it must be reasonably expected that the site would deliver housing units and increased population in the short to medium term. It has not been demonstrated that the previously committed development has not been considered and accounted for in any funding gap that may be created by the development of the application site. Furthermore, should planning permission be granted, the units proposed by this development may not be delivered for at least three years as the applicant has the right to implement the consent up to 3 years following the granting of any consent. When taking into account typical construction periods, it is has not been demonstrated that the NHS university hospitals could not seek the funding gap created by the development. It is not therefore considered that it has been demonstrated that this development would result in a shortfall in funding in the short term. Therefore, it is also not considered that the request made by NHS University Hospitals Leicester would be CIL Regulation compliant, in that it would not make an otherwise unacceptable development acceptable and therefore cannot be requested.

Work has commenced on the scope of a draft section 106 Agreement and the applicant has agreed to the contributions requested or required by the relevant planning policies. The proposed development does therefore mitigate the impacts of the development or make an otherwise unacceptable development acceptable in planning terms.

Planning Balance and Conclusion

Overall, the proposal has been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

The application would contribute 63 dwellings to the Council’s Housing Land Supply, including 20% affordable housing. Without a 5 year housing land supply this should be attributed significant positive weight.

The development would support jobs and the local economy, during construction and with lasting benefits of expenditure and employment of residents. This should be given limited positive weight.

The proposed green infrastructure, which includes open spaces would contribute to the health and well- being of existing and new residents. This should be given limited positive weight.

Negatively, the proposal would result in loss of countryside and agricultural land, and the impact on ecology would in the short term attract negative weight but with the offsite contribution agreed, harm can be mitigated in accordance with para 175 of the NPPF and CS13 of the Core Strategy.

It is therefore concluded that the adverse impacts of granting planning permission would not significantly outweigh the benefits that the scheme would offer at a time whereby the council is not able to demonstrate a five year supply of housing land and Policy CS1 of Core Strategy is considered to be out of date. The proposal would therefore constitute sustainable development as defined by paragraph 8 of the NPPF.

The application is therefore recommended for approval subject to conditions.

**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:

Education	£504,075.60 towards primary and secondary school provision in the area
Affordable Housing	20% of units to be affordable 54% to be Affordable Rent and 46% to be Shared Ownership of the following mix: <u>For Affordable Rent</u> <ul style="list-style-type: none"> <li>• 2 x 2 bed bungalows</li> <li>• 5 x 2 bed houses</li> </ul>

	<u>For Shared Ownership</u> <ul style="list-style-type: none"> <li>• 3 x 2 bed houses</li> <li>• 3 x 3 bed houses</li> </ul>
Open Space	<ul style="list-style-type: none"> <li>• Provision of Parks and Amenity Green Space and Provision for Children (LEAP) is to be met on site Provision for young people - £60,101 to be spent within Shepshed e.g. Skate Park.</li> <li>• Outdoor Sport - £15,351 to be used to implement recommendations of the Charnwood PPS 2018 e.g. Ancillary provision at Morley Lane Cricket Ground</li> <li>• Allotments - £7,114 for the creation of additional plots within Shepshed.</li> </ul> <p>Natural and Semi-natural Open Space - £14,322 towards improving access, fencing, signage and habitat at Morley Quarry, Shepshed</p>
Biodiversity offsetting	<ul style="list-style-type: none"> <li>• £255,799.00 towards habitat creation and enhancement offsite within and around Shepshed</li> </ul>
Sustainable Transport	<ul style="list-style-type: none"> <li>• Travel packs for each dwelling to include two application forms for 6 month bus passes per dwelling</li> <li>• £183,147.86 towards off-site highway improvement works</li> </ul>
NHS W Leicestershire CCG	£34,274.04 towards improving capacity at Field Street and Forest House GP surgeries.
Waste and Recycling	£2691.00 towards improving capacity at Shepshed refuse site
Libraries	£1900.00 towards additional materials for Shepshed Library

**RECOMMENDATION B:-**

That subject to the completion of the S106 legal agreement in Recommendation A above, planning permission be granted for the development subject to the following Conditions and Reasons why they have been imposed:

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</p> <p>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.</p>
2.	The development hereby permitted shall be carried out and the use operated



	<p>only in accordance with the details and specifications included in the submitted application and as shown on the drawings below; Approved Drawings:-</p> <ul style="list-style-type: none"> <li>• Site Location Plan</li> <li>• Site Layout - EMS2626_05_REV R</li> <li>• BY00047-SMP_Scale and Massing Plan REV C</li> <li>• BY00047-MAP_Materials and Boundary Treatment Plan REV E</li> <li>• SHEPSHED_MY 04-V11-4 CATANIA 3 BED_101_AS_ELEVATIONS</li> <li>• SHEPSHED_MY 04-V11-4 CATANIA 3 BED_100_AS FLOOR PLAN</li> <li>• SHEPSHED_MIY 07_NDSS_BOLOGNA3 BED_101_AS ELEVATIONS REV A</li> <li>• SHEPSHED_MIY 07_NDSS_BOLOGNA 3 BED_100_AS FLOOR PLAN</li> <li>• SHEPSHED_MIY06_NDSS_NAPLES_101_ASBRICKELEVATIONS</li> <li>• SHEPSHED_MIY 06_NDSS_NAPLES_100_AS FLOOR PLAN</li> <li>• SHEPSHED_MIY04_NDSS_OPORTO_101_BRICKELEVATIONS REV A</li> <li>• SHEPSHED_MIY04_NDSS_OPORTO_100_FLOOR PLANS</li> <li>• SHEPSHED_MIY03_NDSS_GENEVA_101_BRICK ELEVATIONS REV A</li> <li>• SHEPSHED_MIY 03_NDSS_GENEVA_100_FLOOR PLANS</li> <li>• SHEPSHED_MY-04-V11-4CATANIA3 BED_ELEVATIONS WELCOME CENTRE_AS</li> <li>• SHEPSHED_A-205_101_BRICK ELEVATIONS REV A</li> <li>• SHEPSHED_A-205_100_FLOOR PLANS</li> <li>• SHEPSHED_A-251_100_FLOOR PLANS REV C</li> <li>• SHEPSHED_A-251_101_BRICK ELEVATIONS REV A</li> <li>• SHEPSHED_A-352_100_FLOOR PLANS REV C</li> <li>• SHEPSHED_A-352_101_BRICK ELEVATIONS REV A</li> <li>• Single Garage - MIY SG1</li> <li>• Double Garage - MIY DG1</li> <li>• Junction Access Plan</li> <li>• R-2372-1G Landscape Masterplan 500@A1</li> <li>• R-2372-2C LEAP Details @A1</li> <li>• BY00047-LMP_Landscape Management Plan REV B</li> </ul> <p>REASON: For clarity and the avoidance of doubt and to define the terms of the permission</p>
3.	<p>Prior to built development commencing beyond damp proof course level a schedule of the facing materials to be used, to include those used on boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>REASON: To ensure the satisfactory appearance of the development</p>
4.	<p>No development beyond damp proof course level shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:</p> <ol style="list-style-type: none"> <li>i) the treatment proposed for all ground surfaces, including hard areas;</li> <li>ii) full details of tree planting;</li> </ol>

	<p>iii) planting schedules, noting the species, sizes, numbers and densities of plants;</p> <p>iv) finished levels or contours;</p> <p>v) any structures to be erected or constructed (including areas for bin presentation)</p> <p>vi) functional services above and below ground; and</p> <p>vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.</p> <p>REASON: To make sure that a satisfactory public open space and landscaping scheme for the development is agreed in accordance with policies CS2,CS13 and CS15</p>
5.	<p>The landscaping scheme shall be fully completed, in accordance with the approved details, in the first planting and seeding seasons following the issue of this decision or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory, to mitigate the impacts on biodiversity and to help assimilate the development into its surroundings in accordance with Policy CS2 and CS13 of the Core Strategy.</p>
6.	<p>No development, including site works, shall begin until the trees to be retained within the application site have been protected in accordance with Arboricultural Assessment &amp; Method Statement dated July 2020 By FPCR. The trees shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedgerows are an important feature in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site in accordance with policies CS2, CS11 and CS13</p>
7.	<p>No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public and landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.</p> <p>REASON: To make sure that the appearance of the public areas of the development are satisfactory and maintained to help assimilate the development into its surroundings.</p>
8.	<p>Prior to the commencement of development, full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels shall be submitted and approved by the local planning authority. The development shall thereafter be carried out in strict accordance</p>

	<p>with the approved details.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 of the Development Plan and associated national and local guidance.</p>
9.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC Infrastructure drawing number ADC1072/001 Rev. A have been implemented in full. The visibility splays, once provided, shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).</p>
10.	<p>The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.</p> <p>REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).</p>
11.	<p>Prior to the development commencing beyond damp proof course level, full details of the pedestrian access to Iveshead Lane shall be submitted and approved by the local planning authority. Details shall include surfacing materials, details of culverting to the ditch as required, any steps, handrails and bollarding. The approved details shall be carried out and completed prior to the occupation of the final dwelling.</p> <p>REASON: In the interests of highway and pedestrian safety and to ensure the satisfactory appearance of the completed development</p>
12.	<p>The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Strata drawing number EMS2626_05 Revision R. Thereafter the onsite parking provision shall be so maintained in perpetuity.</p> <p>REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).</p>
13.	<p>No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.</p>

	<p>REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).</p>
14.	<p>No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:</p> <ul style="list-style-type: none"> <li>• Details of the management of surface water during construction</li> <li>• Details of construction vehicle parking</li> <li>• Details of wheel washing facilities</li> <li>• Details of construction traffic routeing</li> <li>• Hours of operation for construction and delivery of materials</li> </ul> <p>The development shall be carried out in accordance with the approved details for the duration of the construction period.</p> <p>REASON: To ensure that the development does not cause harm to amenity or the environment during the construction phase and ensure compliance with Development Plan policies CS2, CS16 and WV5.</p>
15.	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
16.	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.</p>
17.	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.</p>
18.	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy is submitted that accords with the recommendations contained within the submitted and approved Ecological Appraisal by FPCR (Section 4: Recommendations). The development shall be carried out and retained thereafter in accordance</p>

with the approved details.
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REASON: to mitigate the impacts of the development during the construction phase and over the lifetime of the development in accordance with Policy CS13 of the Core Strategy
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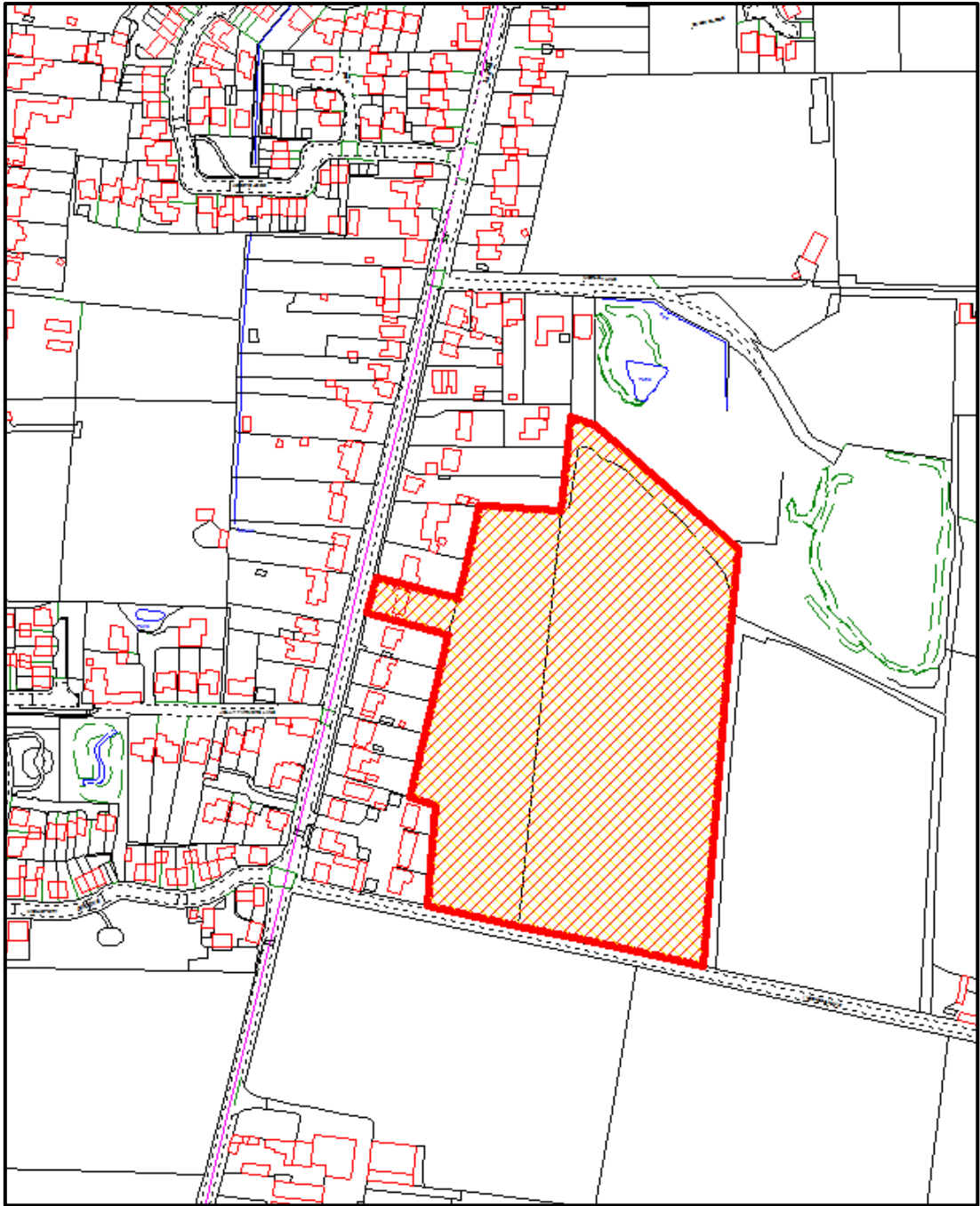
Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1 and TR/18. Because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2019), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
4. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is

not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance

5. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
  
6. The drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.



## Item No. 2

### Application Reference Number P/20/2044/2

<b>Application Type:</b>	Outline	<b>Date Valid:</b>	06.11.20
<b>Applicant:</b>	Davidsons Developments Ltd		
<b>Proposal:</b>	Outline application for the erection of 45 new dwellings, all matters reserved except access.		
<b>Location:</b>	Land to the north of East Road, Wymeswold		
<b>Parish:</b>	Wymeswold	<b>Ward:</b>	The Wolds
<b>Case Officer:</b>	Louise Winson	<b>Tel No:</b>	07764 900318

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## Background

This application has been brought to plans committee as it relates to a major housing development, outside current limits to development and is considered a departure from the development plan and is recommended for approval.

## Description of the Application Site

The site is situated on the eastern edge of Wymeswold, on the northern side of East Road is approximately 1.94 ha in size. The site is currently used for agricultural and is bounded by field hedges on all sides. The land rises in a northerly direction from East Road.

To the west of the site there are existing dwellings along East Road and off Wysall Lane at Home Leys Way and Waydale. A play area serving the dwellings off Wysall Lane is adjacent to the north-western corner of the site. To the north and east lies open countryside and to the south of the site lies the existing allotment gardens. An existing public right of way runs to the west of the site through to the A6006. On the opposite side of East Road to the south are the detached dwellings along Manor Court.

The boundary of the adopted Wymeswold Conservation Area falls adjacent to the south western corner of the site. There are no specific landscape designations for the site. The site is located within The Wolds Landscape Character Area.

## Description of the Proposal

This outline application seeks consent for the erection of up to 45 dwellings, with all matters reserved other than the access onto East Road.

Whilst all matters are reserved other than the access, an indicative layout has however been submitted to indicate how the dwellings could be accommodated on the site. The proposed density would be 30 dwellings per hectare, with 40% affordable housing proposed. The indicative layout shows how a road layout could provide a loop around the site, with a shared surface provided for a secondary street identified as a lane. This is to ensure low speeds can be achieved within the development.



The submitted access drawing makes provision for a 'T' junction, visibility splays, new gateway signage and a pedestrian refuge on East Road. A further option of a controlled pedestrian crossing across East Road is also provided for if deemed necessary.

The plans show the retention of the existing boundary treatment on all four sides of the site apart from where the access road would break through.

Whilst only indicative, the submitted layout plan also makes provision for two attenuation ponds adjacent to the access into the site. A children's play area is proposed towards the south of the site adjacent to the access road. Two 'Village Green' areas of open space are also shown. The areas of public open space could be overlooked to provide security to these areas.

The application is supported by the following documents:

- A Design and Access Statement
- A Landscape and Visual Appraisal
- A Phase 1 Site Appraisal
- A Heritage Assessment
- A Ecological Appraisal
- A Noise Assessment
- A Geophysical Survey Report
- A Planning Statement
- A Preliminary Utilities Appraisal
- An Arboricultural Assessment
- A Flood Risk Assessment
- A Planning Statement
- A Transport Assessment
- An Agricultural Land Use Report

### **Development Plan Policies**

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

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

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should

respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

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

Policy 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 expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

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

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

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

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

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

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

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

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

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

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

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

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

### **Other material considerations**

#### The National Planning Policy Framework (NPPF 2019)

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

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

#### Section 5: Delivering a sufficient supply of homes

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

#### Section 8: Promoting healthy and safe communities

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

#### Section 9: Promoting Sustainable Transport

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

Section 12: Requiring well-designed places.

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

Section 14: Meeting the challenge of climate change, flooding and coastal change  
New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 149). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 153) and renewable and low carbon energy development should be maximised (paragraph 154).

### Planning Practice Guidance

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

### National Design Guide

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

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

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

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

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic

changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (January 2020)

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

Leicestershire Highways Design Guide

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

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

Wymeswold Village Design Statement:

This sets out to inform and influence the design of proposals within the village and makes statements about the character of development patterns around the village. It notes the village's location within a bowl with rising landscapes around the village, but with prominent views of the church. The surrounding fields provide buffer zones that protect views from and into the village. Development should respect the views to and from the village boundary. Existing free-standing farmhouses should not create a precedent for infill development.

Wymeswold Conservation Area Character Appraisal (2009)

This sets out the significance of the adopted Conservation Area and identifies strategies and opportunities for its preservation and enhancement.

Technical Housing Space Standards (2015):

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, it is however a material consideration.

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

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

Conservation of Habitat and Species Regulations 2010 (as amended)

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

Equality Act 2010

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

The Draft Charnwood Local Plan 2019-36

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

**Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
Leicestershire Lead Local Flood Authority - LCC	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable. A number of conditions are recommended to

	be attached to any grant of planning permission.
Housing Strategy & Support CBC	Seeks 40% (18 Homes) affordable housing on the site at an appropriate mix and with 77% for affordable rent and/or social rent and 23% shared ownership.
The Environment Agency	There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency
Leicestershire County Council – Highways	<p>Does not object to the proposal in principle subject to a number of conditions to provide the following:</p> <ul style="list-style-type: none"> <li>• A construction traffic management plan</li> <li>• Provision of the access arrangements</li> <li>• Provision of the off-site highway works</li> <li>• Provision of drainage to prevent run-off into the highway</li> <li>• Provision of a pedestrian improvement scheme to include a controlled pedestrian crossing onto East Road</li> </ul> <p>The following contributions are also sought:</p> <ul style="list-style-type: none"> <li>• £7500.00 towards the relocation of existing speed limits to facilitate the new access</li> <li>• £3,500.00 towards raised kerb provision at the two nearest bus stops</li> <li>• Information display cases at the two nearest bus stop at £120 each</li> <li>• Travel pack for the first occupation of each new dwelling</li> <li>• Six month bus passes (two per dwelling) for the first occupation of each new dwelling</li> </ul>
Leicestershire County Council - Education	Seeks a contribution of £28,700.60 to enhance the Post 16 Sector facilities at Rawlins Academy
Leicestershire County Council - Libraries	Seeks a £1360.00 contribution towards the enhancement of Barrow upon Soar Library.
Wymeswold Parish Council	<p>Objects to the application for the following reasons:</p> <ul style="list-style-type: none"> <li>• This development is contrary to the Core Strategy</li> <li>• Wymeswold is not a sustainable location for new development</li> <li>• Concerns are raised regarding Pedestrian and vehicular safety</li> <li>• There is no demand for new homes in Wymeswold including social housing.</li> <li>• The proposal is contrary to the guidance set out in the Village Design Statement</li> </ul>
Campaign for the Protection of Rural England	Objects to the proposal on the grounds that it is unsustainable development in the countryside, it is of poor design, would be detrimental to pedestrian safety and lacks any single storey dwellings

Charnwood Open Spaces	Seeks the following contributions: <ul style="list-style-type: none"> <li>• An on-site multi-function green space</li> <li>• An on-site natural and semi open space</li> <li>• An on-site amenity green space</li> <li>• An on-site LEAP facility</li> <li>• On-site provision for young people or alternatively a £42,930.00 contribution towards new or enhanced young people's provision within Wymeswold</li> <li>• 0.28ha on-site provision or a £14,882.00 contribution towards off-site outdoor sports facilities</li> <li>• 0.04ha on-site provision or a £5,081.00 contribution towards off-site provision or enhancement of allotment facilities in Wymeswold</li> <li>• An indoor sports contribution to consist of £20,438.00 towards swimming pool facilities, £19,748.00 towards indoor court facilities and £2,916.00 towards indoor bowls rink facilities</li> </ul>
NHS	Seeks a contribution of £22,784.06 towards the provision and enhancement of facilities at Barrow Health Centre.

### Other Comments Received

53 letters of objection have been received from local residents. Objections raised are summarised as follows:

- The development is in an unsustainable location
- The adverse impact on the Wymeswold Conservation Area
- The development would be too high for the Wymeswold 'Bowl' Skyline
- Highway safety
- Traffic congestion
- Pressure on existing infrastructure
- Scale and design
- Archaeology and loss of heritage grassland
- Loss of a greenfield site
- Impact on ecology
- There is no need for extra housing in the village
- Impact on the countryside
- Flooding/drainage
- Loss of privacy
- Impact on the enjoyment of the adjacent allotments
- Impact on the enjoyment of the public footpath
- Lack of services and facilities in the village to accommodate the new residents



- Lack of employment opportunities for the new residents
- There is no proven need for affordable housing in Wymeswold
- The development should be refused in line with other out of limits schemes in the village
- The location of the play area is unsafe
- Loss of the open countryside

### Relevant Planning History

Reference	Proposal	Decision
P/15/0328/2	Site for residential development of up to 45 dwellings and associated access (Outline Planning Permission).	Refused under delegated powers
P/18/0081/2	Site for the erection of up to 45 dwellings	Refused under delegated powers

### Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

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

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

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI’s although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case although the greenfield site is outside of the defined limits to development and within the open countryside it does not benefit from any designations to qualify as an area or asset

of particular importance as set out in footnote 6. For these reasons it is not considered by officers that in this instance paragraph 11d i) would apply

The main issues are considered to be:

- The Principle of Development
- Housing Mix
- Landscape and Visual Impact
- Design and Layout
- Open Space
- Heritage
- Archaeology
- Impact on residential amenity
- Highway Matters
- Flooding and drainage
- Ecology and Biodiversity
- S106 Contributions

### **The Principle of the Development**

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

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

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

Within this assessment, it should be recognised the proposal would result in the provision of 45 new houses at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However given the 5 year supply position of the Borough Council and the age of policies CS1, CT/1, CT/2 and ST/2, the weight that can be ascribed to them would be reduced. Accordingly although there is some harm resulting from conflict

with the development approach set out in policies CS1, CT/1, CT/2, and ST/2, which seeks to direct growth away from smaller settlements, which weighs against the proposal, it is not considered this would significantly and demonstrably outweigh the benefits, in its own rights. Accordingly, the proposal is considered to be acceptable in principle. The conflict with the Development Plan can however be considered within the overall planning balance for the proposal.

### **Housing Mix**

Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 45, (18), units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed.

These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The proposal is in outline and includes an undertaking to provide 18 affordable homes (40%). The size, type, tenure and design of these are not currently known although it is anticipated that much of this detail would be established by later reserved matters. It would, however, be important to set down parameters relating to, for example, the size of units, and it is suggested that this could be controlled and secured by a condition for both Market and Affordable housing. The tenure for affordable housing can be secured through the s.106 agreement.

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

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

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

With regards to housing mix, it is considered that a proposal which complies with policy CS3 could be achieved. The provision of 18 affordable units is also a benefit of the scheme which weighs within the planning balance.

## **Landscape and Visual Impact**

Policies CS2 and EV/1 seeks to require high quality design where people would wish to live through design that responds positively to its context. Policies CS11 and CT/2 seek to protect landscape character and countryside. These policies generally accord with the NPPF and do not directly frustrate the delivery of housing. As a result, it is not considered that there is a need to reduce the weight given to these policies.

There are no specific landscape designations for the site. The site is located within The Wolds Landscape Character Area, an area noted for elevated gently rolling countryside of mixed farmland with small villages and isolated farms with elements of ridge and furrow, often lost through modern agricultural practices. Hedgerows are noted as predominant field boundaries. The area has low woodland cover. The strength of the landscape character is of moderate quality, and the landscape condition is moderate with a moderate sensitivity to change. The guidelines are to generally conserve and enhance the rural character of the rolling Wolds landscape.

The site is relatively prominent on the edge of the village when viewed from the east of the site and when situated south of the site in views from East Road near Manor Court and Orchard Way. The land generally slopes gently up from East Road. The ridge is several hundred metres further north of the site. The 'bowl' in which Wymeswold is situated is perhaps less prominent on this side of the village and on its north side. The site where the houses would be located is reasonably well screened on its north side by hedgerows and trees approximately 4-5m in height. The top of the ridge is approximately 10-12m higher a couple of hundred metres further north than levels here. There are several bands of field hedgerow on the eastern side between the site and the A6006. This helps reduce the visual impacts of the development when viewing the village from the Eastern side.

It is concluded that the development would be seen as an extension to the existing urban development off Wysall Lane into open countryside. Whilst there would be some significant changes to the immediate appearance of the landscape through the construction of the access road across an open undeveloped field, and development of housing on an area of open undeveloped pasture, these effects overall would be relatively localised. The land is classed as being grade 3b agricultural quality and is therefore not Best and Most Versatile. Whilst the proposal would result in the loss of a greenfield site, it does not seem to result in a significant loss of agricultural production.

New development would be seen in the context of existing development. It is concluded that with the retention of the existing hedgerow boundaries on the northern and eastern sides of the development, and the pattern of existing field boundaries in the locality, the overall landscape quality and its character would be protected. The ridgeline to the north of the village would not be broken by the development. Conditions could control the heights of dwellings on the north side of the site. In terms of the landscape character of development being set on lower slopes to reduce impact on the horizon, it is considered that the development would comply with this aspect of landscape character of The Wolds. So whilst the impact

on the countryside could be negative in the short to medium term whilst new planting matures, it is concluded that the overall long term impact on the landscape character of The Wolds would not be so significant as to change the overall character of the area or fail to comply with the guidelines for the landscape character appraisal. The proposal is therefore concluded to comply with policy CS11 in principle.

Given the site is situated outside of the limits to development and in the open countryside there would be some disbenefits to public views across the site from the adjacent roads, the dwellings along Home Leys Way and Waydale and the public footpath H64 to the south. These would have a moderately detrimental impact on the receptor and increase the sense of being within the village, rather than currently being on the edge of the village with views of open countryside. Similarly there would be views of the development when looking north from footpath H82 when close to East Road. It is concluded that there would be a moderately detrimental impact on the receptor as part of this view of countryside would be reduced. Other nearby detrimental effects would be from north of the site when travelling along H64 near viewpoint 9. The development would bring views of houses closer to the receptor than existing. This detrimental impact is reduced by the houses being set down within the landscape behind the enhanced northern boundary and because it would sit adjacent to views of existing houses in Home Leys Way.

It is also considered that there would be moderately detrimental impacts on users of the allotments to the south of the site, who currently enjoy using the allotments in predominantly open countryside, and would then have houses backing onto the site on its north side, thereby reducing the sense of openness and enjoyment of working in the countryside.

The submitted LVIA identifies views from other sites further away on public rights of way. These are generally considered to be of low detrimental impacts and not significant. From many of these sites, the development would be seen as an extension of the existing urban development of the village, and form a small part of the vista from these vantage points.

Whilst these landscape impacts are acknowledged, it is considered that the visual impact of the development from the public areas identified could be mitigated following careful consideration of design at the reserved matters stage if outline consent were to be granted. It is therefore considered that that a scheme could be designed which accords with policies CS2, EV/1 and CT/2 in this regard.

## **Design and Layout**

Policy CS2 seeks high quality design for new development. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

As this proposal is in outline, approval of the design and layout is not currently sought. However, an indicative layout has been included which shows how the site could be developed and design principles are also set out within the Design and Access Statement.

If the application were to be considered acceptable on balance, a planning condition securing specific design details could be attached to secure compliance with the design aspirations of the relevant policies. Accordingly, it is considered a proposal that complied with Policies CS2 and EV/1 of the Development Plan and national guidance in terms of design could be achieved for the site.

## **Open Space**

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the NPPF and does not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy.

The indicative plan and the Design and Access Statement suggest that within the site there will be approximately 0.22 ha of green space incorporating amenity open space and play space. There is, however, no provision for older children, sports or allotments. Given the size of the site it is unlikely that these typologies could all be provided for within the site but a commuted sum to improve facilities elsewhere within the village could be secured.

Overall, it is considered that the development would provide good quality open space proportionate to its size and that shortfalls in open space provision could be mitigated against through appropriate contributions. Accordingly, the proposal is considered to comply with policy CS15 of the Development Plan.

## **Heritage**

The boundary of the adopted Wymeswold Conservation Area is situated adjacent to the south western corner of the site. There are also a number of Listed Buildings in the vicinity of the site, the nearest being Wymeswold Hall to the south.

When considering a development proposal within a conservation area or within the setting of a listed building, sections 68 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the asset and Paragraphs 190-196 of the NPPF states that when considering the impact of a proposed development on the significance or setting of a designated heritage asset, great weight should be given to the asset's conservation.

The significance of the Wymeswold Conservation Area can be described as follows:

- The setting in the Wolds, relatively isolated from neighbouring settlements;*
- *The way in which the village sits in a depression within the gentle rolling landscape;*
  - *The broad and curving nature of the village streets, in particular the continuous flow of buildings along Far St;*
  - *The mound, the church and the landmark of the church tower;*

- *The wealth of fine Georgian three storey houses; The setting of the river Mantle in a green strip within Brook Street with many willow trees; The fine townscape of a combination of houses, styles and ages;*
- *The harmonious blending of simple rectangular building forms with simple ridged roofs.*

The boundary of the Conservation Area is located in the south west corner of the site. The site does not form part of any key views to or from the Conservation Area including the approach from the East. The scheme given this context would be unlikely to result in any harm to the significance of the setting of the Conservation Area.

The significance of the nearest Listed Building, Wymeswold Hall, to the south of the site can be described as follows:

- *Small country house, C1820.*
- *Brick stuccoed.*
- *2 storeys, main facade of 5 bays with 3 central bays projecting.*
- *Ground floor has channelled rustication.*
- *Cornice and parapet.*
- *Sill bands.*
- *Centre part has soanic incised pilaster strips, arched door, with slim blank panels to either side, and windows with blank arched incised heads.*
- *Outer bays have narrow arched headed windows and outer windows with minimal pedimented surrounds and blank panels over.*

Wymeswold Hall, a grade II listed building, is the nearest Listed Building to the site. The hall is surrounded by modern development. The proposed development would be visible from the upper floors of the building, but the view would be only a slight. It is concluded that there would be no direct impact on the hall or its setting as a result of the proposed development. The careful consideration of the design and layout of a reserved matters scheme if outline consent were to be granted could also ensure that the development would not harm the setting of the Hall.

Due to the location of the site within a Conservation Area and within the setting of listed buildings, an assessment as to the potential impact on the heritage assets must be made. Whilst heritage concerns formed part of the reason for refusal for the original scheme (reference P/15/0328/2), it was not part of the reason for refusal of the previous scheme (reference P/18/0081/2) and in this instance, it is not considered that the current scheme results in any heritage concerns. With reference to paragraphs 190-196 of the NPPF, it is overall considered that the development would result in no harm to the significance to the heritage assets, that of the Wymeswold Conservation Area and the setting of the listed building, Wymeswold Hall. The proposal therefore complies with the provisions of CS14 and the NPPF along with the Act in this regard.

## **Archaeology**

Concern has been raised regarding the loss of a medieval ridge and furrow field as a result of the development. The site has been identified as having reasonably well preserved earthwork ridge and furrow. The application is supported by a Geophysical Survey which concludes the site is of low archaeological significance. Other than the ridge and furrow, all other magnetic debris is a result of more modern activity at the site and is therefore of no significance. Given this context it is not considered that concerns regarding this could justify or sustain a reason for refusal. A condition requiring programme of archaeological, including the ridge and furrow landscape is however recommended.

### **Impact on Residential Amenity**

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.

Objections have been received with concerns raised over the potential loss of privacy and amenity from the development.

The development would be visible from the existing housing occupiers to the west of the site along Waydale and the two or three properties adjacent to the site accessed off the A6006. Other views are available from dwellings in Orchard Way and Manor Court. However, it is concluded that whilst these latter residents would see the new dwellings there is no specific need to ensure that the development has to take account of these to protect residential amenity due to the separation distances between the proposed new dwellings and those along Orchard Way and Manor Court. It will however be necessary at reserved matters stage to ensure that there would be no significant overbearing impact or overlooking from the new dwellings to existing dwellings adjacent to the site along East Road. This can be dealt with by having sufficient garden lengths for any two storey properties adjacent to the side boundary of the site. It should also be possible to ensure that there would be no detrimental impact on 21a East Road through appropriate siting of the dwellings to be agreed at the reserved matters stage to meet the standards within Design SPD in relation to other side windows in that dwelling. The potential for noise and disturbance to the existing dwellings as a result of the new roads within the development is also a consideration. However it considered that the site can be suitably designed at the reserved matters stage to ensure no such loss of existing amenity occurs.

The amenities of the future occupiers of the development would be a consideration in the assessment of a future reserved matters application for the development if outline consent was granted. Whilst only indicative plans are submitted at this stage, it is considered that a suitability designed scheme could be provided which complied with the provisions of the Development Plan in this regard.

The proposal could, therefore, following careful design, comply with the provisions of policies CS2 and EV/1 along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

### **Highway Matters**



Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them

Paragraph 108 of the NPPF seeks to promote sustainable travel choices. Paragraph 109 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.

A large number of the objection letters received make reference to highway safety and congestion as a concern.

The Highway Authority has assessed the Transport Assessment and proposed Access plan submitted in support of the application, together with further additional information and evidence requested and submitted throughout the course of the application. Their views are set out below;

#### Site Access

A Stage 1 Road Safety Audit of the initial site access proposals (including the existing East Road village gateway features and the proposed East Road zebra crossing) has been undertaken.

East Road is an A classified road, subject to a 30mph speed limit which increases to 50mph at the proposed site access. The proposed access onto East Road makes provision for a 6m radii, 2m footways to both sides of the carriageway along with visibility splays of 2.4m x 85m to the west and 2.4m x 120m to the east. It is proposed that the 30mph speed limit be moved 80m eastwards which should assist in reducing speeds at the site access to the levels currently observed within the current 30mph limit. Given this context, the local highway authority is satisfied that an appropriate site access in accordance with the Leicestershire Highway Design Guide (LHDG) can be constructed onto East Road. A contribution of £7,500 is requested to provide the required the Traffic Regulation Orders associated with the relocation of the existing 30mph / 50mph speed limit change.

#### Junction Capacity and Trip Generation

The capacity of the site access junction has been undertaken using the AM and PM peak hour assessment flows. A maximum traffic count is identified for the use and suggests a maximum increase of 58 two-way vehicle movements during the morning peak. At a rate of approximately 1 vehicle per minute this is not considered to give rise to capacity issues on the adjacent highway network. The local highway authority raises no objection to this assessment and considers the junction can operate without significant queuing or delay.

#### Highway Safety

There have been three Personal Injury Collisions (PIC's) recorded within 500m of the application site in the last five years. Two of the incidents were recorded as 'slight' in severity whilst one was recorded as 'serious'. Two of the PIC's occurred within 25m of each other. The Local Highway Authority do not consider the proposed development would exacerbate the existing situation.

The submitted application makes provision for a pedestrian zebra crossing across East Road and is supported by a Zebra Crossing Assessment Technical Note. Following an assessment of this technical data and applying its own assessment formula, the local highway authority considers that a controlled crossing across East Road is required. This can be secured via the recommended condition

### Internal Layout

As the access to the site is the only matter to be determined in detail at this stage, the submitted indicative site layout and internal layout including parking provision, are not for consideration at this time. However, the local highway authority advises that that the proposals are required to be designed in accordance with the prevailing Leicestershire Highways Design Guide and local parking standards. It is considered that this can be secured through a future reserved matters application.

### Sustainability

The proposal makes provision for links onto the existing footpaths along East Road to help integrate the site with the village and would encourage journeys to local facilities and green space on foot. There is a bus stop adjacent to the site providing public transport links to Loughborough town centre via bus service number 8. Contributions towards the cost of raising the kerbs at the bus stops have been requested. The local highway authority has also requested the new residents are provided with travel packs and bus passes to encourage the use of this service. These can be secured via a S106 contribution. Whilst the location in itself does not offer the best transport choice within the Borough the development itself is designed to maximise the potential that this location can offer. In this regard the development is considered to comply with policy CS17.

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

### **Flooding and Drainage**

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.

The site itself is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. The Environment Agency has not raised specific objections to the proposal. It is acknowledged that there have been historic events in the locality which led to some flooding in nearby properties, mainly due to extreme rainfall events. In relation to this proposal, the main issue is whether development at this site would exacerbate any current flooding situation and cause additional concerns regarding the control of run-off water.

The submitted FRA concludes that the site will not be at risk of flooding from either flows generated on site or from overland flows from off site. The Leicestershire Lead Local Flood Authority has assessed the submitted information and considers that the scheme in principle is acceptable at this outline stage, subject to the imposition of appropriate conditions to further define the components of the Sustainable drainage scheme at the Reserved Matters stage. It is concluded therefore that, in principle, the proposed development can be accommodated on the site without causing or exacerbating flooding to other properties subject to the imposition of appropriate conditions requiring further details. The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and the Framework.

### **Ecology and Biodiversity**

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.

The application is supported by an Ecological Appraisal. The results of this appraisal indicates there are no protected species at the site to be affected by the development. The development could however have some impact on foraging species and bats who may use the existing hedgerows as a corridor. The indicative layout makes provision for ecological enhancement measures to be incorporated into the scheme, including, amongst others the provision of a greater set back between the important northern hedgerow and the proposed houses.

Notwithstanding the information submitted, the Borough Council's Senior Ecologist has raised some concerns and considers the proposal could result in an ecological loss. It is considered that the submitted Ecological Appraisal undervalues the existing habitat on site, and contains inappropriate mitigation recommendations. However, it is considered that any identified loss could be mitigated appropriately through securing the submission of an Ecological Mitigation Strategy at the reserved matters stage when the detailed design of the proposal is known. There is an opportunity to provide off-site mitigation on the Blue Land if identified as being necessary.

Overall, it is considered that a carefully considered reserved matters application could result in a development which can ensure there is not a biodiversity net loss.

Policy CS13 supports development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity at the reserved matters stage and secured via the S.106 agreement, in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

### Section 106 Contributions

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development:

Education	£28,700.60 towards post 16 secondary school provision and enhancement at Rawlins Academy
Libraries	£1,360.00 towards the Barrow upon Soar Library
Open Space	<ul style="list-style-type: none"> <li>• An 0.4ha on-site multi-function green space</li> <li>• An 0.22ha on-site natural and semi open space</li> <li>• An 0.05ha on-site amenity green space</li> <li>• An on-site LEAP facility</li> <li>• On-site provision for young people or alternatively a £42,930.00 contribution towards new or enhanced young people's provision within Wymeswold</li> <li>• 0.28ha on-site provision or a £14,882.00 contribution towards off-site outdoor sports facilities</li> <li>• 0.04ha on-site provision or a £5,081.00 contribution towards off-site provision or enhancement of allotment facilities in Wymeswold</li> <li>• An indoor sports contribution to consist of £20,438.00 towards swimming pool facilities, £19,748.00 towards indoor court facilities and £2,916.00 towards indoor bowls rink facilities</li> </ul>
Affordable Housing	40% of the dwellings to be affordable housing
NHS	£22,784.06 towards the provision and enhancement of facilities at Barrow Health Centre.
Sustainable Transport	Travel Packs and Bus Passes for new residents
Highways	<p>£7500 to provide the required Traffic Regulation Order to relocate the existing speed limits to facilitate the new access</p> <ul style="list-style-type: none"> <li>• £3,500.00 towards raised kerb provision at the two nearest bus stops</li> <li>• Information display cases at the two nearest bus stop at £120 each</li> <li>• Travel pack for the first occupation of each new</li> </ul>

	<p>dwelling</p> <ul style="list-style-type: none"> <li>• Six month bus passes (two per dwelling) for the first occupation of each new dwelling</li> </ul>
Biodiversity mitigation	<p>The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment with agreed baseline for site, at reserve matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss.</p> <ol style="list-style-type: none"> <li>1) Mitigation on site</li> <li>2) Mitigation of site in the blue line area</li> <li>3) Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties)</li> </ol>

These contributions (with the exception of indoor sport) are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24. There are concerns regarding the contributions requested towards indoor sports. This is because they are based on a national threshold that does not consider existing provision, local need and/or circumstances. As a result, it has not been fully demonstrated that the contribution towards indoor sport provision is necessary to make the development acceptable in planning terms in accordance with the requirements of CIL regulation 122.

### **Planning Balance and Conclusion**

Overall, the proposal has been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

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

In this case the development would provide 45 new units of which 40% would be affordable homes, at a time when there is an acute need for these. This is a significant benefit of the scheme. These would not be provided in the most sustainable type of settlement in the Borough but nevertheless in one where there are some local facilities and a bus service, albeit low frequency, to higher order centres. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, or flooding that cannot be mitigated, any ecological loss can be mitigated off-site and landscape compensation can be secured by way of detailed landscape design. Impacts on infrastructure can be offset within the site or via commuted payments to improve facilities in the area.

Weighed against this is the conflict with Development Plan policies which set out the spatial strategy for the Borough. There would be some short - medium term harm to the landscape as set out above. In addition, the proposal would lead to minor loss of a ridge and furrow landscape which is recognised as important in relevant landscape character assessments.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would not significantly and demonstrably outweigh the benefits of the additional housing. Accordingly, it is recommended planning permission should be granted conditionally subject to a S.106 agreement as set out below

**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:

Education	A £28,700.60 contribution towards post 16 sector provision at Rawlins Academy.
Affordable Housing	40% of units to be affordable with a mix of 77% for affordable rent and/or social rent and 23% shared ownership
Open Space	<ul style="list-style-type: none"> <li>• An 0.4ha on-site multi-function green space</li> <li>• An 0.22ha on-site natural and semi open space</li> <li>• An 0.05ha on-site amenity green space</li> <li>• An on-site LEAP facility</li> <li>• On-site provision for young people or alternatively a £42,930.00 contribution towards new or enhanced young people's provision within Wymeswold</li> <li>• 0.28ha on-site provision or a £14,882.00 contribution towards off-site outdoor sports facilities</li> <li>• 0.04ha on-site provision or a £5,081.00 contribution towards off-site provision or enhancement of allotment facilities in Wymeswold</li> </ul>

Sustainable Transport	<p>Infrastructure requests for the following:</p> <p>£7500 to provide the required Traffic Regulation Order to relocate the existing speed limits to facilitate the new access</p> <p>£3,500.00 towards raised kerb provision at the two nearest bus stops</p> <ul style="list-style-type: none"> <li>• Information display cases at the two nearest bus stop at £120 each</li> <li>• Travel pack for the first occupation of each new dwelling</li> <li>• Six month bus passes (two per dwelling) for the first occupation of each new dwelling</li> </ul>
NHS W Leicestershire CCG	£22,784.06 towards the provision and enhancement of facilities at Barrow Health Centre.
Biodiversity Mitigation	<p>The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment with agreed baseline for site, at reserve matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss.</p> <ol style="list-style-type: none"> <li>1) Mitigation on site</li> <li>2) Mitigation off site in the blue line area</li> <li>3) Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties)</li> </ol>
Libraries	£1,360.00 towards the Barrow upon Soar Library

**RECOMMENDATION B:-**

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

1.	Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.
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	<p>REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>P14-299-202 Rev F – Site Access EMS.2617-001A – Site Location Plan</p> <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area and includes an appropriate level of smaller 2/3 bedroom units and single storey units.</p> <p>REASON: To ensure that an appropriate mix of homes is provided that meets the Council’s identified need profile in order to ensure that the proposal complies with Development Plan policies CS3, and the advice within the NPPF.</p>
5.	<p>No development shall take place until a programme of archaeological work, including the ridge and furrow landscape, which includes a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> <li>• The programme and methodology of site investigation and method</li> <li>• The programme for post investigation assessment</li> <li>• Provision to be made for analysis of the site investigation and recording</li> <li>• Provision to be made for the publication and dissemination of the analysis and records of the site investigation</li> <li>• Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>• Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ul> <p>All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation.</p> <p>REASON: To make sure that any heritage assets are appropriately recorded and/or protected to allow compliance with policies CS14 of the</p>



	Development Plan and the advice within the NPPF.
6.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none"> <li>i) the treatment proposed for all ground surfaces, including hard surfaced areas;</li> <li>ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site;</li> <li>iii) finished levels or contours within any landscaped areas;</li> <li>iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.</li> <li>v) functional services above and below ground within landscaped areas; and</li> <li>vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.</li> </ul> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 and WV1 of the Development Plan.</p>
7.	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and of the Development Plan and associated national and local guidance.</p>
8.	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> <li>i. An 0.4ha on-site multi-function green space</li> <li>ii. An 0.22ha on-site natural and semi open space</li> <li>iii. An 0.05ha on-site amenity green space</li> <li>iv. An on-site LEAP facility</li> </ul> <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15</p>
9.	<p>No part of the development shall be occupied until such time as the offsite works shown on Rodgers Leask drawing number P14-299 202 have been implemented in full.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).</p>
10.	<p>Within two months of the commencement of any development on site, a pedestrian improvement scheme including a controlled pedestrian crossing on East Road shall be submitted to and approved in writing by</p>

	<p>the LPA. The approved scheme shall then be implemented in full prior to occupation of any dwelling.</p> <p>REASON: In the interests of pedestrian and highway safety and in accordance with the National Planning Policy Framework (2019).</p>
12	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Rodgers Leask drawing number P14-299 202 have been implemented in full. The visibility splays, once provided, shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).</p>
13.	<p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p>
14.	<p>The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on East Road that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.</p> <p>REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2019).</p>
15.	<p>Prior to the occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p>

	<p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS15 and CS16</p>
16.	<p>The hedges located on the application site boundaries, other than at the point of the new access shall be retained and maintained at all times. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.</p> <p>REASON: The hedges are an important feature in the area and its retention is necessary to help screen the new development and prevent undue overlooking of adjoining dwellings.</p>
17.	<p>No development, including site works, shall begin until the hedges located on the application site boundaries, other than at the point of the approved new access, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedges are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.</p>
18.	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details.</p> <p>Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
19.	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.</p> <p>Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.</p>
20.	<p>No dwelling approved by this planning permission shall be occupied until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been</p>

	<p>submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.</p> <p>Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.</p>
21.	<p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>

Informative Note(s):

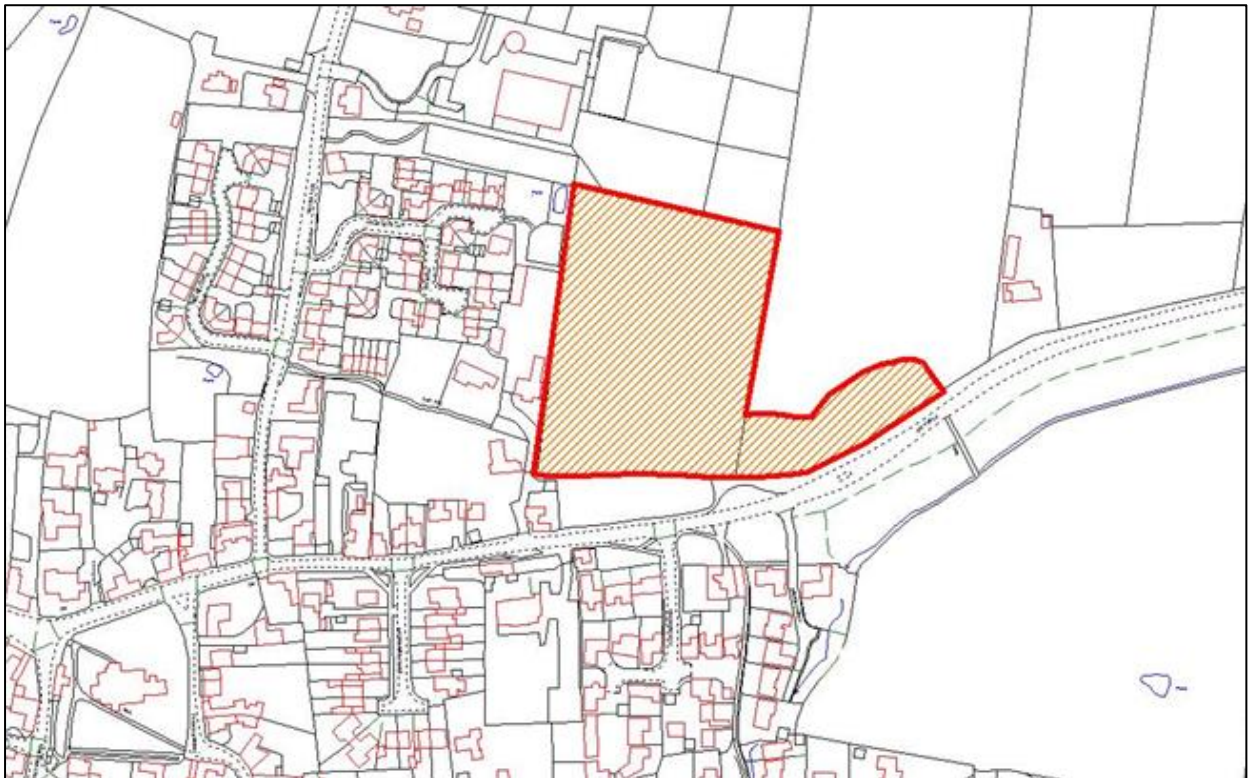
1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18, because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2019), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please

refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) to progress an application.
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
6. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
7. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990 relating to the provision of infrastructure contributions necessary to make the development acceptable in planning terms.
8. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
9. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
10. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the

surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

11. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.



### Item No. 3

**Application Reference Number** P/20/2373/2

<b>Application Type:</b>	Outline Planning Permission	<b>Date Valid:</b>	12/01/2021
<b>Applicant:</b>	Swithland Homes		
<b>Proposal:</b>	Site for the erection of up to 18 dwellings (outline planning application considering access).		
<b>Location:</b>	Land to the rear of 83-89 Loughborough Road Hathern Leicestershire. LE12 5HY		
<b>Parish:</b>	Hathern	<b>Ward:</b>	Loughborough Hathern & Dishley
<b>Case Officer:</b>	Deborah Liggins	<b>Tel No:</b>	07864 603401

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### Background

This application has been brought to plans committee as it relates to a major housing development outside current limits to development and has also been called in by Councillor K Harris who has concerns about the safety of the proposed highway access to the site.

This proposal also includes an undertaking from the applicant to enter into a Section 106 Legal Agreement to secure affordable housing, open space and to secure commuted sums to cover infrastructural shortfalls.

### Description of the Application Site

The application site is located to the south-west of and to the rear of 81-89 Loughborough Road Hathern. The land is currently a rectangular parcel of agricultural /paddock land and is approximately 0.75 ha set outside the defined limits to development for Hathern and within countryside. The built form along the southern side of the A6 Loughborough Road generally comprises two storey dwellings, set back from and set above the level of the carriageway due to a steep increase in land levels.

The site is bounded on all sides by mature trees and hedges. To the north of the site is the small Brunsleigh Croft development which was granted planning permission in 2009. The hedge along the common boundary between the two sites was required to be protected and retained under the neighbouring planning permission in the interests of providing a wildlife corridor. There were reports of bat and badger activity recorded in the locality at the time and there is further open countryside directly to the south and west of the site.

The access to the site lies opposite to the south-eastern boundary of the Hathern Conservation Area with the whole site lying outside of the Area, and the Anchor Inn (within 20m of the site entrance) is a Grade II Listed Building.

## Description of the Proposal

The application seeks outline planning permission for residential development with all matters reserved except for access which is proposed to be taken through a steep existing field access between numbers 89 and 97 Loughborough Road. The application indicates that the site could provide upto 18 dwellings.

The proposed access would be a shared private access drive which would be 5m wide with 0.5m wide clear margins either side. The proposal would entail the removal of the existing field gate and would provide a 1m x 1m pedestrian visibility splay on the northern side of the access where it meets the existing 3m wide footway of Loughborough Road.

The application includes the following supporting documents:

- Topographical Survey – this shows that the north-eastern boundary of the site lies approximately 2.5m higher than the highway boundary and that the land continues to rise a further 11.7m in height to its south-western boundary. Existing trees around the boundary of the site and existing stables and associated structures are shown on that plan.
- Heritage, Planning Design and Access Statement prepared by Aitchison Raffety. This sets out the proposal and describes the context of the site. It also identifies nearby heritage assets and the policies relevant to the determination of the application.
- Highway Statement prepared by Edwards & Edwards Consultancy Ltd – this report discusses the previously rejected development proposals on this site and that proposals for 12 and 14 dwellings on the site included no highways related reasons for refusal with the appeal inspectors also noting the proposed access was considered acceptable for the expected volume of traffic associated with those developments. The report sets out that the proposed visibility splays are located entirely within the public highway and that the improvements to the access would ensure a safe and suitable access can be achieved.
- Flood Risk Assessment prepared by Geosmart Information – this identifies that the site and additional land totalling 1.64ha is located within Flood Zone 1 and also identifies possible sources of flooding. The report concludes that the site has a low probability of flooding from fluvial, pluvial or other sources.
- Ecological Appraisal prepared by Baker Consultants – this describes the site as comprising mostly of semi-improved grassland with a mix of species poor and species rich boundary hedgerows, where trees may have potential for use by bats. The report also identifies possible mitigation measures to ensure there is no biodiversity loss overall. In addition, an active badger sett is identified at the edge of the site together with a recommendation for further survey work.



- Acoustic Report prepared by Noise Air Acoustics and Air Quality – this identifies that primary noise sources to the potential occupiers of the proposed dwellings would be generated by traffic noise from both Loughborough Road and Shepshed Road. Areas of the development would therefore have a ‘low’ to ‘medium’ risk of adverse effect and the report recommends the construction of an acoustic barrier along both side of the new access road which would assist in attenuating noise to adjacent properties arising from its use. Further recommendations are made regarding internal noise levels from within proposed dwellings whilst maintaining adequate ventilation.

## **Development Plan Policies**

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

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

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

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

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

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

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

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

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

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

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

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

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

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

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

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

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

**Other material considerations**

The National Planning Policy Framework (NPPF 2019)

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

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

Section 5: Delivering a sufficient supply of homes

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 73). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing

that is required and set policies for meeting the need for affordable housing on site (paragraph 61).

#### Section 8: Promoting healthy and safe communities

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

#### Section 9: Promoting Sustainable Transport

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

#### Section 12: Requiring well-designed places.

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

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

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

#### Planning Practice Guidance

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

#### National Design Guide

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### 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. The legislation 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.

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

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

#### Landscape Character Assessment (2012)

The Borough of Charnwood Landscape Character Assessment 2012 explains that the Charnwood Forest Area of Landscape Character is the most complex of the landscape character areas in the Borough such that five sub-areas were identified within the Borough. Its purpose is to provide a framework for the assessment of planning applications and supports Policy CS11.

The site is at the edge of the Langley Lowlands Character Area which is described as a rolling landscape with gentle slopes and broad valleys in intensive arable cultivation with wooded fringes. The eastern side of the area transitions into the Soar Valley Landscape Area.

Key Characteristics of the area are

- Rolling landform with gentle slopes
- Large arable fields
- Low hedges with few hedgerow trees
- Open views from ridgeline roads, (Oakley Road/Tickow Lane, Hathern/Shepshed Road) and the M1 Motorway
- Wooded fringes to streams in broad valleys
- Garendon Park: Grade II Historic Park and Garden
- M1 motorway divides the area
- Settlements are the western areas of Loughborough and northern Shepshed.

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

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

#### Hathern Conservation Area Character Appraisal

Hathern Conservation Area was designated in September 1975 and follows the meandering route through the village centre, principally along Wide Street, Dovecote Street, Church Street and The Green. The boundaries of the Conservation Area largely define the settlement as it existed in 1884 and includes a broad range of built development

that is representative of the medieval and post medieval settlement and subsequent Victorians and Edwardian expansion. The boundary was revised in 2019.

The purpose of the appraisal is to examine the historic development of the Area and to describe its present appearance in order to assess the special architectural and historic interest of the Conservation Area. The appraisal will then be used to inform the consideration of management and development proposals within the Area.

The characteristics of special interest are:

- The nature of the network of narrow streets and broad junctions that make up the surviving medieval street pattern within the conservation area;
- the nature of the lanes as they cut down from the A6;
- the dominance of St. Peter and St. Paul's church tower in a number of views from within the area;
- groups of trees and individual specimens that dominate certain streets and spaces, and provide the back drop to many views within the conservation area;
- the use of terracotta details such as copings, window heads, etc and the variety of chimney pots;
- The variation of highway widths and lack of pavements;
- the variety and nature of front boundary treatments, consisting of brick, stone, hedge, with wild flowers and grasses;
- the wide range of building types that display the social and economic history of the village;
- the use of a range of local materials derived from the local geology are significant; red brick from local works is common, terracotta of local provenance, and surviving timber frame are very distinctive;
- The colours and textures that these distinctive local materials provide.

#### Design Supplementary Planning Document (January 2020)

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

#### Leicestershire Highways Design Guide

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

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

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

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

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats

Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Protection of Badgers Act 1992

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

Equality Act 2010

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

The Draft Charnwood Local Plan 2019-36

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

**Consultation Responses**

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

Consultee		Response
Charnwood B.C	Affordable Housing	Makes a request for 40% (7) of the homes to be affordable. 5 of these should be for rent and 2 homes should be intermediate or shared-ownership homes. This provision would accord with Policy CS3
Charnwood B.C.	Open Spaces	A multifunctional green space area combined with the Amenity Green Space should be provided on site and be a minimum of 0.3ha (combined). A 0.09ha of natural or semi-natural managed open space should be provided on site or an off-site contribution of £4,092 made to mitigate the impact of the development on existing facilities. A £9,600 off site contribution should be made towards a new or enhanced children’s play facility within Hathern. 0.11ha of outdoor sports facilities should be provided or an off-site contribution of £5,902 to go towards the strategic improvement of facilities at Derby Road Sports Ground in Loughborough as identified in the Council’s Playing Pitch Strategy 2018. 0.01ha of allotments or an off-site contribution of £2,033 for the provision of new or enhanced plots within Hathern. Indoor Sports facilities are sought based on Sport England Facility Calculator (£8,137 pools) (£7,863 indoor courts) If projects can be identified where necessary, these

	contributions would be CIL compliant and provided the developer can secure these contributions, it is considered the proposal would accord with Policy CS15.
Environmental Agency	Makes no formal comment as there are no environmental constraints associated with the proposal which fall within the remit of the EA
Leicestershire County Council, (LCC) - Highways	The impacts of the development on highway safety would not be unacceptable and the impacts on the road network would not be severe. The proposal would accord with Paragraph 109 of the NPPF and the local highway authority does not object to the proposal.
LCC Civic Amenities	Makes a request for a developer contribution of £769 towards additional capacity at Shepshed Household Waste Recycling Centre.
LCC Education	No request is made for contributions to primary education as Hathern Primary School and others within 2 miles, overall have a surplus of places. A request is made for £53,735.26 towards secondary education by increasing capacity at Charnwood College in Loughborough.
LCC Libraries	Requests a developer contribution of £540 towards providing additional materials & resources at Hathern Library on Greenhill. The request is based on an assumption that all the dwellings would have 2 or more bedrooms.
LCC Minerals	The application site falls within a Mineral Consultation Area for Sand and Gravel but at the most south-western edge of it. It is therefore considered unlikely that mineral extraction would occur in the future, given the site's relatively modest size and proximity to adjacent dwellings. The Mineral Planning Authority therefore raises no objection.
Hathern Parish Council	The site has a history of refused applications for fewer dwellings. The site forms part of a green wedge between the village and the proposed development on the Garendon estate, Loughborough. The development would harm the character and appearance of the countryside. The proposed access is hazardous with splays only available once exiting cars are within the footway. The development would exacerbate congestion. The noise report does not consider Brunsleigh Croft residents and the suggested noise barriers adjacent to the proposed access would be a significant imposition on the occupiers of adjacent dwellings and the street scene.
NHS	Makes a request of £9,113.62 towards the cost of providing additional capacity at Cross Street Surgery in Hathern. This is based on an assumption of an increased population of 44 persons (final figure would

	depend on the eventual number of bedrooms provided across the development)
Jane Hunt MP	Raises concerns on behalf of residents and the Parish Council about the safety of the proposed access road in terms of its lack of a right hand 'turn in' lane, lack of visibility and proximity to a pedestrian crossing and bus stop. Congestion would be increased, especially when the M1 is closed. The submitted noise report does not adequately consider noise to existing residents and the recommended acoustic barriers alongside the access would be obtrusive and not in-keeping with a small village. The area floods on a regular basis.

### Other Comments Received

Several objection letters have been received from local residents as set out below. The list below summarises the areas of concern that have been raised by residents with regard to the application. Please note all comments can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

Brunsligh Croft – 9, 10  
Loughborough Road – 85, 87, 89  
No address supplied – Lawrence + 1 other

- Houses would cause loss of light and sunlight exacerbated by changing ground levels
- Loss of privacy
- Loss of views
- Loss of countryside – development would be an eyesore on greenfield land
- Increased noise – the noise report is based on readings taken during the second national lockdown in November 2020.
- Adverse impact on countryside wildlife
- Vehicular access would be dangerous, being close to an existing pedestrian crossing and would lack width to provide a pavement for pedestrians walking alongside it.
- The data for the traffic assessment is unreliable due to Covid 19 reductions in air and road travel and locked down commercial premises and schools.
- Use of access would affect amenity of adjacent occupiers
- The development involving new hard-surfaced areas would lead to and worsen incidents of flooding
- Hathern has already seen enough new housing in recent years
- The identity of Hathern as a village would be lost
- The proposal will set a precedent for further development of fields

### Planning History

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

Reference	Application	Decision
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P/14/0966/2	Erection of 14 dwellings and associated access road	Appeal against non-determination Dismissed 05/08/2015
P/15/2168/2	Erection of 12 dwellings and associated access road (Resubmission of planning application P/14/09656/2 refers)	Refused 26/01/2016
P/17/2317/2	Outline application (considering access, layout and scale) for 10 dwellings and associated works with access proposed between 89 and 97 Loughborough Road (Resubmission and amendment to P/15/2168/2)	Withdrawn 15/03/2018

### **Consideration of the Planning Issues**

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that these plans are over 5 years old; therefore it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly there is no reason to reduce the weight given to them.

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

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

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSI’s although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case the land has no landscape designation of importance and for these reasons it is not considered by officers that in this instance paragraph 11 i) would apply.

**The main issues are considered to be:**

- The principle of the proposed development;
- Housing mix
- Landscape & Visual Impact
- Design
- Open space
- Amenity and Noise
- Heritage
- Arboriculture
- Ecology
- Soil
- Flood risk/drainage
- Highway matters
- Infrastructure

### **Principle of the proposed development**

The National Planning Policy Framework contains a presumption in favour of sustainable development. In order for a proposal to be sustainable it must perform an economic, social and environmental role. In this context it is considered that the proposal would provide some employment during construction, and some support to local services. The site is close to the village which has some services which the occupiers of the proposed development may support. In terms of the environmental role, the development is a green field site at the edge of an 'other' settlement in the countryside. In this regard, the proposal is contrary to the Council's spatial strategy which seeks to direct development towards higher order settlements and this conflict with the development plan is a negative in the planning balance.

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

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

The development is at odds with these housing supply policies as it comprises a development of 18 dwellings that is outside the limits to development. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

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

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

In terms of principle overall, the proposal would result in the provision of up to 18 new houses at a time when the Local Planning Authority cannot demonstrate a five year supply of housing land and although there is some conflict with the Development Plan this does not outweigh this benefit. Accordingly the proposal is considered to be acceptable in principle.

### Housing mix

Policy CS3 of the Core Strategy helps define housing mix for this site. Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 18, (7), units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The proposal is in outline and includes an undertaking to provide 7 affordable homes (40%). The size, type, tenure and design of these are not currently known although it is anticipated that much of this detail would be established by later reserved matters. It would, however, be important to set down parameters relating to, for example, the size of units required at outline stage and it is suggested that the s106 legal agreement could be used to secure the 7 units and the tenure split and a condition can ensure an appropriate housing mix in terms of size is appropriate..

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

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

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

It is considered that a proposal which is in accordance with Policy CS3 could be achieved. The provision of 7 affordable units is also a benefit of the scheme which weighs within the planning balance.

### **Landscape and Visual impact**

Policies CS2 and CS11 of the Core Strategy are concerned with protecting the landscape and ensuring new development does not result in visual harm. These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

A landscape and Visual appraisal has not been submitted with the application although the submitted Heritage, Design and Access Statement makes some assessment of landscape impact and sets out that the proposed development would also include new areas of landscaping and enhancement to existing site boundaries.

#### Landscape

The topography of the site is such that the proposal would be unlikely to have a harmful visual impact to the surrounding higher land to the south-west and it is envisaged that the proposal would have ground levels which reduce towards the north-east and which follow existing contours. The pattern of development in developing land perpendicular to Loughborough Road has already been established to some degree by the housing on Garendon Avenue and Brunsleigh Croft, with the application site not projecting beyond the rear garden boundaries of No's 2 – 8 Brunsleigh Croft. It is acknowledged that these dwellings already impinge somewhat on the rural character of the area.

It is considered that there would be no impact to nationally defined character areas and because of the comparatively small scale of the site and the relatively low value of the landscape character overall, that there would be limited or no landscape impact to the Langley Lowlands character area. The impact would be somewhat off-set by opportunities within the proposed development for new landscaping and managed amenity areas. The proposal would, in the opinion of officers, maintain distant views and conserve the rolling rural landscape which is noted as important and it is considered that the topography of the site and its surroundings allows this. There would also be a loss of tranquility albeit on a relatively small scale.

Within the site itself, there would be significant impact on this localised landscape as agricultural land would be replaced with built form. This impact would, however, be locally limited due to the surrounding topography and vegetation and the existence of nearby housing development at Brunsleigh Croft and Garendon Avenue.

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

### Visual Impact

Because of the proximity of existing housing either side of the application site, several respondents have commented on loss of a view or rural character, although the existence of existing housing on Garendon Avenue, Brunsleigh Croft and Loughborough Road would largely conceal views of the development from public vantage points. The site may be seen from more distant views from public footpath K73 which runs between Golden Square and Shepshed Road approximately 225m to the north-west of the application site. An exact layout and proposed levels are not yet known and would be subject to careful consideration at a subsequent 'reserved matters' stage.

Any residential development would have some effect on the character of the area, since it would change from undeveloped to developed and so change would be an inevitable consequence. However, it is considered that as mitigating landscaping matures, any visual impact could appear reduced and it is not considered this would result in significant or demonstrable adverse impacts, although it will need to be factored into the planning balance for the proposal.

### **Design**

Policies CS2 and EV/1 seek high quality design for new development. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

As this proposal is in outline, approval of the design and layout is not currently sought and no indicative details are submitted to demonstrate how the site might be laid out. However, there is no reason at this stage to suggest that a suitable design and layout for the dwellings could not be achieved in accordance with Policies CS2 and EV/1 and the Supplementary Planning Document on Design.

### **Open space**

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the National Planning Policy Framework and does not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The applicant is aware of the need to include provision for public open space/amenity land within the eventual layout and a draft legal agreement has been submitted to include these elements. The consultation response from the Council's Open Spaces Team as set out above identifies the need for green space incorporating amenity open space, play space and a potential allotment area with this latter requirement and other elements also potentially being provided off-site through the securing of a commuted sum. Whilst there may be ample quantum of space to meet informal recreation needs, formal children's play and provision for older children or sports are unlikely to be able to be provided for within the site, given its size. However, a commuted sum to improve facilities elsewhere within the village could be secured.

Overall it is considered that the development could provide good quality open space proportionate to its size and, accordingly the proposal is considered to comply with policy CS15.

## **Amenity and Noise**

Policies CS2 and EV/1 require the amenity of existing and future residents to be protected. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The proposal seeks planning permission in principle for upto 18 dwellings and any future consideration of 'reserved matters' would need to include the siting of those dwellings in relation to existing homes in order to ensure there is no unacceptable loss of privacy, sunlight, daylight and outlook. There is ample space within the site to ensure that the amenity of adjacent houses is not harmed in these ways and particular attention will be needed to the external boundary treatments.

It is acknowledged that the properties on Loughborough Road have rear elevations that would face towards the application site and particularly short gardens. Because of that, the occupiers of these properties rely on the openness of the field to achieve satisfactory outlook. It would therefore be essential that any new dwellings, occupying elevated positions were suitably sited to take account of changing levels and the presence of principal windows in existing rear elevations in order to avoid an oppressive outlook and overbearing impact.

The development itself is not predicted to have an adverse impact on the quality of life of existing residents in terms of noise although there would be a degree of disturbance throughout the development period and noise associated with residential occupation of the site in the long term. Within the development itself, noise from the use of the proposed access road could be mitigated with the inclusion of an acoustic barrier alongside the access to absorb traffic noise, although no details are submitted regarding this feature they could be required by the imposition of a planning condition. Noise arising from traffic within the development or (as identified in the submitted noise report) from Loughborough Road or Shepshed Road could be mitigated by way of a glazing and ventilation strategy that would seek to ensure sensitive rooms closest to noise sources were glazed and ventilated to reduce noise, (acoustic trickle vents). Additionally gardens areas would be adequately screened from noise nuisance by way of standard close board garden fencing or additional landscaping.

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

## **Heritage**

Policy CS14 of the Core Strategy is concerned with heritage and seeks to ensure heritage assets are protected and conserved. This policy accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The site is not within a conservation area but the site lies adjacent to Hathern Conservation Area and the Anchor Inn which is a Grade II Listed Building. However the site is bisected from these heritage assets from the busy A6 and it is considered that the

development site, located to the rear of existing buildings would be sufficiently distant to and annexed from the Anchor Inn and Conservation Area such that the proposal would not harm their significance or their settings. As such, the public benefits of the scheme do not fall to be weighed in accordance with Paragraph 196 of the National Planning Policy Framework. It is therefore considered that the proposal accords with Policy CS14 and the requirements of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) in that the development proposal would at least preserve the character or appearance of the Conservation Area.

### **Arboriculture**

Policies CS2 and CS11 of the Core strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges around the periphery of the site and which are indicated to be retained. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Although the application is not accompanied by any assessment of existing trees or hedges in terms of their size or condition but the submitted Ecological Report comments on their species. Although the application is also not accompanied by a proposed site layout, there is no reason to consider it will be necessary to remove any of these existing landscape features. It is therefore considered that the proposal could accord with Development Plan policies CS2 and CS11.

### **Ecology**

Policy CS13 of the Core Strategy seeks to protect biodiversity and to ensure that where there is any loss this is avoided, mitigated or compensated. This policy generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The ecological reports submitted show that there are no designated sites within or immediately adjacent to the application site although there is a Site of Special Scientific Interest at Oakley Wood approximately 1.8km distant and a Local Wildlife Site at Oakley Grange, Hathern approximately 0.9km from the site.

The submitted Ecological Appraisal includes a Habitat Survey which includes a description of hedges and boundaries and the existing grassland which is horse-grazed semi-improved pasture land which is relatively poor in terms of species. None of the existing buildings on the site have been identified as providing potential habitats for roosting bats although the desk top study identified bat activity in the area. Records were dispersed between 150m and 650m distance to the application site and trees within the site have been assessed as having low potential to support roosting bats although it will be necessary to pay particular attention to the use of external lighting in the final layout of the development.

Protected bird species are also recorded within the search area although all but 2 species are associated with habitats that are not present on the site with foraging habitat being available for a number of other bird species.

There is an active badger sett at the edge of the site and any works within close proximity to it risk damage or destruction. Loss of connection to surrounding foraging land and the dispersal of the group may also have an adverse impact. If there is any requirement to damage or remove the sett, a licence will be required and under such circumstances, it would be necessary for the applicant to provide adequate compensation such as a replacement sett in a suitable undisturbed location.

The submitted report also assessed the potential for other protected species such as hedgehogs, reptiles or amphibians but these are ruled out because of the sub-optimal conditions on site.

The Hedgerow Regulations 1997 are intended to protect important rural hedgerows from destruction or damage and almost all of the hedgerows surrounding the application site would fulfil the criteria to qualify for protection under the Regulations. Mitigation measures are recommended to be made to compensate for any losses or adverse impact which may arise even through unintended consequences of altered hydrology, exposure to artificial lighting or unsuitable management if they become part of garden boundaries.

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

### **Soils**

Policy CS16 gives support for development that protects agricultural resources such as best and most versatile agricultural land. The application is not accompanied by any document assessing the quality of the agricultural land but strategic 2010 mapping by Natural England places the site in a belt of 'good to moderate' Grade 3 quality and although the maps are not intended as a substitute for a detailed site by site assessment, they provide a basis for the assumption that the site could be classed as falling within the description of the best and most versatile land for agriculture. Policy CS16 generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

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

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

### **Flood risk/drainage**



Policy CS16 of the Core Strategy seeks to ensure that development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The site lies within flood zone 1 where the risk of flooding is generally low. The Flood Risk Assessment submitted with the application confirms this and also assesses flood risk mitigation measures to be unnecessary for the development proposal. A surface water drainage strategy has been prepared to ensure that surface water runoff can be managed effectively over the lifetime of the development and to ensure that off-site flood risk is not increased as a result of the development.

Although the site has no record of flooding, neighbours and users of the A6 will attest to more recent flooding events which have closed Loughborough Road to traffic following prolonged rain or storm events.

The submitted flood risk assessment alludes to a proposed drainage strategy which is being prepared separately and which is not submitted as part of the application. This strategy would be based on an estimation of surface water run-off and the design of an effective site water management scheme. It is envisaged that a separate SuDs strategy would be submitted as part of the 'reserved matters' application for the effective management of surface water drainage and this forms a condition attached to this recommendation.

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

### **Highway matters**

Policy CS2 of the Core Strategy seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The proposal seeks approval for access which would be via a T junction onto Loughborough Road and the application is accompanied by a Highway Report prepared by Edwards & Edwards Consultancy Ltd. The site is situated on the southern side of Loughborough Road which forms part of the Class 1 A6 and the section immediately outside the application site is subject to a 30mph speed limit and a 3m wide footway fronts the access. The existing access lacks drainage and a bound surface and the access has a gate on the highway boundary which requires vehicles to wait within the highway whilst it is opened or closed and the proposal would improve all these aspects.

The local highway authority observes that the geometry of the proposed access in terms of its width, visibility splays, kerb crossings, surfacing and gradient would all accord with its standards

### Capacity

The data within the submitted Highway report has been thoroughly examined by the local highway authority which considers the methodology used to calculate traffic generation is acceptable. The results indicate that a total of 13 two way trip movements during both the morning and evening peak periods which would be equivalent to 1 vehicle every 4.5 minutes. On this basis, the local highway authority is satisfied that the development would not result in severe impact on the local highway network.

**Safety & Suitability**

It is pertinent to note that in dismissing the previous appeal for 14 dwellings at this site (under application reference P/14/0966/2), the Planning Inspector did refer to the location of the nearby pedestrian crossing and bus stops and the presence of the access to the Anchor Inn car park opposite the site but was satisfied that the access, for the relatively limited amount of traffic generated would be adequate. Whilst this development is relates to upto 18 houses, it remains the case that the proposed access, constructed in accordance with the Leicestershire Highway Design Guide standards would provide a safe and suitable access.

**Sustainability**

The site is located at the edge of the village which is bisected by the A6 main route which runs between Derby, Loughborough and Leicester. A regular bus service operates this route and also provides connections to East Midlands Airport. Whilst the location in itself does not offer the best transport choice within the Borough the development itself is designed to maximise the potential that this location can offer. In this regard the development is considered to comply with policy CS17.

In conclusion the proposal is considered to comprise a safe and suitable access for the amount of development proposed. Although site layout details are currently unknown it would be possible to provide internal roads and parking for the scheme to an acceptable design. Although residents refer to other recent developments which have taken place in the village relatively recently, the local highway authority is satisfied that the proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choice for its location. Accordingly the proposal is considered to comply with relevant development plan policies and advice contained within the NPPF.

**Infrastructure**

Policy CS24 states that new development should contribute either on or off site to any infrastructure arising as a result of the proposal. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development.

Education	£53,735.26 towards secondary school provision in the area. The catchment school is Charnwood College in Loughborough and most likely to benefit from the developer contribution but other schools include De Lisle and Limehurst School also in Loughborough or Iveshead School in Shepshed
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Civic Amenity	£769.00 towards additional capacity at Shepshed Household Waste and Recycling Centre
NHS	£9,113.62 towards improving Hathern Cross Street Surgery.
Open Space	Provision on site for young people (additional to children's play) or an offsite contribution of £17,172 towards facilities at Pasture Lane. Provision of onsite 0.12 ha (combined) of amenity space and park provision. Provision of 1 facility for children's play or offsite contribution of £9,600 towards a facility at Pasture Lane. Provision of 0.01ha of allotment land or off-site contribution of £2,033 for the provision or enhancement of existing allotments within Hathern. £5,902 towards the improvement of facilities at Derby Road Sports Ground in Loughborough.
Libraries	£540 to increase stock at Hathern Library

These contributions are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24. There are concerns that the contributions sought with regard to indoor sports facilities, as described in the report above are based on a national threshold that does not take into account existing provision. As a result, this particular request is not considered CIL compliant as it has not been demonstrated it is necessary to make the development acceptable in planning terms or that it is directly related and for this reason it is excluded from the above table.

### **Planning Balance**

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

In this case the development would provide upto 18 new units of which 7 would be affordable homes, at a time when there is an acute need for these. This is a significant benefit of the scheme. These would not be provided in the most sustainable type of settlement in the Borough but nevertheless in one where there are some local facilities and a bus service to higher order centres. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, noise or flooding that cannot be mitigated and ecological gain and landscape compensation can be secured by way of detailed landscape design. Impacts on infrastructure can be offset within the site or via commuted payments to improve facilities in the area.

Weighed against this there is conflict with the policies of the Core Strategy and the saved Policies of the Borough of Charnwood Local Plan which do not seek to provide new housing in this location. There would be localised harm to landscape and visual amenity as viewed from existing dwellings and the nearest public footpath. Additionally, the

proposal would lead to loss of potentially what can be regarded as the best and most versatile agricultural land.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing.

**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:

Education	£53,735.26 towards secondary school provision in the area.
Civic Amenity	£769.00 towards additional capacity at Shepshed Household Waste and Recycling Centre
NHS	£9,113.62 towards improving Hathern Cross Street Surgery.
Open Space	Provision on site for young people (additional to children's play) or an offsite contribution of £17,172 towards facilities at Pasture Lane. Provision of onsite 0.12 ha (combined) of amenity space and park provision. Provision of 1 facility for children's play or offsite contribution of £9,600 towards a facility at Pasture Lane. Provision of 0.01ha of allotment land or off-site contribution of £2,033 for the provision or enhancement of existing allotments within Hathern. £5,902 towards the improvement of facilities at Derby Road Sports Ground in Loughborough.
Libraries	£540 to increase stock at Hathern Library
Affordable Housing	40% Affordable housing (77% for rent and 23% for shared ownership)

**RECOMMENDATION B:-**

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

Grant Conditionally

- 1 Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than

two years from the final approval of the last of the reserved matters.  
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:- a. layout, b. scale, c. appearance, d. landscaping.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 3 The submission of reserved matters under Condition 2 shall include details of the design and specification of an acoustic barrier alongside the proposed access road and a glazing and ventilation strategy to reduce internal noise levels within proposed dwellings.

REASON: In order to reduce impact to the amenities of neighbouring properties arising from traffic noise and to protect the amenities of future occupiers; and in the interests of the appearance of the development.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Topographical Survey Plan

1:1250 scale site location plan

001 Rev A - Proposed access plan

REASON: To define the terms of the planning permission.

- 5 The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area.

REASON: To ensure that an appropriate mix of homes is provided that meets the Council's identified need profile in order to ensure that the proposal complies with Development Plan policy CS3 and the advice within the NPPF.

- 6 The landscaping details submitted pursuant to condition 2 above shall include:

- i) the treatment proposed for all ground surfaces, including hard surfaced areas;
- ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees;
- iii) finished levels or contours within any landscaped areas;
- iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.
- v) functional services above and below ground within landscaped areas; and
- vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding

area and complies with policies CS2 and CS11 of the Development Plan.

- 7 The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.

REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and EV/1 of the Development Plan and associated national and local guidance.

- 8 The details submitted pursuant to condition 2 above shall include the submission of a construction ecological management plan which should include the following:

- i) Updated badger survey, (immediately pre-construction), and protection measures as set out within the recommendations of the December 2020 Ecological Assessment.
- ii) Updated bat roost assessments (immediately pre-construction), of any trees to be removed
- iii) Protection measures relating to birds as set out within the recommendations of the Ecological Assessment 2020

The development, including site clearance, shall be carried out in accordance with the approved construction ecological management plan.

REASON: To ensure that there is no adverse unmitigated impact on protected species or their habitats and provide compliance with policy CS14 of the Development Plan and relevant legislation relating to protected species.

- 9 The details submitted pursuant to condition 2 above shall include the following:

- i) A biodiversity audit for the site which shows that the landscaping scheme provides a strong net gain for biodiversity as set out within the recommendations of the December 2020 Ecological Assessment
- ii) Details of external lighting for the site that minimises light spill onto boundary habitats as set out within the recommendations of the Ecological Assessment 2020
- iii) Details of a scheme of bat and bird boxes within the recommendations of the Ecological Assessment 2020

REASON: To ensure that there is no adverse unmitigated impact on ecology and that there is compliance with policy CS14 of the Development Plan and associated national and local guidance.

- 10 No development shall commence on the site until such time as a construction management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:

- i) Details of the management of surface water during construction
- ii) Details of construction vehicle parking and a timetable for its provision
- iii) Wheel cleansing facilities and a timetable for their provision
- iv) Details of construction traffic routeing
- v) Hours of operation for construction and delivery of materials

The construction of the development shall thereafter be carried out in accordance with the approved details and timetables.

REASON: To ensure the development does not cause harm to amenity or the

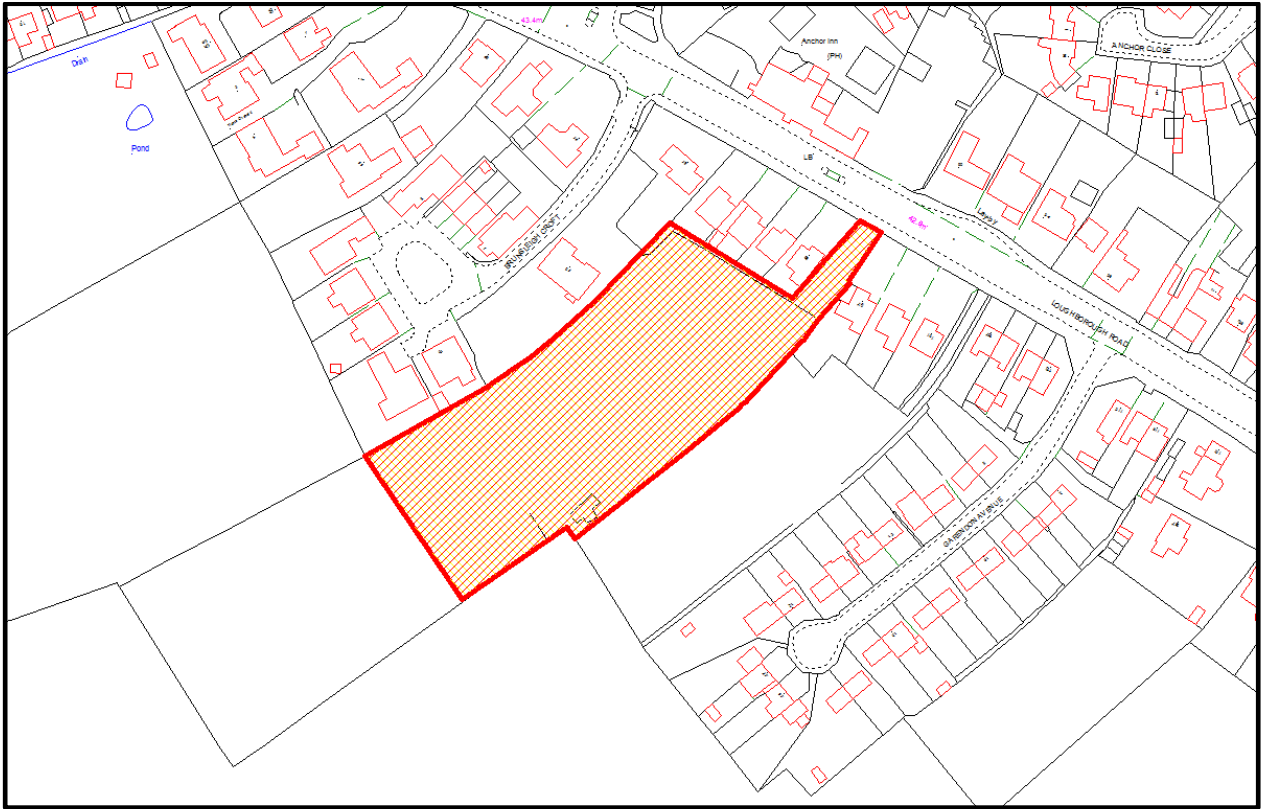
environment during the construction phase in order to ensure compliance with Policies CS2 and CS16; to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users; to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

- 11 Prior to occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.  
REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS15 and CS16.
- 12 The details submitted pursuant to condition 2 above shall include full details of the way in which foul sewage and surface water are to be disposed of from the site. The development shall only be carried out in accordance with the details as may be approved by the local planning authority.  
REASON: To make sure that the site can be drained in a satisfactory way.
- 13 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.  
REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).
- 14 The proposed access shall have a width of a minimum of 5.0 metres and a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material for its full extent, with a 9.2m dropped crossing at its connection to the A6. The access once provided shall be so maintained at all times.  
REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).
- 15 No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.  
REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS17, CS18, CS24 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies ST/2, EV/1, CT/1, CT/2 and TR/18 of Borough of Charnwood Local Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies Local Plan policies. The benefits of the proposal are not significantly and demonstrably outweighed by the harm identified and there are no other issues arising that would indicate that planning permission should be refused.
- 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 the Council's adopted Supplementary Planning Document 'Design' (adopted 2020).and, therefore, no harm would arise such as to warrant refusal of planning permission.
- 3 The decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 The County Director of Highways, Transportation and Waste Management states that drainage must be provided within the site so that surface water does not drain into the public highway from any private driveways or other hard surfaces, in the interests of highway safety.
- 5 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- 6 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the Applicant, who shall first obtain separate consent of the Highway Authority.





## Item No. 4

**Application Reference Number** P/20/2124/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	12/01/2021
<b>Applicant:</b>	Mr D Knight		
<b>Proposal:</b>	Erection of one dwelling - variation of Condition 9 of planning permission reference P/19/0920/2 - erection of boundary fences.		
<b>Location:</b>	Land adjacent to 6 Gisborough Way Loughborough. LE11 4FU		
<b>Parish:</b>	Loughborough	<b>Ward:</b>	Loughborough Garendon
<b>Case Officer:</b>	Deborah Liggins	<b>Tel No:</b>	07864 603401

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This item is referred to Plans Committee due to the complex planning history of the site. The original scheme granted under P/16/1833/2 was considered by members and included condition 12 which reads

*“Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order, with or without modifications), no gate, wall, fence or other means of enclosure shall be constructed or erected within 5 metres of the highway boundary onto Gisborough Way or within 4 metres of the highway boundary onto Byland Way.*

*REASON: In order to provide an open aspect to the front and side of the property, in the interests of the character and appearance of the area.”*

This condition was carried forward as condition 9 of planning permission P/19/0920/s and this application seeks to vary that planning permission.

### **Description of the Site & Proposal**

The site lies within the Loughborough Limits to Development and within a Primarily Residential Area as defined in Policy ST/2 of the Borough of Charnwood Local Plan and Policy CS1 of the adopted Core Strategy. The site is located at the corner of Gisborough Way and Byland Way and the dwelling onsite is nearing completion.

When permission was granted for the dwelling under application P/19/090/2, it was subject to conditions. Condition 9 of that permission reads: -

*“Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order, with or without modifications), no gate, wall, fence or other means of enclosure shall be constructed or erected within 5 metres of the highway boundary onto Gisborough Way or within 4 metres of the highway boundary onto Byland Way.”*

The application is made under Section S73 of the Town and Country Planning Act, to effectively remove Condition 9 of planning permission reference P/19/0920/2 which related to the erection and position of boundary fences at the site. This application also now considers proposed landscaping in addition to revised boundary treatments. Although

fences have been erected on part of the application site boundaries, these are unauthorised and would be replaced by the details now being sought for approval. These are:

- The erection of a 1.8m high close boarded fence along the Gisborough Way boundary. This would be positioned 2m back from the highway boundary (existing fence is positioned 1m back) and
- The erection of a 1.8m high close boarded fence perpendicular to this and set back 5m from the Byland Way highway boundary to meet and not project beyond the front elevation of the house.
- Tree and shrub planting would take place in front of the Byland Way fence and a mixed hedge would be planted in front of the Gisborough Way fence comprising Hawthorn, Blackthorn, Wild Privet and Holly. All landscaping is proposed to take place within the first planting season following completion of the development, although for precision, it is recommended that this be amended to be carried out in the first planting season following first occupation of the dwelling.

As this application is made under section 73 it is a new permission in its own right that sits alongside P/19/0920/2. As either permission can be implemented the earlier consent represents a “fall back” situation. In this respect there are no new material considerations other than those raised by the variation of condition 9 itself. These are the changed height and position of boundary fences and new landscaping as set out above. The principal of the residential dwelling at this site does not need to be reconsidered as part of this application.

The application is accompanied by a supporting statement from the applicant setting out that the original condition is thought to be unreasonable, given the appearance and siting of similar fences on properties in the area which he believes sets a precedent for the proposal also being acceptable. This statement also sets out that the original condition, removing permitted development rights for closer fencing to the highway boundary did not stem from highway safety concerns. The applicant also correctly points out that the original condition would not prevent the planting of a hedge closer than the stipulated distances which over time, would have the same effect of enclosing the land. The applicant considers the original condition was imposed unfairly as the land was previously utilised as public open space and that members and locals sought to retain its character and appearance as such, even though it had become privately owned land.

<b>Boundary</b>	<b>Adjacent land use</b>
South-west	Opposite front elevation of 11 Gisborough Way
North-west	6 Gisborough Way
North-east	5 Byland Way
South-east	Opposite side elevation of 8 Gisborough Way

### **Development Plan Policies**

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material planning considerations indicate otherwise. The development plan for Charnwood currently comprises the Charnwood Local Plan (2011-2028) Core Strategy, the saved policies of the Borough of Charnwood

Local Plan and the Quorn Neighbourhood Plan. The policies below would be the most relevant ones to the determination this planning application.

#### Charnwood Local Plan 2011-2028 Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS1 sets out the development strategy for the Borough and places emphasis on Loughborough and Shepshed for delivering much of the Borough's growth in the plan period. Quorn is identified as a Service Centre because of its good access to services and facilities, employment and educational establishments. Approximately 3,000 homes are expected to be provided within Service Centres within the plan period.

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.

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

The saved policies relevant to this proposal include:

Policy ST/2 – Limits to Development - States that built development will be confined to allocated sites and other land within the Limits to Development identified on the proposals map, subject to specific exceptions.

Policy EV/1 – Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality

Policy TR/18 – Parking Provision in New Development - indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The policy promotes standards that would require 2 parking spaces for a dwelling with 3 or less bedrooms and 3 spaces for a dwelling with 4 or more bedrooms although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off-street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

- Policy ENV4 states that developments which result in unacceptable adverse impact on trees, woodland and hedges of environmental significance will not be supported.

- Policy EVN5 – seeks to protect sites of historic environment significance and states development proposals that would have a detrimental impact on them will not be supported unless the need for and benefits arising from the development outweigh the loss.

#### Development Plan Policy Weighting

The policies contained within the Core Strategy and Local Plan are over 5 years old, therefore there is a need to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of policies for the allocation of housing, the relevant policies listed above are considered compliant with the NPPF and up to date meaning there is no reason to reduce the weight to be given to them.

#### **Other Material Considerations**

##### National Planning Policy Framework (2019)

This confirms that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) 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 our natural, built and historic environment

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 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental

conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 54 sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 55 states that 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.

Paragraph 109 states 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 impacts on the road network would be severe.

Chapter 12 (Paras 124-131) of the NPPF concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development. The use of visual tools and design codes is encouraged as is the development of design policies alongside local communities and neighbourhood plans.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between the permission and completion, as a result of changes being made to the permitted scheme.

Paragraph 180 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise.

#### National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy

Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### National Planning Practice Guidance (PPG)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

ID 26 - Paragraphs 001-003 states 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.

The role of health and wellbeing is also considered in the PPG. Active and healthy lifestyles should be encouraged that are made easy through the pattern of development; good urban design, good access to local services and facilities; green open space and safe places for active play and food growing and which are all accessible by walking, cycling and public transport can be important contributions to achieving this.

#### The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

#### The Leicestershire Highways Design Guide (2018)

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

#### Supplementary Planning Document - Charnwood Design (January 2020)

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

#### Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council's preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time. These include policies which would seek to make provision for at least 19,716 homes between 2019 and 2036 and require these to be delivered to a high standard of design quality.

### Relevant Planning History

Reference	Description	Decision & Date
P/93/2971/2	Erection of 27 houses and bungalows	Granted conditionally 27/01/1994
P/14/1773/2	Site for the erection of two detached dwellings	Refused 30/03/2015
P/15/1638/2	Site for the erection of 1 dwelling (Revised scheme – P/14/1773/2 refers)	Refused 07/10/2015
P/16/1833/2	Site for the erection of 1 dwelling (Revised scheme P/15/1638/2 refers)	Granted conditionally 16/10/2017
P/18/1160/2	Reserved atters submission for landscaping proposals	Withdrawn 30/10/2018
P/18/1657/2	(Land adj No. 6) – Erection of one dwelling	Refused 25/10/2018
P/18/2594/2	Landscaping proposals – condition 7 of P/15/1638/2 refers	Withdrawn
P/19/0920/2	Erection of 1 dwelling (Retrospective application	Granted conditionally 17/01/2020
P/20/0805/2	Discharge of Conditions 2 & 4 of application P/19/0920/2	Withdrawn 30/07/2020

### Responses of Statutory Consultees

None

### Other Comments Received

Comments have been received from the following neighbours and concerns are summarised below. Full copies of representations are available to view on the Council's website.

Byland Way

Gisborough Way – 6, 12, 17, 19

Lindisfarne Drive – 12, 16

Mount Grace Road - 12

No address supplied – Parish, Manon

Concerns include:-

- An open area of land is a feature of all road junctions within the estate and its loss would be out of character
- The existing boundary fence is too high



- The dwelling has its approved garden area separated off with a further fence to possibly create a second plot for future development.
- A fence with a set back of 5m would allow more amenity planting
- The proposal would completely ruin the area
- The dwelling would directly overlook another property causing a loss of privacy, sunlight and daylight
- The fence position and height should be rectified leaving the area landscaped and in keeping with other areas on the estate

## **Other Matters**

Some neighbours appear aggrieved that the development did not originally proceed in strict accordance with the approved plan and are concerned that conditions attached to any subsequent planning permission would not be adhered to. The applicant has regularised the variations from the approved scheme through the grant of planning permission under P/19/0920/2 and the dwelling, with the exception of boundary fencing, accords with the approved plans of that planning permission. Any future breaches of planning control will be investigated by the local planning authority, should they occur.

## **Consideration of the Planning Issues**

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

- Design and Impact on the Visual Amenity of the Area

### Design and Impact on the Visual Amenity of the Area

The previous report to the Plans Committee (when application P/16/1833.2 was considered) set out that although the loss of the former public open space was met with considerable local objection, there was no legal requirement under any previous planning permission for it to be retained as such and the land owner was under no obligation to offer the land to the local authority or a management company for it to be retained as public open space. This remains the case with the current owners of the land. Given the land had no formal protection as public open space or amenity land, it was previously considered that, on balance, the development of it for a dwelling was acceptable in this sustainable location.

It was also recognised in the consideration of the original application that the undeveloped site made some contribution to the street scene, the space was not considered to be significant to the layout of the estate. The condition which is now being sought to be varied (which removed permitted development rights for fences forward of specific set-backs from the highway boundary) was imposed so that some openness remained on the corner of the site, with space being retained to the front, sides and rear.

The proposed fence fronting Byland Way would be set back 5m from the back edge of Byland Way pavement with a mixed hedgerow planted immediately in front of it. The space between the hedge and the highway boundary would also allow for some lawn, tree and shrub planting as shown on the revised plan ROC\571\PD\502F received by the local planning authority on 3<sup>rd</sup> March 2021.

The proposed fence fronting Gisborough Way would be positioned 2m from the back edge of the footway and this would allow for the establishment of a mixed hedge as shown on the submitted revised plan. Whilst this fence would be forward of the front elevation of the dwelling at No. 6, it is considered that this would still allow for the necessary pedestrian and traffic visibility splays at the corner of the driveway to that property at the north-western corner of the site. The position of the proposed fence at the Byland Way boundary would also not impede highway visibility and there are no highway safety concerns about the proposed height or position of the fences.

There are many examples within the estate of fences being erected significantly closer to highway boundaries than those now proposed. Examples of such can be seen at 1 Gisborough Way, 2 Gisborough Way, 8 Gisborough Way, No's 2, 4 and 16 Lindisfarne Drive, 2 Kingswood and No. 10 Byland Way. Here, fences have been erected in positions closer than 1m of the highway boundary, and some to replace original vegetation and hedgerows.

It is not therefore considered that the revised proposal would either be out of character with the locality or harmful to the street scene. The proposed fences are of a type commonly used on the estate and the proposed height of 1.8m is not considered excessive. It is however considered necessary, in the event planning permission is granted, to ensure the revised location of the proposed lower fences is carried out within two months of the date of any permission to ensure the work is completed in a timely fashion in the interests of the overall appearance of the development.

## **Conclusion**

The proposed fences and landscaping are considered acceptable in this location and would not cause visual harm to the appearance of the street scene in accordance with Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy EV/1 of the Borough of Charnwood Local Plan or the adopted Supplementary Planning Document on Design. It is also considered the proposal would not cause additional highway dangers and would accord with the Leicestershire Highways Design Guide.

It is recommended, therefore, that planning permission be granted, subject to the following conditions.

## **RECOMMENDATION:-**

Grant Conditionally

- 1 The development shall be carried out only in accordance with the details and specifications included in the submitted application, and shown on the following drawings:  
ROC\571\PD\501 - Floor Plan and Elevations - received 26th April 2019 and as approved under P/19/0920/2

ROC\571\PD\502A - Site Location Plan - received 26th April 2019 and as approved under P/19/0920/2

ROC\571\PD\502F - Site layout and landscaping plan - received 3rd March 2021

REASON: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.

2. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order, with or without modifications), no gate, wall, fence or other means of enclosure shall be constructed or erected closer to the highway boundary than the means of enclosure shown on the plan approved under condition 1 above.  
REASON: In order to provide an open aspect to the front and side of the property, in the interests of the character and appearance of the area.
- 3 Within 2 months of the date of this permission, the existing fences shall be removed and the approved fences shown on Plan No. ROC\571\PD\502F received 3rd March 2021 shall be erected in their authorised positions.  
REASON: To ensure the satisfactory, overall appearance of the completed development.
- 4 The landscaping scheme shall be fully completed, in accordance with the details shown on Plan No. ROC\571\PD\502F received 3rd March 2021, in the first planting and seeding seasons following the first occupation of the dwelling or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.  
REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.
- 5 Notwithstanding the submitted information, prior to the first occupation of the dwelling hereby approved, a minimum of two 2.4m x 4.8m car parking spaces to the front of the dwelling shall be provided and made available for use. The spaces shall be surfaced in either a porous hard bound (not loose) material, or if a non-porous material is used, surface water shall be discharged into a suitable drainage system within the site. These spaces shall always remain available for the parking of vehicles and shall not therefore be used for any other purpose, at any time.  
REASON: To ensure adequate off street car parking, in the interest of highway safety.
- 6 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.  
Reason: To enable vehicles to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.
- 7 Notwithstanding the provisions of The Town and Country Planning (General

Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order, with or without modifications), no additional openings or windows shall be inserted in the north-western (rear) elevation of the building, at either first floor or roof level.

REASON: To prevent undue overlooking of nearby dwellings, in the interests of the privacy of nearby residents.

The following advice notes will be attached to a decision

- 1 **DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION**  
- Policies CS1 and CS2 of the Charnwood Local Plan 2011/2028 Core Strategy, policies EV/1 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004) along with the provisions of 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.
- 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 along with the Council's adopted Supplementary Planning Document 'Design' and, therefore, no harm would arise such as to warrant refusal of planning permission.
- 3 Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
- 4 This planning permission does not permit the carrying out of access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, visit the County Council website as follows: -  
For 'major' accesses - see Part 6 of the "6Cs Design Guide" at [www.leics.gov.uk/6csdg](http://www.leics.gov.uk/6csdg)  
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
- 5 The decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

