



**PLANS COMMITTEE**

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

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

To: Councillors Bentley (Vice-Chair), Campsall, Capleton, Charles, Forrest, Fryer (Chair), Gerrard, Grimley, Hamilton, Lowe, Ranson, Savage and Tillotson  
(For attention)

All other members of the Council  
(For information)

You are requested to attend the meeting of the Plans Committee to be held in the Preston Room, Woodgate Chambers, Woodgate, Loughborough on Thursday, 24th February 2022 at 5.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

16th February 2022

**AGENDA**

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING 3 - 5

The Committee is asked to confirm as a correct record the minutes of the meeting held on 27<sup>th</sup> January 2022.

3. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

4. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

5. PLANNING APPLICATIONS

6 - 218

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

6. PLANNING ENFORCEMENT REPORTS

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An enforcement report to be considered at the meeting is appended.

7. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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A list of applications determined under powers delegated to officers for the period from 17<sup>th</sup> January 2022 to 14<sup>th</sup> February 2022 is attached.

**WHERE TO FIND WOODGATE CHAMBERS**

Woodgate Chambers  
70 Woodgate  
Loughborough  
Leicestershire  
LE11 2TZ

## PLANS COMMITTEE 27TH JANUARY 2022

PRESENT: The Chair (Councillor Fryer)  
The Vice Chair (Councillor Bentley)  
Councillors Campsall, Capleton, Charles, Forrest,  
Gerrard, Lowe, Ranson and Tillotson

Group Leader Development Management  
Principal Solicitor - Planning, Property and  
Contracts  
Development Management Team Leader (SG)  
Principal Planning Officer (LM)  
Democratic Services Officer (EB)

APOLOGIES: None

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

### 45. MINUTES OF PREVIOUS MEETING

The minutes of the meetings held on 1st December 2021 and 16th December 2021 were confirmed as a correct record and signed.

### 46. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

### 47. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The following disclosures were made:

- (i) by Councillor Campsall – in relation to application P/21/2220/2 – He was a Ward Councillor for the area, but he approached the application with an open mind.
- (ii) by Councillor Charles – in relation to application P/21/1516/2 – He was a Ward Councillor for the area, but he approached the application with an open mind.
- (iii) by Councillor Fryer – in relation to application P/21/1837/2 – She was a Ward Councillor with Leicestershire County Council for Quorn and Barrow.
- (iv) by Councillor Fryer – in relation to application P/20/1176/2 – advice had been asked from Leicestershire County Council on the application, but she approached the application with an open mind.

- (v) by Councillor Ranson – in relation to application P/21/1837/2 – She was a Ward Councillor for the neighbouring Ward of Barrow and Sibley West, but she approached the application with an open mind.

#### 48. PLANNING APPLICATIONS

Reports of the Head of Planning and Regeneration, setting out applications for planning permission, were submitted (items 1 to 5 in the appendix to the agenda filed with these minutes). Additional Items reports in respect of application P/20/1176/2 were also submitted (also filed with these minutes).

Vice-Chair Councillor Bentley chaired the consideration of applications P/21/1837/2 and P/21/2220/2.

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

- (i) Mr Phil Crawley (applicant) in respect of application P/20/1176/2;
- (ii) Mr Robert Parks (on behalf of Quorn Parish Council) in respect of application P/21/1837/2;

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

- (i) Councillor Shepherd in respect of application P/21/1837/2;
- (ii) Councillor Boldrin in respect of application P/21/2220/2.

In respect of application P/20/1176/2 Councillor Poland had made a statement on the application that was detailed in the extras report. The Chair confirmed with members of the Committee that they had read the Extras report.

#### **RESOLVED**

1. that, in respect of application P/20/1176/2 (Mr Phil Crawley, Paudy View Farm, Paudy Lane Seagrave, LE7 4TB), planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration, with the amendments set out in the extras report of the Head of Planning and Regeneration;
2. that, in respect of application P/21/1837/2 (Mohammed Sheikh, 60 Station Road, Quorn, Leicestershire, LE12 8BS), planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration;
3. that, in respect of application P/21/2220/2 (Mr & Mrs N Patel, 49 Althorpe Drive, Loughborough, LE11 4QT), planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration.

4. that, in respect of application P/21/2014/2 (Shaw, 79 Melton Road, Burton-on-the-Wolds, LE12 5TQ), planning permission be granted subject to a signed legal agreement, the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration.
5. that, in respect of application P/21/1516/2 (VEWD Ltd, Land Adjacent to 160 Main St, Swithland, Leicestershire, LE12 8TJ), planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration.

49. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

A list of applications determined under powers delegated to officers for the period from 7th December 2021 to 16th January 2022 was submitted (item 6 on the agenda filed with these minutes).

NOTES:

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

## Charnwood Borough Council

### Plans Committee – Thursday 24 February 2022

#### Index of Committee Items

Item	Application No	Applicant and Location, Description	Recommendation	Page
1	P/20/2199/2	<p>Bowbridge Homes (Nanpantan) Ltd Land off Leconfield Road Nanpantan Loughborough</p> <p>Outline application for residential development with associated infrastructure for up to 30 dwellings, including detail of associated point of access. All other matters (landscaping, scale, layout and appearance) reserved.</p>	Grant Conditionally	8
2	P/20/2349/2	<p>Davidson Developments Ltd Land off Boonton Meadow Way including No. 65 Glebe Road Queniborough</p> <p>Residential development for the erection of up to 50 no. dwellings, with associated landscaping, open space, drainage infrastructure and access; and the demolition of No. 65 Glebe Road, Queniborough to facilitate the development of an emergency access. (Outline - Access only to be considered).</p>	Grant Conditionally	45
3	P/21/0535/2	<p>Owl Partnerships Ltd &amp; Nottingham Community Housing Association Ltd &amp; Inside Land (South) Ltd Land off Homefield Road Sileby Leicestershire LE12 7LZ</p> <p>Residential development comprising the erection of 55 dwellings with associated infrastructure, access, landscaping and public open space.</p>	Grant Conditionally	100

4	P/21/1260/2	Penland Estates Ltd, RV Millington Ltd, Sarah Higgins & Gavin Higgins Land at Ashby Road, Markfield	Grant Conditionally	140
		Outline planning application for residential development of up to 93 dwellings, public open space, landscaping and associated works. All matters reserved except for access.		
5	P/21/1017/2	Leicester City Football Club Ltd Leicester City Football Club Training Ground (Former Park Hill Golf and Fishing Centre) Seagrave	Grant Conditionally	194
		External amenity lighting, security measures, external directional signage and the provision of electric vehicle charging points (retrospective)		
6	P/21/0010/2	Mrs. Z Wadi 124 Maple Road South Loughborough Leicestershire LE11 2JR	Grant Conditionally	210
		Erection of two storey and single storey extension to side of house		

## Item No. 1

**Application Reference Number** P/20/2199/2

**Application Type:** Outline planning permission

**Date valid:** 13/12/2020

**Applicant:** Bowbridge Homes Nanpantan

**Proposal:** Application for Outline planning permission (including point of Access) for up to 30no. dwellings (Class C3) with associated access, landscaping, open space and drainage infrastructure.

**Location:** Land off Leconfield Road, Nanpantan,

**Parish:** Loughborough

**Ward:** Loughborough

**Case Officer:** Mark Pickrell

**Tel No:** 07852720913

## Background

This application has been brought to plans committee as it has been called in to plans committee, by Councilor Smidowicz and Councilor Parson for the following reasons:

- Unsustainable location/development
- Impact on heritage assets
- Design, visual amenity and over development
- Residential amenity
- Impact on wildlife
- Traffic generation
- Loss of open space/green space
- Environmental harm
- Contrary to Policy and National Planning Policy Framework
- Loss of an opportunity to preserve an important piece of historical land.

## Description of the site

The application site is 1.69 ha parcel of land situated to the west of Leconfield Road and Tyndale Road, within the Forest Road side of Loughborough, on the western side of the town.

The land is in private ownership and is subject to a leasehold agreement with Leicestershire County Council. Notice has been served on the leaseholder.

The land is currently an open field with some tree planting along the perimeter but otherwise, generally, open grassland. As such, it is a greenfield site within the settlement limits of Loughborough.

The application site is immediately surrounded on three sides with residential development along Tynedale Road, Leconfield Road and Montague Drive with the backs of properties and rear gardens abutting the application site with Burleigh Wood abutting the site along the western boundary.

The site has a raised topography in relation to the surrounding properties with the site rising from 80m AOD at the access by 5m to a high point at 85m AOD.

The site is adjacent to the boundary with The Tudor Farmhouse (formerly known as Burleigh Farmhouse) a Grade II listed building which is approximately 12.3m to the rear



boundary of the nearest indicative plot. The site is not close to or within a conservation area.

The site is situated in Flood Zone 1 as defined on the Environment Agency Flood Map for Planning.

The site remains within private ownership and there is no public right of access and no public rights of way within the site.

Burleigh Wood is adjacent to the site and is an ancient woodland and designated local wildlife site. The wood is in private ownership and, while there are no formal public rights of way within the wood, the owners, Loughborough University, currently permit public access.

### **Description of the Proposals**

The application proposes outline planning permission for up to 30no. dwellings with all matters reserved except for access. Appearance, landscaping, layout and scale remain reserved matters, although an indicative layout plan and parameters plan has been submitted to illustrate how the proposed development could be achieved on the site.

The plans show the retention of the existing boundary treatment which is mainly hedging to the boundaries with the backs of residential properties facing towards the site interspersed with trees. The proposal also includes a buffer zone adjacent to the existing woodland at Burleigh Wood.

The indicative layout and parameter plan makes provision for surface water attenuation, a landscape buffer along the boundary with Burleigh Wood, an informal play area adjacent to the southwest corner of the application site and areas of formal and informal open space and landscaping.

The following documents have been submitted to support the application:

- Illustrative layout plan N1249 007 Rev 3
- Parameter Plan N1249 010A
- Exploratory ground investigation report Phase II
- Phase 1 Desk Study ground Investigation report
- Transport Statement ADC1905 RP A v4
- Flood Risk Assessment
- Archaeological desk-based study
- BS583 – 2012 Tree Survey
- GL1028 Landscape and visual impact assessment
- Biodiversity Impact Assessment
- Planning Statement
- Application forms

### **Development Plan Policies**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 require that planning applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Adopted Local Plan for the area

comprises the Charnwood Local Plan 2011-2028 Core Strategy (CS) and the saved policies of the Charnwood Borough Local Plan 1999-2006 (LP).

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. Within the settlement hierarchy, Nanpantan forms part of the built-up area of Loughborough which is an urban centre that has a range of employment and higher order services and facilities available within the settlement, which includes excellent public transport connectivity to the wider area.

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 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)

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood. The site is within the settlement limits of Loughborough.

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 2021)

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 National Planning Policy Framework as a whole.

The NPPF policy guidance of 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 68). 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 62).

#### 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 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). 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 111).

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

Paragraph 126 seeks to ensure the creation of high quality, beautiful and sustainable buildings, and places. Good design is a key aspect of sustainable development,

creates better places to live and work and helps make development acceptable to communities. Being clear on design expectations and how these will be tested is essential for achieving this. So too is effective engagement between applicants, communities, and other interests throughout the process.

Section 14: Meeting the challenge of climate change, flooding, and coastal change  
New development should be planned for in ways that avoid increased vulnerability to the range of impacts from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure (paragraph 154).

Section 15: Conserving and enhancing the natural environment  
Paragraphs 174 – 182 relate to biodiversity and ecology and seeks to avoid significant harm to biodiversity and where development would result in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional circumstances and a suitable compensation strategy. The presumption in favour of sustainable development does not apply where the project is likely to have a significant impact on a habitats site, unless an appropriate assessment has concluded that the project will not adversely affect the integrity of the habitats site.

Section 16: Conserving and enhancing the historic environment  
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.

### 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'.

### 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.

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

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

## The Draft Charnwood Local Plan 2021-37

The Draft Local Plan 2021-37 is being prepared and, if adopted, would replace the saved Policies of the Local Plan (2004) and the Core Strategy (2015) including policies to guide development within the Borough for the period of the Plan. The pre-submission version of the Local Plan has been through consultation in summer 2021 and submitted to PINS for consideration in December 2021.

The Draft Local Plan is not adopted but can be assigned weight in the determination of planning applications in accordance with NPPF paragraph 48. At this point, the Draft Local Plan has been submitted to PINS and can be given limited weight.

## **Relevant Planning History**

The site has been subject of previous applications, summarised as follows:

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
P/88/2599/2	Residential Development	Refused 15/12/1988
P/07/1974/2	Formation of agricultural access	Granted 26/10/2007

## **Response of Statutory Consultees**

The application has been subject to various rounds of consultation prior to being presented to committee. The first consultation was undertaken following receipt of the application in February 2021, a second round of consultation following receipt of amended layouts and updated supporting information in August 2021 and a third and fourth round following receipt of updated ecological information and clarification of the development description.

The table below summarises the comments received during all consultations with particular regard to comments received in relation to the latest information.

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>
CBC Biodiversity	No objections subject to conditions and S106 to secure biodiversity net gain

Consultee	Response
CBC Landscape	Comments on revised details raise concern with regard to loss of unique landscape character within the site and associated views looking out from the site resulting in a cumulative impact equating to considerable harm.
LCC Highways	No objections subject to conditions
CBC Plans, Policy and Placemaking	The site, is located within the adopted settlement limits to development for Loughborough, as defined in the Borough of Charnwood Local Plan. This reflects the sustainable location of the site on the edge of Loughborough, with good access to jobs, services and facilities, in accordance with the adopted development strategy and Policy CS1 of the Core Strategy. On that basis the adopted development plan for Charnwood supports the principle of development in this location.
Severn Trent Water	No objections, subject to formal connection approval
LCC Developer Contributions	<p>No objections subject to financial contributions to support growth (as updated by comments received 11/02/2022), summarised as follows:</p> <ul style="list-style-type: none"> <li>• Waste and recycling - £1,281</li> <li>• Primary Schools – Note that Holywells has a deficit of 9 pupil places at the time of consultation but that there are alternative primary schools within walking distance resulting in an overall surplus of places such that no financial contributions are required for primary schools</li> <li>• Secondary Schools –no contributions are requested</li> <li>• Post 16 – surplus spaces, no contribution requested</li> <li>• Special Schools – No contribution requested</li> <li>• Libraries – increased demand to be mitigated by contribution of £910</li> </ul>
CBC Environmental Health	No objections
CBC Open Spaces	–Updated comments received Jan 2022 recognise that there is a deficiency in open space provision in the ward and that there is anecdotal evidence of use of this site as open space. As the site is not currently identified as public open space its loss would not automatically impact on the Council’s assessment of local open space provision. If the development need / demand is not met on site then existing shortfalls will be made worse and there would be a negative impact on the capacity of existing provision to meet demand. It is noted that indicative on-site provision is shown but this is limited. Details for provision of standard typologies set out in response.

<b>Consultee</b>	<b>Response</b>
Natural England	No objection subject to appropriate mitigation being secured. Construction Environmental Management Plan to be secured to mitigate impacts of dust during construction on nearby SSSIs (Beacon Hill, Hangingstone and Outwoods).
Woodland Trust	Support provision of 20m buffer along the western edge of the development.
CBC Strategic and Private Sector Housing	30% affordable housing required (9 units) consisting of 63% affordable rent and 37% shared ownership. Comments recognise that proposals would provide 30% affordable. No objections.
CBC Conservation and Design	No objections based on amended proposals
LCC Lead Local Flood Authority (LLFA)	No objections subject to conditions
NHS West Leicestershire Clinical Commissioning Group	Recognise that local GP is fully utilised. No objections subject to S106 contributions to review internal layout and improving facilities at Forest Edge Medical Centre, Loughborough to ensure optimum number of clinicians are available to meet the demand.  Contribution requested: £15,189.37
Leicestershire Police	No objections in principle
LCC Minerals and Waste	No objections
Cllr Smidowicz (Ward member)	Call in for consideration at Plans Committee. Comments set out objections, summarised as follows: <ul style="list-style-type: none"> <li>• The development is not sustainable</li> <li>• The design</li> <li>• Heritage impact</li> <li>• Overbearing impact from visual amenity and loss of privacy</li> <li>• Disturbance from light and noise to residents and wildlife</li> <li>• Traffic issues</li> </ul>
Cllr Parsons	Support for call in for consideration at Plans Committee. Comments set out objections based on context that large portions of open space in the ward have been lost to the University grounds.  Objections are summarised as relating to:



Consultee	Response
	<ul style="list-style-type: none"> <li>• The development does not meet requirements for sustainable development</li> <li>• Loss of open space and recreation provision</li> <li>• Impact on Grade II listed Burleigh Farmhouse</li> </ul> <p>The following points are also referred to:</p> <ul style="list-style-type: none"> <li>• Visual amenity and dominance</li> <li>• Highways and traffic</li> <li>• CBC's Core Strategy</li> <li>• Health and Wellbeing</li> </ul>
Forestry Commission	No comment but recognises proximity to ancient woodland and recommends that standing advice is applied.
Leicestershire and Rutland Wildlife Trust	<p>Raises concern with potential for biodiversity loss. Noted that the site is not of Local Wildlife Site quality but is adjacent to an ancient woodland, Burleigh Wood and recommendations made in relation to provision of a buffer.</p> <p>No objections to the principle of suitable and environmentally sustainable development subject to further biodiversity enhancements being achieved and noting potential to achieve this through detailed assessment at any more detailed application stage.</p>
LCC Footpaths	<p>Notification that a Definitive Map Modification Order under S53 of the Wildlife and Countryside Act 1981 to add a Public Footpath to the Definitive Map has been received.</p> <p>Update: At the time of writing the Modification Order has joined the list submitted to the County Council for processing. Determination can take a number of years, and longer if objections are received.</p>
Leicestershire and Rutland Badger Group (LRBG)	In their capacity as an ecological interest group, the LRGB note that there was a badger record from 2007. A site visit was made in September 2021 and signs of badger found.
Nanpantan Ward Residents Group	<p>Various issues raised. Key points summarised as follows:</p> <ul style="list-style-type: none"> <li>• Overlooking / loss of privacy</li> <li>• Loss of daylight / sunlight or overshadowing</li> <li>• Scale and dominance</li> <li>• Highway safety</li> <li>• Impact on character or appearance of the area</li> <li>• Effect on listed buildings and conservation areas</li> <li>• Effect on trees and wildlife / nature conservation</li> <li>• Economic impact and sustainability</li> <li>• Government policy</li> <li>• Proposals in the Local Development Plan</li> <li>• Previous planning decisions (including appeal decisions)</li> </ul>

Consultee	Response
MP Jane Hunt	Comments summarise issues raised by local residents and requests that consideration to be given to traffic, flood risk and drainage, availability of recreational space and loss of amenity.
Loughborough University	<p>No objection in principle, subject to no direct or indirect adverse impact on Burleigh Wood.</p> <p>Advised removal of link from site into Burleigh Wood (owned by Loughborough University), comments made in relation to ecological surveying and recommendation made to increase buffer to Burleigh Wood.</p> <p>Noted that the university campus, the LSEP and Burleigh Wood are private land owned by the university and that while limited public access is allowed on certain parts of its land this is via existing permissive routes and access to Burleigh Wood via Leconfield Road is not supported.</p>

### Other Comments Received

A total of 31 neighbours were consulted as part of this application and through the various rounds of consultation some 326 objections and associated documents have been received. 1 letter of support has been received.

The key issues which have been raised through the objections are summarised below:

- Detrimental impact on the character of the area
- Adverse impact on biodiversity
- Biodiversity / ecology information is inadequate
- The site has not been properly surveyed
- Loss of open space
- Impact on the local road network from traffic generation
- Site meets the criteria for a green local space
- Open space is protected from development in the NPPF
- Buffer to Burleigh wood is not adequate
- Ecology makes the site unsuitable for development
- Nanpantan does not have enough open space
- The proposed children's play area is very small and is located at the far end making access harder
- Previous reasons for the rejection of the application in 1998 remain valid
- Development would worsen habitat fragmentation rather than reverse it.
- Site is ecologically sensitive
- Tree planting is required and the developer's layout plan falls short of this

All comments are available for viewing in full on Charnwood's website.

### 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 Core Strategy (2015) and 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 and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice such that there is no reason for them to be given reduced weight.

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 (3.34 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 NPPF paragraph 11 d) sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 7 and are generally nationally designated areas such as SSSI’s, designated Local Green Space, AONBs and designated heritage assets. In this case, the site is not in an area specifically protected by the NPPF such that the NPPF’s presumption in favour of sustainable development and the ‘tilted balance’ applies.

The main issues are considered to be:

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

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

The site is located within the settlement limits of Loughborough as defined by saved policy ST/2 of the Local Plan (2004) and is surrounded by residential development on three sides. While the site abuts ancient woodland to the west, the proposals are taken as greenfield development within the settlement limits of Loughborough. As such the proposals would not conflict with Core Strategy CS1 which seeks to encourage new residential development within the confines of Loughborough as it is the largest

settlement in the borough with good access to jobs, services and facilities and public transport.

It is noted that as part of the draft local plan, a review of the settlement boundaries has been undertaken. Based on a mechanical process undertaken to tightly define the settlement by enclosing the established, cohesive built form rather than to identify and allocate sites for housing development. A set of assessment principles and criteria were applied to provide a methodical approach and ensure that the settlement limits to development were prepared in a clear, transparent and objective manner. The review of the limits to development in the vicinity of the application site has resulted in a revision which alters the previous 2004 limits to development in this location and would now exclude the proposed site from within the limits to development for Loughborough, instead the revised limits to development are now positioned along the rear residential curtilages of properties on Tynedale Road and Montague Drive, excluding the application site. The policies of the draft Local Plan are still considered to have limited weight at this stage because of the stage of preparation of the emerging plan which is yet to complete Examination in Public.

While, based on the adopted development plan, the site is within the settlement limits of Loughborough where residential development is encouraged by adopted policy, the council is also currently unable to demonstrate a five-year housing land supply. As such policies of the development plan which restrict residential development are to be given limited weight and the NPPF's presumption in favour of sustainable development, as set out in NPPF paragraph 11 d is to be applied. While the adopted housing policies of the Local Plan supports the principle of development in this location, the 'tilted balance' also requires sustainable development to be approved unless any adverse impacts significantly and demonstrably outweigh the benefits.

The site has been considered as a potential allocation in the emerging Local Plan and assessed through the Strategic Housing and Employment Land Availability Assessment (SHELAA). It was included as a potential site with capacity for approximately 41 dwellings. At that time, the site was considered on a broad level as being suitable for residential development with no flood risk was considered. The assessment identified that there were geological features that should be considered as this may limit the amount of development that can be delivered on the site. There were no known irresolvable or physical environmental constraints that would preclude the site from being developed for residential use. In addition, it was considered that the site could be deliverable at the time of the assessment within 6-10 years. This was based on the potential economic viability of the site and the developer capacity to complete/sell development. The site was not recommended to be excluded from the SHELAA but the site was excluded from the pre-submission version of the Local Plan following a high level assessment of ecological constraints, including proximity to Burleigh Wood, and that other sites would be better placed to meet the housing needs of the Borough.

While the policies of the emerging Local Plan can only be given limited weight, Policy CS1 continues to apply an overall spatial strategy of urban concentration with 31% of the borough's development within the Loughborough Urban Area. It is noted that the Settlement Limit Review (2018) excluded the site from within the settlement limits of Loughborough following the removal of the allocation from the draft Local Plan and the resultant greenfield site not being considered to be part of the built-up area of Loughborough. Instead, the methodology applied to defining the limits of Loughborough drew the boundary tight with the rear boundaries of surrounding dwellings such that emerging policy would show the site as being in the countryside.

There are no particular landscape designations on the site, it is not within an area at high risk of flooding, is not within a conservation area and there are no known issues of contamination within the site. The site is noted as being of unusual topography with notable geology but there are no specific designations or constraints on the site which prevent the principle of residential development on the site from being acceptable.

Taking into account the sustainable location of the site within the settlement limits of Loughborough where residential development is encouraged by the Development Plan, along with the Council's current lack of five year housing land supply which results in the requirement to apply a presumption in favour of sustainable development, the principle of residential development on a greenfield site within Loughborough is given significant weight in the consideration of these proposals with refusal being justified if the adverse impacts significantly or demonstrably outweigh the benefits of providing housing within the settlement boundary of the largest town in the Borough.

### **Landscape and Visual Impact**

The site is within the boundary of Charnwood Forest and has been recognised in general landscape character assessments of the area. There are no other specific landscape designations on this site.

The site was previously designated as an Open Space of Special Character through Local Plan (2004) policy EV/18. EV/18 sought to protect important areas of open land (privately and publicly owned) which contribute to the character of a settlement, either individually or as part of a wider network of open space. This policy was not saved following the adoption of the Core Strategy (2015) and policy EV/18 was superseded by Core Strategy Policy CS11 – Landscape and Countryside. Policy CS11 does not designate specific sites for landscape protection and takes a broader approach to support and protect the character of the landscape and the countryside. In particular, the policy requires new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments as well as taking account of, and mitigating, its impact on tranquillity.

The site falls within the broader Soar Valley landscape character area and, recently, the site has been assessed as part of the evidence base for the emerging Local Plan, particularly the LUC Landscape Sensitivity Assessment (2019) under site reference PSH447. The Landscape Sensitivity Assessment comments on this site along with a proposed allocation site at Snells Nook Lane, to the immediate west of Burleigh Wood, which is referenced as PSH133. The assessment recognises that the site is sandwiched between residential development and Burleigh Wood and consists of rough grassland. In relation to form, density, identity and setting of existing development, the assessment recognises that the sites form part of the wider landscape setting to existing development. It also recognises that there are long range views from the site. In relation to perceptual and experiential qualities, the assessment notes that the site is influenced by the surrounding residential development. In summary, the assessment finds that the site at Leconfield Road has low to moderate landscape sensitivity on the basis that it is more closely associated with existing development and screened from the wider landscape by existing woodland.

The site is outside of the National Forest but within Charnwood Forest, along with the surrounding southwestern parts of Loughborough. The Charnwood Forest Landscape Character Assessment (2019) provides an overarching assessment of the Forest, which

extends from the edge of Loughborough to Anstey and Coalville. The site falls within landscape character area no. 7 including Loughborough, Shepshed mixed farmland. The Assessment recognises the expansion of large settlements and the resultant urban influences on the Forest, including the Loughborough University Science and Enterprise Park (LUSEP), with recommendations including that new development is well integrated within the landscape with adequate planting to soften urban edges. This information has helped to inform the proposed allocations in the emerging Local Plan, including the LUSEP and residential allocation at Snells Nook Lane.

The application includes a Landscape and Visual Impact Assessment (November 2020). This sets out the applicant's view of the proposals and impact on the character and appearance of the area. Based on an assessment that includes review of landscape character assessments and consideration of the historical components of the landscape the report comes to the conclusion that the sensitivity of the landscape character of the site is 'medium to low'. The assessment of landscape effect would be felt greatest in the immediate setting but with a reduced impact in wider views of the area. Overall, the submitted LVIA comes to the view that whilst the proposals would affect the landscape setting in views from the residential areas immediately surrounding the site, the views from the wider area would be limited by existing development, existing trees and the topography of the area. Any longer range views of the site would be taken in the context of wider views of the built up areas of Loughborough which surround the site.

CBC's Senior Landscape Officer has been consulted at various stages of the application and, based on the amended layout and details received in August 2021, comes to the view that the internal characteristics of the site are unique in terms of its topography and openness leading up to the edge of Burleigh Wood and the buffer that the site provides to the ancient woodland, the loss of which would result in increased fragmentation of the woodland from surrounding habitat. In addition to the internal characteristics, the officer also notes the expansive views that can be gained whilst looking out from the site, with views being possible across Loughborough towards the Wolds. The officer considers that the cumulative harm to the landscape would be 'considerable' based on the detail available with the application. Further to the consideration of the proposals as submitted, the landscape officer proceeds to provide advice as to potential conditions that could mitigate harm in the event that members were minded to approve. Based on the stated conditions being applied, the assessment of harm could be expected to be reduced to 'less than considerable'. Taking into account NPPF paragraph 55 it is reasonable to consider the use of planning conditions if these could be used to make a development acceptable.

While concerns are raised with regard to the unique character of the site which can be appreciated from within the site, it should be noted that no issues are raised with regards to impact on the wider landscape setting of Loughborough or views from the surrounding public rights of way. As such the harm recognised by the landscape officer relates to the particular characteristics of this parcel of land as viewed from within the site. The comments go on to provide guidance on potential mitigation which would significantly reduce the level of harm to less than considerable. On that basis and appreciating that any harm is largely based on views from within a private site, there are suggested conditions which could reduce the level of harm to 'less than considerable' and that as this is an outline application with details of scale, appearance, layout and landscaping all as reserved matters, the level of landscape impact should be considered as part of the planning balance as to whether they '*significantly and demonstrably outweigh the benefits*' to justify refusal in the terms of NPPF paragraph 11 d).

In order to inform consideration of the level of impact which would be significant and demonstrable enough to justify refusal in light of NPPF paragraph 11 d) it is worth taking into account a recent appeal decision in the Borough at Maplewell Road, Woodhouse Eaves (application ref. P/20/2107/2), which is a material consideration. To summarise the case, that site is in the countryside to the west of Woodhouse Eaves with a site boundary that abuts existing residential development and the settlement boundary on one side. The site is within Charnwood Forest and the National Forest Otherwise, the site is in open countryside with a topography that rises from the road frontage to the rear of the site. The site is in the vicinity of Broombriggs Farm with associated public rights of way through the surrounding countryside. The appeal inspector noted the '*pleasant landscape*' but, despite the countryside location and abutting an 'other settlement' (as defined by the Core Strategy), they found that the landscape impact from an outline development in a countryside location for up to 36 dwellings did not constitute significant or demonstrable harm so as to justify refusal while the Council does not have a 5 year housing land supply. In comparison, this site at Leconfield Road is more confined within residential development, is within the settlement limits of Loughborough (as defined by saved Local Plan policies and Core Strategy) with better access to services and facilities and is less visible in views of the wider landscape.

It is also noted that the emerging Local Plan retains the allocation for the LUSEP and adds a residential allocation at Snells Nook Lane, both of which directly adjoin Burleigh Wood and would relate to the Landscape Officers' comments relating to the fragmentation of woodland. On that basis, the proximity to Burleigh Wood is not a reason to restrict the principle of development on this site and that, subject to mitigation, it may be possible to achieve a detailed scheme through future reserved matters that respects the particular landscape of this site such that the policy requirements and a presumption in favour of sustainable development are satisfied.

It is recognised that the site is of importance to the local area and provides an important buffer to the ancient woodland of Burleigh Wood. However, the impacts of the development on the wider landscape setting are limited. Any views are taken in the context of the site being surrounded on three sides by existing residential development and with the main built-up area of Loughborough extending to the east of the site. It is also recognised that residential development of the site is likely to result in harm to the internal landscape characteristics of the site but, when taken in the context of the landscape setting of Loughborough and when compared to other sites in the Borough, the level of loss is limited by the fact that the particular landscape characteristics are predominantly appreciable from within the site only and that there is no right of public access into the site. It is noted that development is likely to bring the built-up area closer to Burleigh Wood but considering the proximity of existing residential development and other allocations in the area, this is not considered to present an insurmountable issue that could not be overcome through good design in a reserved matters application and mitigated through the use of conditions to avoid significant and demonstrable harm to landscape assets. As such, the overall landscape harm which can be afforded to this outline application is not considered to be significant or demonstrable in its own right so as to justify refusal in relation to CS11 and the NPPF.

## **Ecology and Biodiversity**

There are not any particular ecological or biodiversity designations within the site, however, it is located directly adjacent to Burleigh Wood which is an ancient woodland and a local wildlife site and therefore the potential impact on the woodland is to be considered carefully.

Policy CS13 of the Core Strategy seeks to ensure protected species are not harmed as a result of development proposals and wherever possible they should seek to enhance ecological benefit through landscape and drainage solutions. Saved Policy EV/1 of the Local Plan and Policies CS2, CS11, CS12 and CS15 of the Core Strategy seek to ensure that appropriate designs and layout are provided which deliver high quality design along with the provision of appropriate green infrastructure. The NPPF paragraph 180 also seeks to achieve biodiversity net gains and evidence has been provided to demonstrate how this could be achieved. In particular, NPPF paragraph 180 c) states that *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'*.

The proposals lie outside of the ancient woodland and local wildlife site and do not propose any loss to the designated habitats of Burleigh Wood itself. However, residential development adjacent to important habitat has the potential detract from its ecological value. In respect of this it is worth reiterating that the application is for outline consent and the precise amount and location of development, along with landscaping and open space is not defined, though an indicative layout and parameter plan has been provided which retains a total of 20m buffer to the woodland and residential areas (15m no dig buffer as per standard ecological buffer plus additional 5m with some earthworks but no dwellings).

The submitted information includes an Ecological Appraisal and an updated Biodiversity Impact Assessment (BIA) based on the Warwickshire Method.

The ecological and biodiversity impact of development of this site on the habitats within the site and the adjoining ancient woodland and local wildlife site have been subject of extensive local interest and has been carefully considered as part of this application, including information submitted by an ecologist appointed by Nanpantan Ward Residents Group. The Council's Senior Ecologist, Leicestershire and Rutland Wildlife Trust, Natural England, Forestry Commission and the non-statutory Leicestershire and Rutland Badger Group Trust have commented on the proposals and the supporting documents. Comments are summarised above and are available in full via Charnwood's Planning Explorer.

The Ecological Appraisal is accepted by Charnwood's Ecologist as providing a satisfactory assessment of the site. Comment was provided by Charnwood's Ecologist to inform an updated version of a BIA based on use of the Warwickshire valuation method and the following submission is accepted as providing an acceptable assessment of the site's current biodiversity value. Based on the BIA, Charnwood's Ecologist raises no objections to the proposals, subject to conditions and a S106 legal agreement to secure potential for off-site contributions, if needed, to ensure a biodiversity net gain is achieved through any future reserved matters.

It is noted that consultation responses have raised objection to the detail of the Ecological Assessment and BIA. NWRG have submitted a review of the Ecological Assessment and these comments have been taken into account by Charnwood's Ecologist, however, the objections and issues raised are not supported by Charnwood's Ecologist. The current ecological value of the site, as set out in the Ecological Assessment and BIA, is accepted by Charnwood's Ecologist and any detailed proposals which may come forward through reserved matters can be compared to this baseline to ensure that they achieve the NPPF's requirement for no net loss of biodiversity.



On that basis, there are no objections to the principle of development on the site in terms of ecology and biodiversity and officers are content that any future reserved matters could achieve the required 'no net loss' of biodiversity, subject to any detailed proposals which could come forward if permission is agreed and any further BIA which would take into account the current baseline value of the site along with the detail of any future proposals to allow a full calculation of biodiversity impact to be considered. The proposals are therefore considered to comply with CS13, EV/1 and NPPF paragraph 180.

## **Open Space**

As mentioned above, the site was previously designated as an Open Space of Special Character as part of the Local Plan (2004). It is noted that consultation responses have referred to the now superseded designation as open space and it is worth clarifying that the previous designation through policy EV/18 was not on the basis of it being publicly accessible open space used for recreational purposes but based on its landscape value. Any former designation as an Open Space of Special Character should be taken on the basis of it being a landscape designation, rather than a designation relating to recreation and leisure provision and there are no current or historic designations on the site based on it being used for recreational purposes.

It is also worth reiterating that the site is privately owned agricultural land with no public right of access into or through the site. At present the site is gated and fenced. It is noted that this has not always been the case and consultation responses have indicated a history of public access onto the site for recreation. While this may have been at the owner's discretion, no evidence has been presented to demonstrate that there is any legal right of entry for any persons other than that tolerated by the owner and at the time of consideration of this application there is no public access to the site. Any loss of access to open space should be considered on the basis that there is no legal right of entry to the site for any persons other than that granted by the owner of the site and the current permitted use of the land remains as being for agriculture.

It is noted that submissions were made to CBC in March 2021 seeking to designate the site as an Asset of Community Value (ACV). The application was refused on the basis that the primary use of the site was agricultural and that while there may be a history of community use this was secondary to the primary use.

It is also noted that a submission has been made to LCC in March 2021 to create a public right of way through the site. At the time of writing, the submission has not progressed. LCC are obliged to consider the submission but have advised that this process can take a matter of years to reach resolution. The fact that a submission has been made should be taken into account but there is no PROW at the time of writing and no comfort provided by LCC that a decision on submissions for a new PROW will be made in the immediate future that could justify delaying determination of this outline application, therefore, the application falls for determination based on the situation at hand. Furthermore, as landscape, layout, scale and appearance are reserved matters, if outline permission were to be granted and the submission to create a PROW progresses to approval before reserved matters are determined then any detailed layout could take into account any new PROW within the site. On that basis, the ongoing consideration for a new PROW within the site is not considered to be restrictive on the determination of the current outline application.

While there are no particular open space designations on the site, the site was considered as part of the evidence base for the emerging Local Plan as a potential Local Green Space designation. Local Greenspace Assessment (May 2021) assesses various sites on the basis of their potential for allocation as a Local Green Space in the emerging Local Plan, including this site at Leconfield. The assessment methodology is based on the criteria set out in the NPPF (as updated). For reference, NPPF para 101 states:

*‘The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.’*

NPPF para 102 sets out the specific criteria against which a potential Green Space is assessed, including:

- a) *In a reasonably close proximity to the community it serves;*
- b) *Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) *Local in character and not an extensive tract of land.*

For context, Planning Practice Guidance (PPG) provides further clarification for the implementation of the NPPF and the designation of Local Green Space. Paragraph 007 reference ID: 37-007-20140306 states that *‘Designating Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.’*

In relation to potential designations where planning permission is involved, PPG paragraph 008 reference ID: 37-008-20140306 states that: *‘Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.’*

In relation to public access, paragraph 017 reference 37-017-2014-0306 of the PPG states that *‘Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and / or beauty). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with landowners, whose legal rights must be respected.’*

As set out at PPG para 020 reference ID: 37-020-20140306, a designation as Local Green Space would have a similar level of protection as Green Belt, but otherwise there are no other restrictions or obligations on the landowner.

The Local Green Space Assessment (May 2021) concludes that *‘The site meets the criteria in paragraphs [102]a and [102]c of the NPPF. The site is potentially demonstrably special considering its beauty, historic value, and richness in wildlife and this would*

*suggest the site meets the criteria in paragraph [102]b. An application for outline permission for up to 30 dwellings is currently being considered by the Council (P/20/2199/2). The site does not meet NPPF paragraph [100] as if the current planning application was approved it would result in the site not being able to endure beyond the end of the plan period.'* The concluding recommendation is that the site should not be designated as a Local Green Space. The site is not proposed to be designated through the emerging Local Plan and the application is to be considered based on the particular characteristics of the site.

It is noted that consultation responses have referred to a lack of open space and recreational facilities in the area and the view that this site should be retained for use by the local community. Notwithstanding that the site is privately owned agricultural land with no right of access or designation for recreational use, reference has been made to an existing deficit of open space in the Nanpantan Ward and a historical loss of greenspace that this site should be retained to compensate for.

The Charnwood Open Space Assessment (2017) forms part of the evidence base for the emerging Local Plan and provides a definitive review of available open space in the Borough, including a breakdown for wards within Loughborough as well as larger villages. The assessment takes into account various typologies of open space, including formal parks and gardens, amenity green space, natural and semi natural green space, children and young people's facilities, allotments, community gardens and urban farms, cemeteries and churchyards, green corridors, and civic spaces. Accessibility to the various typologies is based on applying a reasonable distance of travel to those facilities. The Assessment has informed the Open Space Strategy (2019) and the policies included in the emerging Local Plan as well as providing justification for S106 contributions towards open space. The assessment focuses on open space and does not take into account the wider socio-economic issues that policy seeks to help with.

The Charnwood Open Space Assessment (2017) finds that Nanpantan Ward runs at a deficit for the majority of open space typologies, however, this is similar to the majority of other wards within Loughborough and, in some areas, Nanpantan has better access to open space than other wards, particularly those in some of the larger villages included in the study. While the document is intended to inform plan making, it does provide detailed information on the availability of open space to residents in the Nanpantan Ward and can help inform an assessment of the potential impacts on the area and the potential for this site to contribute towards new provision of open space to address any new demands from this development. It is not necessary for this site to contribute to any existing deficit, only to ensure that any additional impact created by this development is addressed.

Nanpantan Ward spans approximately 3.8km from Epinal Way in Loughborough to the M1 motorway. It is bounded to the north by Ashby Road and, approximately 1.1km the south, Nanpantan Road / Forest Road. As a relatively linear ward, it encompasses the predominantly residential areas in the forest side of Loughborough with parts of the university campus from Epinal Way up to an including countryside on the western edge of Loughborough, alongside the M1. The proximity to open space for residents of Nanpantan Ward is dependent on where within the ward they live, with residents in the east of the ward having better accessibility to facilities in the town centre and those towards the west having better access to countryside footpaths.

Within the ward there is the Kirkstone Road play area, green corridors running along cycleways linking Forest Road to the university and there is permissive access to the parts of the university grounds and sports pitches. While the Open Space Assessment

provides a focussed review with a break down for each ward, it is important to take a 'real world' view of the availability of open space to residents, who are not typically constrained by ward boundaries to meet their day to day needs.

Any proposed development of this site and the associated comments from Charnwood's Open Spaces team takes into account the availability of open space in the surrounding area and, although outside of confines of the ward boundary, the site is reasonably well located to be able to benefit from good access to Jubilee Woods and Outwoods via footpaths and bridleways linking from Watermead Lane into the National Forest. There are also sports facilities located off Watermead Lane with a bowls club, tennis club, football pitches, cricket pitches and new MUGA (currently being replaced as part of the works to provide a new cemetery). There are also allotments off Forest Road and Holt Drive play area with associated green corridor on Woodbrook Way, all of which are reasonably located for residents in the east of the ward. Also, further to the east is central Loughborough with its associated parks and leisure facilities. To the north is the emerging Garendon Park SUE development with its requirement to provide public access routes to the registered parks and gardens.

Taking the above into account and while it is acknowledged that there is a deficit of open space within Nanpantan Ward based on the methodology set out in the Open Space Assessment, the overall accessibility of the site to existing open space and the potential for some new open space to be provided on site is not considered to be restrictive on the principle of residential development on this site.

It is noted that this site forms the basis of a Vision for the Leconfield Open Space prepared by Nanpantan Ward Residents' Group and Friends of Leconfield Open Space which sets out aspirations to purchase the site and establish a network of permissive paths linking the site to other open space within Nanpantan Ward and Outwoods. While the intention is appreciated, there is no support in adopted or emerging policy for the proposed details and the aspirations are not based on ownership or control of the site or related land. The vision does not form part of adopted policy and it does not override the need for housing and the potential for this site to provide up to 30 dwellings in a sustainable location within the settlement boundary of the largest town in the Borough.

Whilst the above issues do not present a reason to refuse planning permission in principle, the proposals are still required to be assessed based on their impact on existing open space facilities and make provision to address any new need on site where feasible or contribute towards improved provision off site. While this is an outline application with all matters reserved except for point of access then there remains scope to agree final details for any on-site provision and any necessary contribution for off-site facilities subject to the final number of houses proposed. In this instance, an indicative layout has been provided which demonstrates that it is feasible to provide some play area provision within the site, subject to impact on nearby dwellings and site sensitivities. It is also reasonable for a S106 legal agreement to be secured (based on the Heads of Terms set out below) that secures a scale of contributions, the final amount for which would be based on details which may come forward as reserved matters.

In summary, while it is recognised that efforts have been made by the local community to achieve a right of access or protection of the site through various designations, these have not been successful such that there remains no restriction on the principle of development of the site in terms of open space. The site is not afforded any particular protection as open space by adopted or emerging policy. The importance of the site to the local community is recognised but the site remains in the ownership of the applicant (and the access within LCC, who have been notified of the application) and there is no

public right of access such that the loss of a greenfield site for residential development does not weigh heavily in the planning balance. Furthermore, there are no objections from CBC's Open Space team in relation to the availability of open space to future residents, subject to S106 contributions, and the proposals could make a modest improvement to the accessibility of the site to the local community with potential for natural amenity space and a potential play area to be made available, albeit within the setting of residential development rather than the current greenfield site.

## **Heritage and Archaeology**

The site is immediately north of Burleigh Farmhouse which is a grade II listed building. CBC's Conservation Officer has reviewed the proposals in response to the original and amended layouts. NPPF paragraph 199 requires, when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation. A summary of the Conservation Officer's comment is that the site is not within a conservation but is immediately to the north of Burleigh Farmhouse which is a grade II listed building.

The Conservation Officer's comments recognise that the site is elevated in relation to the surrounding area and the site contributes to the character of the area resulting in development of the site potentially being prominent in the immediate area. The site was once part of Burleigh Farmhouse but subsequent development has effectively severed evidence of past association such that the site is not considered to be within the curtilage of the listed building but is still considered to have an impact on the setting of the listed building, particularly along its southern edge. The development therefore has the potential to result in some degree of harm to the setting of the designated heritage asset.

In relation to the original proposals, the Conservation Officer advised that the layout should mitigate harm to the setting of the listed building by retaining more open space in the vicinity of the listed building. An amended layout was subsequently submitted to the satisfaction of the Conservation Officer and there are no objections to the updated proposals on the grounds of heritage.

While it is recognised that development of the site has the potential to result in some degree of harm to the setting of a grade II listed building and that it is an outline application with all matters reserved except for the point of access, the amended indicative layout and associated parameters plan demonstrates that there is potential to develop the site whilst achieving an acceptable relationship with the listed building.

There are no records of archaeological interest within the site or in the immediate vicinity. An archaeological desk-based assessment has been undertaken by the applicant and submitted as part of the application. In summary, this finds that the site has a low potential for significant archaeological remains for all periods. On the basis of the limited archaeological potential identified there are no fundamental archaeological constraints to development on the site. Charnwood's heritage and conservation officer has reviewed the submissions and has no objections on the grounds of archaeology.

In terms of the NPPF paragraph 202, and considering the separation from the original curtilage, the surrounding development and the parameter plan showing an off-set from the listing building, the impact on the heritage asset is 'less than substantial'. The degree of harm to the nearby heritage asset is weighed against the public benefits of the scheme, including provision of housing while Charnwood do not have a 5 year housing land supply and the provision of affordable housing. Taking the above into account it is

considered that the proposals comply with CS14 and NPPF section 16, including paragraph 202.

### **Impact on residential amenity**

The application is for outline planning permission with all matters reserved except for access. Landscaping, scale, appearance and layout are reserved matters which, if outline permission were to be granted, would need to be submitted for approval. While the application seeks outline consent, an indicative layout has been provided which demonstrates that there is potential for development on the site to provide up to 30 dwellings with a layout that retains approximately 32m distance to the closest existing dwellings to the north and approximately 25m to dwellings to the south, albeit with details of topography and finished floor heights to be considered.

It is reasonable to expect that with full details of design, layout and landscaping that the unique characteristics of the site, including its topography, could be taken into account to achieve a suitable development that is in accordance with policy CS2, EV/1 and NPPF section 12 as well as the Design SPD (2020).

Should outline permission be granted then the Council would retain control over the scale, proximity and design of any new dwellings on the site through any future reserved matters application and this would need to demonstrate compliance with adopted policy. In accordance with NPPF paragraph 55 further control can be retained in relation to particular details through planning conditions, including the details set out in the recommended conditions relating to detail of finished floor levels, boundary treatment, detailed layout, landscaping and any development being in keeping with the parameters plan.

The application seeks outline planning permission with all matters reserved except for access so a detailed assessment of the impact on residential amenity, including overlooking and overshadowing, can be made if permission were to be granted and details submitted as reserved matters. However, given the parameters of the site and the indicative layout it is reasonable to expect that an appropriate scale, design and layout could be achieved, complemented by an appropriate landscaping scheme, to ensure that the residential amenity of surrounding dwellings is protected and complies with policy.

### **Housing Mix**

Policy CS3 of the Core Strategy defines the expected 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 30% of the up to 30 (up to 9) 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 heads of terms to provide 30% affordable homes. 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 a condition could be used to do this.

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

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

It is suggested that a size mix profile should be detailed through reserved matters to take this into account and an appropriate mix can be secured via condition. Locally identified need and the character of the area could be achieved although care would need to be taken (as per CS3) to ensure that the appearance of the area is protected.

It is considered that a proposal which complies with CS3 and could be achieved. The provision of up to 9 affordable units is a benefit of the scheme which is attributed positive weight within the planning balance.

### **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. TR/18 sets out expectations for parking provision within sites. 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 proposals are for outline planning permission but with the point of access as a detail for consideration. The proposals include improvements to the existing access off Leconfield Road to provide vehicular access for up to 30 dwellings.

The submissions include a Transport Statement and proposed point of access arrangements. Based on the maximum of 30 dwelling the development could generate up to 23 two way journeys in a peak hour.

In addition to vehicular journeys, the Transport Statement assesses availability of public transport, cycle routes and pedestrian links. This finds that, given the edge of town location with its proximity to existing bus stops, cycleways and pedestrian links, the site is in an accessible location with good access to employment, services and facilities. The assessment comes to the view that *'the additional traffic as a result of the development will not result in a severe detrimental impact in terms of highway capacity, junction performance or an unacceptable impact on highway safety.'*

The LCC Highway Authority has been consulted on the proposals with regard to the principle of the development and the detail for the point of access. LCC raise no objections to the proposals on the grounds of highway safety, subject to conditions (included in Recommendation B below). An indicative layout has been included with the proposals which sets out a potential layout to achieve up to 30 dwellings, including

access to properties and associated parking and turning. No objections have been raised by LCC Highway Authority in relation to the principle to provide adequate parking, turning and road layout.

Further detail would need to be provided to assess the full details such as road design and parking provision based on further details of house type and layout, but these could be secured through reserved matters. Taking into account the fact that there are no objections raised by the Local Highway Authority and that the site is within the settlement limits of Loughborough with good access to public transport as well as pedestrian and cycle routes the impacts of the development on highway safety and the local road network would not be severe so as to contravene the requirements of NPPF paragraph 111. Based on the information provided the development does not conflict with paragraph 111 of the National Planning Policy Framework 2021, CS18, CS1 and TR/18 of the Development Plan.

### **Flooding and drainage**

The application site is a greenfield site totalling 1.2ha in size. The site is within Flood Zone 1 (low risk of fluvial flooding) and at low risk of surface water flooding. The site has a raised topography with the lowest part of the site being in the northeast corner. The application is for outline consent and includes a Flood Risk Assessment which informs an indicative drainage strategy.

The surface water proposals seek to discharge to an onsite attenuation basin indicated to be located in the lowest part of the site, in the north-eastern corner, before being discharged at a QBar discharge rate of 4.2l/s to an adjacent existing Severn Trent Water (STW) surface water sewer. Correspondence with STW has been provided showing acceptance in principle to connect up to a connection discharge rate of 5l/s.

Leicestershire County Council as Lead Local Flood Authority (LLFA) has advised that the proposals are considered acceptable, subject to conditions which, in general, require detailed drainage proposals to be agreed prior to commencement.

It is considered that the site can be satisfactorily drained and that there would be no unavoidable flood risk to future or existing residents. As a result, it would comply with Core Strategy Policy CS16.

### **Loss of agricultural land**

The site is located on agricultural land where CS16 requires that new development should protect environmental resources, including the most versatile agricultural land. NPPF paragraph 174 states that decisions should contribute to and enhance the natural and local environment whilst recognising the economic and other benefits of the best and most versatile agricultural land.

The site includes an isolated parcel of grade 3 agricultural land. It does not appear that the site has been actively farmed in recent years but while the economic and other benefits of the existing agricultural land at this site is noted, it is not of the highest quality that would render the principle of the development as being unacceptable. The proposals are therefore to be considered on the balance of housing need versus any significant and adverse impact. In this case, it is officer's opinion that the loss of grade 3 land does not represent a significant or adverse loss that, on its own, would outweigh the benefit of providing housing and associated infrastructure on the site.



Whilst the loss of agricultural land is acknowledged, this in itself is not a significant adverse impact that would justify refusal of planning permission. The proposal is considered to comply with Core Strategy policy CS16 in this respect.

## Infrastructure

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:

Libraries	<ul style="list-style-type: none"> <li>Up to £910.00 towards the improvement of facilities at Loughborough Library.</li> </ul>
Open Space	<ul style="list-style-type: none"> <li>An on-site multi-function green space (minimum 0.02ha)</li> <li>An on-site natural and semi open space (minimum 0.14ha)</li> <li>An on-site amenity green space (minimum 0.03ha)</li> <li>An on-site LEAP facility</li> <li>On-site provision for young people. Alternatively, if provision cannot be achieved on site then a contribution of up to £28,620.00 is to be sought for off-site provision</li> <li>0.19ha on-site provision or up to a £9,881.00 contribution towards off-site outdoor sports facilities</li> <li>0.02ha on-site provision or up to a £3,388.00 contribution towards off-site provision or enhancement of allotment facilities in Loughborough</li> </ul>
Affordable Housing	<ul style="list-style-type: none"> <li>30% of the dwellings to be affordable housing (up to 9 units) with 63% for affordable rent and 37% shared ownership.</li> </ul>
NHS	<ul style="list-style-type: none"> <li>Up to £15,189.37 to increase and improve facilities at the Forest Edge Medical Centre in Loughborough.</li> </ul>
Highways	<ul style="list-style-type: none"> <li>Raised kerb provision at the local bus stop on Leconfield Road at a cost of £4,000 to support modern bus fleets with low floor capabilities.</li> <li>Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).</li> <li>Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes</li> </ul>

	in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £510 per pass)
Civic Amenity	<ul style="list-style-type: none"> <li>• Up to £1,281.00 towards the increase and improvement of the facilities at Shepshed Waste and Recycling facility.</li> </ul>
Biodiversity mitigation	<ul style="list-style-type: none"> <li>• The submission of a Biodiversity Mitigation Strategy, which includes a new BIA assessment based on the baseline which has agreed through the BIA submitted December 2021, at reserved matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss.</li> <li>• Mitigation on site</li> <li>• Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties if required in the unlikely event that on-site mitigation cannot be provided.)</li> </ul>

These contributions are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24.

### **Planning Balance and Conclusion**

Based on the currently adopted policies from the Local Plan (2004) and the Core Strategy, the site is within the settlement limits of Loughborough where new residential development is encouraged and, subject to details, would be in accordance with the adopted development plan. It is noted that the settlement limits have been subject to review and that the emerging Local Plan would redraw the settlement boundary such that this site is in the countryside. However, policies of the draft Local Plan can only be given limited weight and the overarching aims of the new Local Plan are to achieve sustainable development.

The site is accessible to a wide range of services and facilities within Loughborough with good public transport links to the town centre as well as being well connected via local footpaths and cycleways. The site is enclosed on three sides by existing residential development and any wider landscape impact is taken in the context of the site being on the edge of the built-up area of Loughborough with long-range views being limited by existing development, planting and topography.

The site would make a notable contribution of up to 30 dwellings while the Council cannot demonstrate a 5 year housing land supply. The site would also provide up to 9 affordable units.

The site has demonstrated that safe access can be achieved to the satisfaction of the Local Highway Authority and that the site has the potential to achieve a suitable drainage scheme to manage surface water run off to greenfield rates. There are no objections from statutory consultees with regard to the technical details of the scheme.

The site is in the vicinity of a grade II listed building with the potential for the layout to impact its setting. The proposals include a parameter plan that demonstrate that an offset can be retained to the satisfaction of Charnwood's Conservation Officer. On that basis, the proposals are considered to result in 'less than substantial harm' in the terms of the NPPF paragraph 202 and that the public benefits outweigh the limited heritage impact identified through assessment of this application.

Any residential development of the site would place additional pressure on the local highway network and ecological assets as well as open spaces, schools, libraries, and doctors, for example, but there are no objections raised by consultees, subject to contributions being secured through a Section 106 legal agreement to ensure that any additional demand is addressed.

The site is constrained by sensitive biodiversity assets, most notably the proximity to Burleigh Wood which is an ancient woodland and local wildlife site and these are to be afforded particular protection to ensure that any development does not detract from its ecological value. The site also has a particular raised topography and provides a landscape buffer to Burleigh Wood but this does not preclude the principle of development from being acceptable, though it may constrain options for any further detailed layout. It is noted that Charnwood's Landscape Officer raised potential for considerable harm but it is recognised that there is scope to mitigate this to the extent that it would not constitute a 'significant' or 'demonstrable' harm in terms of the NPPF paragraph 11 d) in its own right.

While the site was proposed as a draft allocation, it was removed following a high level review of potential impacts on ecology and other sites being better suited to meet housing need. However, a detailed assessment of the site as part of this application has been undertaken to the satisfaction of Charnwood's Senior Ecologist and a baseline has been agreed to ensure that any future development of the site meets the requirement for there to be no net loss of in biodiversity value. With regard to the potential for allocation, it is notable that the proximity of a site allocation to Burleigh Wood has not prevented the LUSEP site from being allocated through the Core Strategy and repeated in the emerging local plan, nor has it precluded a proposed allocation at Snells Nook Lane, abutting the western side of Burleigh Wood. As such, and subject to detailed assessment of any final details as reserved matters, the principle for development of the site is not constrained solely by its proximity to Burleigh Wood.

It is noted that objections have been received in relation to ecological impact, landscape impact and loss of open space, among others, but the issues raised are not supported by consultees and while they have been taken into account in the consideration of the application, the issues and interpretation of policy contained therein are not agreed to justify refusal of this outline application, particularly as control remains to ensure a policy compliant development through reserved matters.

It is also taken into account that there is no designation for the site to be used as open space and there is no public right of access onto or through the site at present. While access may have been accepted in the past, and submissions have been made to designate a new PROW through the site, any access to the site is currently at the owner's discretion with the site currently being gated and fenced with no immediate prospect of a decision being made for a new PROW. Nevertheless, if a PROW were to be confirmed prior to reserved matters then there would still be the opportunity to

amalgamate a new PROW into the layout, albeit that it is noted that the University did not support any new access into Burleigh Wood from this site and that the PROW would be in an urban setting rather than the current proposals for a loop within a greenfield site.

Furthermore, while the importance of access to open space is agreed and it is noted that there is a deficit of open space in the ward, the level of deficit (as set out in the Open Space Assessment 2017) is not uncommon within Loughborough, nor other villages within the Borough where other developments are being considered and, as there is no specific designation as open space, it is not taken to be particularly important to meet the needs of existing residents on this site while other formally designated open spaces and countryside are available within and around the ward.

Issues have also been raised in relation to potential impact on residential amenity and proximity to existing dwellings and ecological assets, however, any assessment is to be based on the application being for outline planning permission with all matters reserved except for the point of access and that control could be retained through any future reserved matters to ensure that the details of the scheme, including the final layout, scale and design of houses, landscaping, boundary treatment and floor levels result in a policy compliant development that protects the residential amenity of neighbouring dwellings.

In conclusion, it is recognised that this site is of particular local interest but, based on the current development plan which is the starting point for the determination of planning applications, it is within the settlement boundary of Loughborough where new residential development is encouraged. Furthermore, while Charnwood cannot demonstrate a 5 year housing land supply, the proposals are to be considered in relation to NPPF paragraph 11 d) and, based on there being no objections from statutory consultees, potential to secure infrastructure contributions through a S106 legal agreement and the option to control any permission by planning conditions then it is considered that there are no 'significant' or 'demonstrable' adverse impacts that would outweigh the provision of up to 30 dwellings, including up to 9 affordable units, within the settlement boundary of Loughborough.

**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:

Libraries	<ul style="list-style-type: none"> <li>Up to £910.00 towards the improvement of facilities at Loughborough Library.</li> </ul>
Open Space	<ul style="list-style-type: none"> <li>An on-site multi-function green space (minimum 0.02ha)</li> <li>An on-site natural and semi open space (minimum 0.14ha)</li> <li>An on-site amenity green space (minimum 0.03ha)</li> <li>An on-site LEAP facility</li> <li>On-site provision for young people. Alternatively, if provision cannot be achieved on site then a</li> </ul>

	<p>contribution of up to £28,620.00 is to be sought for off-site provision</p> <ul style="list-style-type: none"> <li>• 0.19ha on-site provision or up to a £9,881.00 contribution towards off-site outdoor sports facilities</li> <li>• 0.02ha on-site provision or up to a £3,388.00 contribution towards off-site provision or enhancement of allotment facilities in Loughborough</li> </ul>
Affordable Housing	<ul style="list-style-type: none"> <li>• 30% of the dwellings to be affordable housing (up to 9 units) with 63% for affordable rent and 37% shared ownership.</li> </ul>
NHS	<ul style="list-style-type: none"> <li>• Up to £15,189.37 to increase and improve facilities at the Forest Edge surgeries in Loughborough.</li> </ul>
Highways	<ul style="list-style-type: none"> <li>• Raised kerb provision at the local bus stop on Leconfield Road at a cost of £4,000 to support modern bus fleets with low floor capabilities.</li> <li>• Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).</li> <li>• Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £510 per pass)</li> </ul>
Civic Amenity	<ul style="list-style-type: none"> <li>• Up to £1,281.00 towards the increase and improvement of the facilities at Shepshed Waste and Recycling facility.</li> </ul>
Biodiversity mitigation	<ul style="list-style-type: none"> <li>• The submission of a Biodiversity Mitigation Strategy, which includes a new BIA assessment based on the baseline which has agreed through the BIA submitted December 2021, at reserved matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss.</li> <li>• Mitigation on site</li> <li>• Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties if required in the unlikely event that on-site mitigation cannot be provided.)</li> </ul>

#### **RECOMMENDATION B:**

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

1.	<p>Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</p> <p>REASON: 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 broad accordance with the following approved plans:</p> <p>N1249 010A Parameter Plan  N1249 400A POS Provision Plan  Tree Survey P2164 /1020 /02 23/11/2020  ADC1905-DR-100 Revision P4 Access arrangement</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.</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>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 of the Development Plan.</p>

6.	<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>
7.	<p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum detail of:</p> <ul style="list-style-type: none"> <li>a) the routing of construction traffic,</li> <li>b) wheel cleansing facilities,</li> <li>c) vehicle parking facilities, and</li> <li>d) a timetable for their provision,</li> </ul> <p>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>
8.	<p>Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The CEMP shall be in broad accordance with the Construction and Ecological Management Plan (RSE_492_02_V2 August 2021). The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.</p> <p>REASON: To reduce the possibility of adverse impacts on nearby SSSIs and ecology in accordance with Policy CS13 and the NPPF and to minimise disruption to the neighbouring residents in accordance with Policy CS2 of the Core Strategy and saved Policy EV/1 of the Local Plan (2004).</p>
9.	<p>Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30hrs and 18:00hrs on weekdays and 08:00hrs and 13:00hrs on Saturdays and at any time on Sundays and Bank Holidays.</p> <p>REASON: To minimise disruption to the neighbouring residents in accordance with Policy CS2 of the Core Strategy and saved Policy EV/1 of the Local Plan (2004).</p>
10.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing number ADC1905-DR-</p>

	<p>100 Revision P4, ' Onsite Highway General Arrangement', have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).</p>
11	<p>A Biodiversity Impact Assessment shall be submitted with the 'Reserved Matters' to assess the impact of the development in relation to the site ecology based on the agreed Baseline ecology measurement as set out in the BIA (December 2021) and shall include the provision of mitigation measures to offset any negative impact on habitat along with timescales for implementation. The approved ecological mitigation shall then be fully implemented in accordance with the approved timescales.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.</p>
12	<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 construction of the development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Paragraph 169 of the NPPF.</p>
13	<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 shall thereafter be carried out in accordance with the 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 in accordance with Paragraph 169 of the NPPF.</p>
14	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details.</p> <p>Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Paragraph 169 of the NPPF.</p>



15 .	<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 in accordance with Paragraph 169 of the NPPF.</p>
16 .	<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>
17 .	<p>The existing hedges and trees located within 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 and trees are an important feature in the area and its retention is necessary to help screen the new development</p>
18	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, 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 and trees 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>
19 .	<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 on-site multi-function green space (minimum 0.02ha)</li> <li>ii. An on-site natural and semi open space (minimum 0.14ha)</li> <li>iii. An on-site amenity green space (minimum 0.03ha)</li> <li>iv. An on-site LEAP facility</li> <li>v. On-site provision for young people or off-site contribution as per the S106</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>

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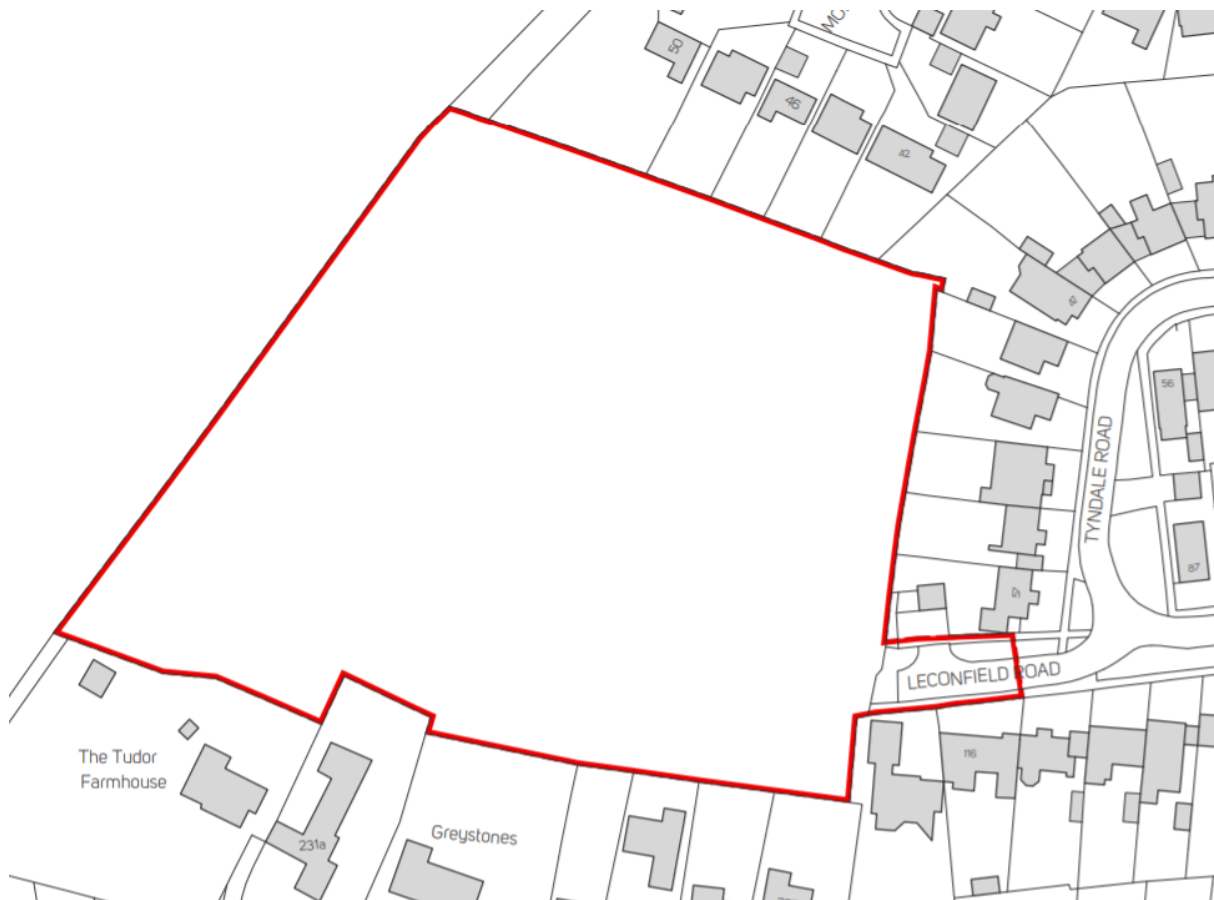
Informative Note(s):

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, 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. 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.
4. 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>
5. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
6. 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>
7. All work shall follow recognised good practice such as those detailed in BS 5228 "Noise control on construction and open sites", the BRE report "Control of Dust from Construction and Demolition Activities.

8. There shall be no burning of waste on the site.
9. The surface water 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>
15. Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
16. Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure.
17. Where a drainage ditch adjoins or flows through a development, provision should be made such that the ditch can be made throughout the life of the development.

The ownership and responsibility for maintenance of the ditch should also be clearly identified and conveyed to the relevant parties.

18. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.



## Item No. 2

### Application Reference Number P/20/2349/2

<b>Application Type:</b>	Outline	<b>Date Valid:</b>	15.12.2020
<b>Applicant:</b>	Davidsons Developments Limited		
<b>Proposal:</b>	Application for Outline Planning Permission for residential development for up to 50 no. dwellings, with associated landscaping, open space, drainage infrastructure and access: and the demolition of number 65 Glebe Road Queniborough to facilitate the development of an emergency access (Outline access only to be considered).		
<b>Location:</b>	Land off Boonton Meadow Way, including No 65 Glebe Road, Queniborough		
<b>Parish:</b>	Queniborough	<b>Ward:</b>	Queniborough
<b>Case Officer:</b>	Helen Knott	<b>Tel No:</b>	01509 634988

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## Background

This application was presented at Plans Committee on the 16<sup>th</sup> December 2021. The committee resolved to defer the application in order to allow Queniborough Parish Council time to gather further information.

This report is an update to the original committee report in appendix B and the extras report in appendix C. It updates members on the additional information received since the 16 December 2021 Plans Committee.

## Further information and consultation responses received

This section provides a brief summary of the information received since the 16 December meeting of Plans Committee. The documents can be read in full on the online planning file.

### Queniborough Parish Council

Queniborough Parish Council has submitted Counsel Opinion from Nina Pindham and Sioned Davies of No5 Chambers. They state that '*We have been asked for our view on whether the requirements of paragraph 14(b) of the NPPF have been made out meaning that the neighbourhood plan does contain policies and allocations to meet its identified housing requirement.*'

This legal opinion provides a legal and policy context and outlines quotes from the Queniborough Neighbourhood Plan (QNP) Examiner's report and its supporting documents and it identifies the context provided by the Local Plan Pre-Submission Draft.

The opinion is that the QNP expressly sets out the determination of the housing requirement in paragraphs 7.1 – 7.3 and the examining Inspector was happy with this approach. It goes on to contend that it would be unreasonable for the Neighbourhood

Planning Body to determine the housing need on the basis that the Core Strategy was time expired.

The opinion concludes that *'the QNP has taken an eminently sensible approach to assessing the need in its area based on current policy, and providing for well in excess of that need through an allocation in the QNP. Given that the identified housing requirement used in the QNP was derived from the best available housing figure for the neighbourhood area set out in the relevant strategic policies in the present local plan (the Core strategy), we conclude that the QNP does satisfy the requirements of paragraph 14(b) of the NPPF.'*

Full copy of this legal opinion is publically available on the planning file and can be accessed via the Council website.

### Applicant

The applicant has also submitted Counsel Opinion from Scott Stemp also of No5 Chambers. This states *'I am asked to consider the opinion of Ms Pindham and Ms Davies (dated 7<sup>th</sup> January 2022 – 'the opinion') submitted on behalf of Queniborough Parish Council ('QPC') in relation to an application for planning permission (reference P/20/2349/2 – 'the application').*

The opinion is that the approach to be taken to paragraph 14 of the NPPF has recently been addressed by an Inspector at the appeal for Melton Road, Burton on the Wolds where *'the Inspector identified that a neighbourhood plan must contain both policies and allocations to meet an identified housing requirement in order to meet NPPF 14.'*

The opinion responds to two posed questions: 'Does the QNP contain a housing requirement for the QNP area?' and 'Does the QNP contain allocations to meet an identified housing requirement?'. It contends:

- the QNP does not contain a policy which identifies housing need;
- the housing need identified in the supporting text is not for the neighbourhood area as the Core Strategy figure is a minimum figure for a total of 12 settlements; and
- the plan does not identify an allocation to fulfil the requirements of paragraph 14 (b) of the NPPF.

The opinion is that paragraph 14 is not fully engaged when determining this planning application given the reasons above.

Full copy of this legal opinion is publically available on the planning file and can be accessed via the Council website.

### NHS West Leicestershire CCG

A request of £25,315.62 has been sought towards the improvement of two surgeries within Syston of which this development would have an impact.

### **Consideration of the additional submissions and planning assessment**

## Paragraph 14 of the NPPF and Queniborough Neighbourhood Plan

To summarise, the Parish Council's legal opinion states that the QNP does include an identified housing requirement and includes an allocation and therefore meets the requirements of paragraph 14 (b) of the NPPF. The applicant's legal opinion states that paragraph 14 (b) of the NPPF is not met as the QNP does not have an identified housing need for the area and does not contain an allocation of land to meet it.

As members have previously been advised, in order for Paragraph 14 to be fully engaged, the following circumstances must all be satisfied:

- a) The neighbourhood plan must be 2 years old or less when the decision is made
- b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement
- c) There must be at least a three year supply of deliverable housing sites
- d) The housing delivery in the Borough must be 45% of that required over the previous three years.

Following the conflicting legal opinions submitted by the applicant and the Parish Council, Charnwood Borough Council as the Local Planning Authority obtained a legal opinion from Hugh Richards, No5 Chambers. The Council sought advice on whether the Queniborough Neighbourhood Plan meets all requirements of paragraph 14(b) of the NPPF. The Plans Committee report and the two legal opinions submitted by the applicant and the Parish Council were provided to the Barrister for context.

A redacted copy<sup>1</sup> of the legal opinion provided Hugh Richards to the Council is attached as Appendix A to this report and is also on the planning file, which can be viewed on the Council's website. The opinion concludes:

'In my opinion the requirements of NPPF para 14 (b) are therefore not met in this case. In the determination of the current planning application the "likely" provision in para 14 does not apply.'

The reasons given for this conclusion were that there is no housing requirement figure set out in the QNP, the closest it comes to this is by noting that the Core Strategy provides for at least 500 homes to be provided in 12 settlements including Queniborough. Additionally, the advice identifies that the Examiner's Report for the QNP describes the 500 figure as a "collective requirement" which has already been exceeded and in the emerging Local Plan the same settlements were given a further collective requirement of 945 new homes. The QNP did not request an indicative figure from the Council and no indicative housing figure was tested during the QNP examination process.

The conclusions of Mr Richards' legal opinion support the officer's conclusion within the original committee report that Queniborough Neighbourhood Plan does not satisfy the requirements of paragraph 14 (b).

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<sup>1</sup> A redacted version has been published as the Opinion also covered other matters not related to the determination of this planning application

It is acknowledged that there are three separate legal opinions on the matter of paragraph 14 of the NPPF with a focus on paragraph 14 (b). However, the Council's legal opinion was able to consider all points raised by both the applicant and the Parish Council.

In conclusion, while the QNP does include an allocation of land, it does not include a policy which sets out the housing requirement for the neighbourhood area and therefore the application fails to satisfy the requirements of Paragraph 14(b) of the NPPF.

Accordingly, any contradiction with policies relating to the provision of housing is unlikely to be considered as a significant and demonstrable harm sufficient to outweigh identified benefits. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative.

The application must fall to be determined in line with paragraph 11 (d) of the NPPF and the assessment and planning balance outlined within the 16 December 2021 officer report (appendix B) and Extras Report (appendix C).

### Landscape and Visual Impact

Updated landscape comments have been provided by the Senior Landscape Officer since the publication of the original committee report (appendix B). These comments provide clarity on the assessment of the harm to the landscape following discussions between the case officer and the Senior Landscape Officer. The comments identify that the landscape of the area is moderately sensitive to change and also forms the landscape setting for the Conservation Area. Concerns are raised in the comments with regard to the submitted parameter plan supporting the application due to a limited number of trees proposed to the southern perimeter and interior to the site, which the Senior Landscape Officer considers only weakly addresses the previous concerns and does not adequately mitigate effects. The Senior Landscape Officer considers the proposed parameter plan from vantages to the south and east and that there would likely remain significant visual harm. It is acknowledged by the Senior Landscape Officer that additional landscaping could be included to mitigate this impact such as a defined tree belt, which is a characteristic of the local area, or trees interspersed between plots to provide screening within and adjacent to the Conservation Area.

This application is for outline planning permission with access being the only detailed matter for consideration. Therefore, the parameter plan provided with the application is indicative only and subject to change through a reserved matters application. The parameter plan is a basis and starting point to guide the detailed design of the scheme and can be further developed. There has been no indication that additional planting on site would not be possible and therefore additional mitigation to lessen impact of the landscape could be achieved.

Additionally, a planning condition has been recommended to mitigate the impact of the development upon the Conservation Area. This condition requires the strengthening of the hedge line along the boundary adjacent to the conservation area and the fields to the south together with the planting of large species trees, along the edge and within the proposed development, with sufficient space given to grow to maturity. This condition would also ensure the future detailed scheme includes further planting to mitigate impact



upon the landscape as well as reducing the impact upon the setting of the Conservation Area.

It is concluded that, subject to appropriate mitigation provided at the detailed reserved matters stage, the impact of the development upon the surrounding landscape could be mitigated. Policy CS11 of the Core Strategy requires new developments to protect landscape character and reinforce sense of place and local distinctiveness, mitigate its impact on tranquillity and maintain the separate identities of towns and villages. As identified above mitigation is possible on this site, with details to be provided and agreed at the reserved matters stage, to limit the harm upon the immediate landscape which would accord with Policy CS11 of the Core Strategy. Policy Q6 of the Queniborough Neighbourhood Plan states that to support the character of the landscape and countryside Policy CS11 of the Core Strategy will be applied. Therefore, the proposal is considered in accordance with Policy Q6 of the Queniborough Neighbourhood Plan.

### NHS contribution request

NHS West Leicestershire Clinical Commissioning Group have submitted a request for S106 contribution of £25,315.62 towards The County Practice, Syston and Jubilee Medical Practice, Syston. The request identifies that the development could result in an increased patient population of 121 people. Both practices are experiencing capacity issues in relation to their premises and would need to make improvements to enable them to register new patients arising from the proposed development. This request is considered to be CIL compliant and would, alongside the other identified S106 contributions, facilitate the necessary infrastructure to meet Policy CS24.

### **Planning Balance and Conclusion**

Noting the additional information provided above, this does not alter the original assessment of the Planning Balance of this application, as set out in the original report (see appendix B and C). It is considered that the benefits of the proposal outweigh the limited harm identified to landscape and heritage and therefore it is recommended that planning permission be granted, subject to a S106 legal agreement securing the obligations outlined in Recommendation A and the planning conditions outlined in Recommendation B.

### **Recommendation A:**

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

Biodiversity	The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with the agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference:
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	<p>1) To achieve no net biodiversity loss.</p> <p>2) Mitigation on site.</p> <p>3) Mitigate off site</p> <p>4) Offsite contribution to pay for a project within the vicinity of the development which mitigates the net loss on site (to be agreed by all parties).</p>
Libraries	£1,510 to mitigate the impact of the development at East Goscote Library
Civic Amenity	£2,584 to mitigate the impact of the development at the Mountsorrel Household Waste Recycling Centre
Affordable Housing	40% of the total housing on the site with a tenure split of 77% affordable rented and 23% shared ownership
Open Space	Off site contributions for young people of £47,700 Outdoor Sports £26,469 Allotments £5,646
Highways	<p>1. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack)</p> <p>2. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £510.00 per pass).</p> <p>3. Raised kerb provision at the nearest two bus stops Syston Rd (adj Barkby Rd) – 260007805 and at Syston Road (opp Avenue Rd) - 260007804 at a cost of £3,500 per stop to support modern bus fleets with low floor capabilities.</p>
NHS West Leicestershire CCG	£25,315.62 towards the improvements of The County Practice, Syston and Jubilee Medical Practice, Syston.

### Recommendation B:

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

1	<p>Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</p> <p>REASON: 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> <ul style="list-style-type: none"> <li>• Site Location Plan 400 Rev B</li> <li>• Indicative access arrangement 2001570-002 Rev A (within the Transport Statement) submitted 15th December 2020</li> <li>• GL1323 13 A Emergency access/footpath/soft landscape drawing submitted 15th March 2021.</li> </ul> <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.</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>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>
6	<p>The details submitted pursuant to condition 2 above shall include provision of a Swept path analysis based on Charnwood's refuse vehicle to confirm the suitability of the layout.</p> <p>REASON: In the interests of pedestrian and highway safety and in accordance with the National Planning Policy Framework (2019) and to promote and encourage walking to and from the site in accordance with policy CS17.</p>
7	<p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of 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</p>

	<p>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 in accordance with Paragraph 110 and 111 of the National Planning Policy Framework.</p>
8	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Indicative Access Arrangements drawing number 2001570-002 Rev A have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with paragraph 111 the National Planning Policy Framework.</p>
9	<p>The details to be submitted pursuant to Condition 2 above shall include the details of external lighting for the site that minimises light spill onto boundary habitats.</p> <p>REASON: To ensure that there is no adverse unmitigated impact on ecology and that there is compliance with Policy CS13 and the National Planning Policy Framework.</p>
10	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with paragraph 169 of the National Planning Policy Framework.</p>
11	<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 development shall be constructed in accordance with the 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 in accordance with paragraph 169 of the National Planning Policy Framework.</p>
12	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.</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</p>

	<p>drainage systems) within the proposed development in accordance with paragraph 169 of the National Planning Policy Framework.</p>
13	<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 in accordance with paragraph 169 of the National Planning Policy Framework.</p>
14	<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>
15	<p>The existing hedges and trees located within the application site boundaries, other than at the point of the new access shall be retained and always maintained. 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 and trees are an important feature in the area and its retention is necessary to help screen the new development and mitigate its impact within the wider landscape in accordance with Policy CS11 of the Core Strategy (2015) and Policy Q6 of the Queniborough Neighbourhood Plan.</p>
16	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, 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 and trees 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 in accordance with Policy CS11 of the Core Strategy (2015) and Policy Q6 of the Queniborough Neighbourhood Plan.</p>
17	<p>The details submitted pursuant to condition 2, shall include a heritage statement to inform the impact of the development upon the Queniborough Conservation Area.</p> <p>REASON: To ensure the development does not cause harm to the character and appearance of the Queniborough Conservation Area in order to ensure that the development complies with Policy CS14 of the Charnwood Local Plan 2028.</p>

18	<p>The details to be submitted pursuant to Condition 2 above shall include a ball strike report assessment to inform the impact of the location and design of the development in relation to the adjacent Tennis Court at the Syston Rugby, Cricket and Tennis ground on the future occupiers of the development.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
19	<p>No development including site works shall begin until details of the method of dealing with dust from construction works has been submitted to and agreed in writing with the local planning authority. The agreed details shall thereafter be implemented during the construction phase of the development.</p> <p>REASON: This condition is imposed in the interests of protecting the amenities of existing and future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
20	<p>No development shall commence on site until a physical site investigation has been undertaken to identify the extent, scale and type of any contamination. Details of the findings of this site investigation shall be submitted to the local planning authority.</p> <p>If contamination is identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be prepared, submitted and agreed in writing by the local planning authority.</p> <p>The development hereby permitted shall be carried out in strict accordance with this approved remediation scheme.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
21	<p>Upon completion of the remedial measures approved pursuant to condition 21 a site verification report shall be provided including conclusive evidence that the remedial measures have been implemented and the site is suitable for its intended use, to the local planning authority and confirmed in writing that it is acceptable.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
22	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall be constructed in accordance with the approved amendment to the remediation strategy.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
23	<p>An agreed scheme to investigate and where necessary deal with landfill gas shall be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>This scheme shall be implemented and a completion statement provided to the satisfaction of the Local Planning Authority.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
24	<p>The details submitted pursuant to condition 2 shall include a scheme for dwellings that incorporates a varied roofline; and strengthening the hedge along the boundary adjacent to the conservation area and the fields to the south. Planting of large species trees along the edge and within the proposed development, that are given sufficient space to grow to maturity.</p> <p>REASON: This condition is imposed in order to break up the regularity of built form, particularly roofscapes, in the interests of the visual amenity and in accord with Policy CS2, CS11 of the Charnwood Local Plan and Policy Q6, of the Queniborough Neighbourhood Plan.</p>

Informative Notes:

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, CS13, CS14, CS16, CS24, CS25, EV/1, TR/18, and the Queniborough Neighbourhood Plan 2019-2028, Policies Q1, Q4 Q8 Q13 and Q14. Whilst it is recognised that the proposal does not fully comply with policies CS11, ST/2, CT/1, CT/2, Q6 and Q12 the harm arising from this does not significantly and demonstrably outweighed the identified benefits. 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 (2021), 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.

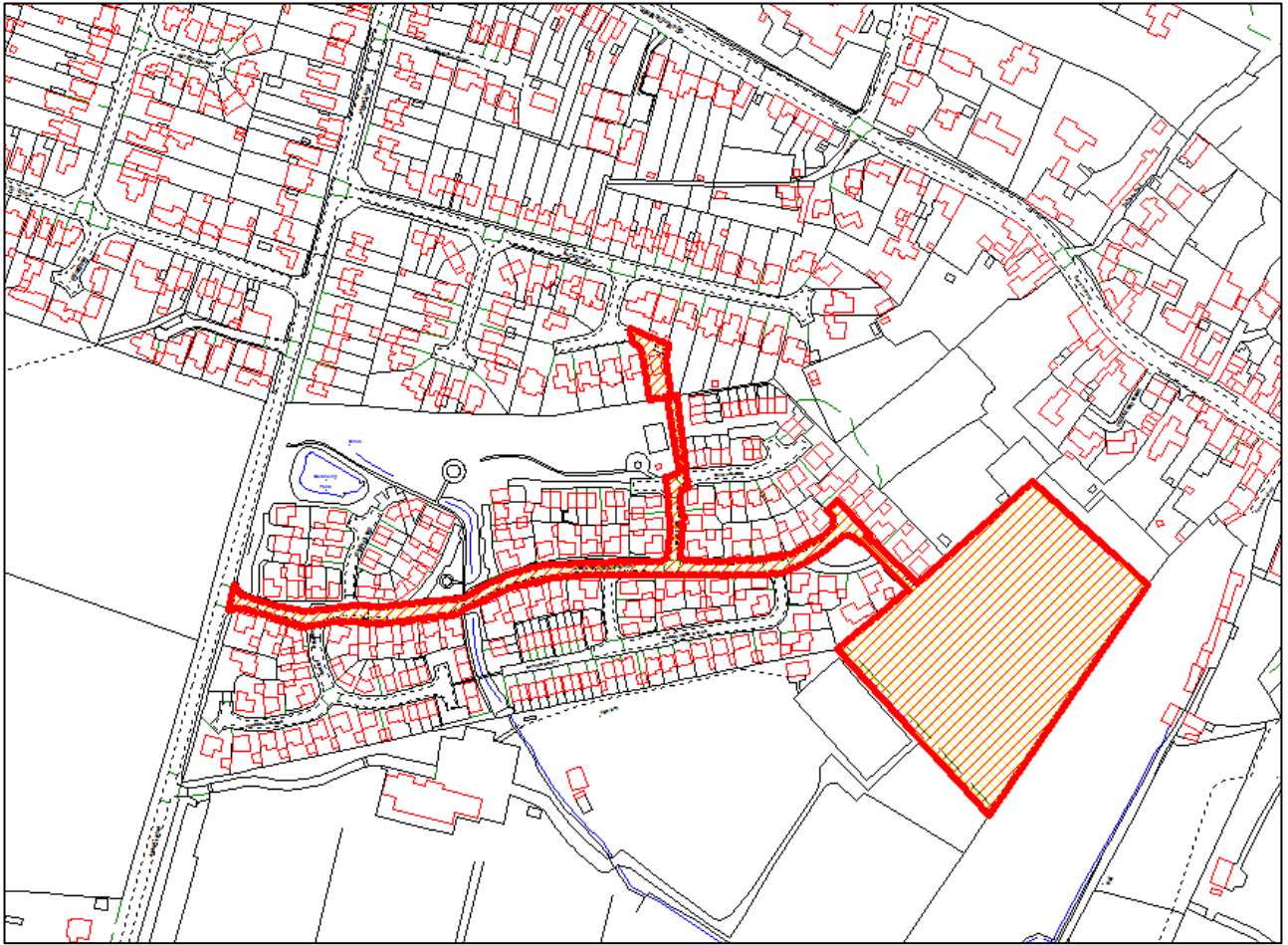
9. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance, and 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.

12. An appropriate air quality assessment to support the application is necessary, to determine: 1. Air quality conditions at new residences in the proposed development; and 2. Air Quality impacts associated with the traffic generated by the proposed development. The assessment should include receptors adjacent to all roads where a significant change in traffic is predicted.





CHARNWOOD BOROUGH COUNCIL

IN THE MATTER OF LAND OFF BOONTON MEADOW WAY, QUENIBOROUGH (LPA REF P/20/2349/2) AND PARAGRAPH 14 OF THE NATIONAL PLANNING POLICY FRAMEWORK

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ADVICE

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1. I am instructed on behalf of the Council. It is seized of planning application P/20/2349/2 for outline permission in respect of land off Boonton Meadow Way, Queniborough for:

*"the erection of up to 50 no. dwellings, with associated landscaping, open space, drainage infrastructure and access; and the demolition of No. 65 Glebe Road, Queniborough to facilitate the development of an emergency access. (Outline - Access only to be considered)".*

2. The Parish Council (which is also the Neighbourhood Development Forum – "NDF" and the Neighbourhood Planning Body – "NPB") has submitted a consultation response, supported by counsel's opinion, that paragraph ("¶") 14 of the NPPF applies. The Applicant, Davidsons Developments Ltd, has also submitted counsel's opinion taking issue with that submitted by the Parish Council, particularly with regard to ¶14b). Following consideration by the Council's planning committee the matter was deferred in order for the legal position to be considered further. The application is due to be reported back to committee on 24 February 2022. I am asked to advise and to answer the questions posed in my instructions.
3. This is an application that involves the provision of housing. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. I am instructed that there are no policies in the NPPF that

could result in the application site being treated as being an area or asset of particular importance to be protected. In such circumstances ¶11d) and footnote 8 of the NPPF indicate that planning permission should be granted “unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits” when assessed against the policies in the NPPF taken as a whole.

4. However, ¶14 of the NPPF introduces a ‘gloss’ on this part of the NPPF:

“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply<sup>9</sup>:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority’s housing delivery was at least 45% of that required<sup>10</sup> over the previous three years.”

<sup>9</sup> Transitional arrangements are set out in Annex 1.

<sup>10</sup> Assessed against the Housing Delivery Test, from November 2018 onwards.

5. It should be noted at this point that ¶14 advises when it is “likely” that the tilted balance will come down against an application. It does not say that:

- a. This is the only situation in which that is “likely”;
- b. That if the criteria in ¶14 are not all met, that it is not open to a decision-taker to nevertheless conclude, as a matter of planning judgment, that conflicts with a Neighbourhood Development Plan (“NDP”) still indicates that adverse impacts significantly and demonstrably outweigh the benefits.

6. It is plain that there is no serious dispute between the Applicant and the Parish Council that the requirements of ¶14 that there be both relevant “policies” and “allocations” in the NDP are satisfied<sup>1</sup>. The real issue between them and their respective counsel is whether there is an “identified housing requirement” which the policies and allocations can be said to “meet”.
7. PPG gives further guidance as to the nature of this “requirement” in a NDP (*emphasis added*):

**How should a housing requirement figure be set for designated neighbourhood areas?**

The National Planning Policy Framework expects most *strategic policy-making* authorities *to set housing requirement figures for designated neighbourhood areas as part of their strategic policies*. While there is no set method for doing this, the general policy making process already undertaken by local authorities can continue to be used to direct development requirements and balance needs and protections by taking into consideration relevant policies such as the spatial strategy, evidence such as the [Housing and economic land availability assessment](#), and the characteristics of the neighbourhood area, including its population and role in providing services. *In setting requirements for housing in designated neighbourhood areas*, plan-making authorities should consider the areas or assets of particular importance (as set out in [paragraph 11, footnote 6](#)), which may restrict the scale, type or distribution of development in a neighbourhood plan area.

Within the administrative area of a National Park, the Broads Authority or a Development Corporation (where planning powers are conferred), each local planning authority should set a housing requirement figure for the proportion of the designated neighbourhood area which is covered by their administration.

Paragraph: 101 Reference ID: 41-101-20190509

Revision date: 09 05 2019

**How should local planning authorities identify indicative housing requirement figures for designated neighbourhood areas, when these are needed?**

Where an indicative housing requirement figure *is requested by a neighbourhood planning body*, the local planning authority can follow a similar process to that for providing a housing requirement figure. They can use the authority’s local housing need as a starting point, taking into

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<sup>1</sup> Although the Appellant’s counsel’s opinion describes Policy Q10 in the NDP as a “purported” allocation.

consideration relevant policies such as an existing or emerging spatial strategy, alongside the characteristics of the neighbourhood plan area.

*Proactive engagement with neighbourhood plan-making bodies is important as part of this process*, in order for them to understand how the figures are reached. This is important to avoid disagreements at neighbourhood plan or local plan examinations, and minimise the risk of neighbourhood plan figures being superseded when new strategic policies are adopted.

Paragraph: 102 Reference ID: 41-102-20190509

Revision date: 09 05 2019

### **How should neighbourhood planning bodies use a housing requirement figure that has been provided to them?**

Where neighbourhood planning bodies have decided to make provision for housing in their plan, *the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make.*

Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, *and where possible to exceed it.* A sustainable choice of sites to accommodate housing will provide flexibility if circumstances change, and allows plans to remain up to date over a longer time scale. Where neighbourhood planning bodies intend to exceed their housing requirement figure, proactive engagement with their local planning authority can help to assess whether the scale of additional housing numbers is considered to be in general conformity with the strategic policies. For example, whether the scale of proposed increase has a detrimental impact on the strategic spatial strategy, or whether sufficient infrastructure is proposed to support the scale of development and whether it has a realistic prospect of being delivered in accordance with development plan policies on viability. Any neighbourhood plan policies on the size or type of housing required will need to be informed by the evidence prepared to support relevant strategic policies, supplemented where necessary by locally-produced information.

When strategic housing policies are being updated, neighbourhood planning bodies may wish to consider whether it is an appropriate time to review and update their neighbourhood plan as well. This should be in light of the local planning authority's reasons for updating, and any up-to-date evidence that has become available which may affect the continuing relevance of the policies set out in the neighbourhood plan.

Paragraph: 103 Reference ID: 41-103-20190509

Revision date: 09 05 2019

### **Are housing requirement figures for neighbourhood areas binding?**

The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body *does not have to* make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). *The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area.*

Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that [housing requirement figures will be set in strategic policies, or an indicative figure provided on request](#). Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. *Where it is set as an indicative figure, it will need to be tested at examination.*

Paragraph: 104 Reference ID: 41-104-20190509

Revision date: 09 05 2019

### **What happens if the local planning authority does not provide a housing requirement figure for a designated neighbourhood area that wishes to plan for housing?**

Where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, *if a local planning authority is unable to do this*, then the neighbourhood planning body may *exceptionally* need to *determine a housing requirement figure themselves*, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area. The [neighbourhood planning toolkit on housing needs assessment](#) may be used for this purpose. Neighbourhood planning bodies will need to work proactively with the local planning authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the '[basic conditions](#)'.

Paragraph: 105 Reference ID: 41-105-20190509

Revision date: 09 05 2019

8. It is therefore clear that a "housing requirement" figure is set out in a NDP must have been arrived at in one of the following ways:

- a. It was set out in strategic policies in the Local Plan. There is no need for the subsequent NDP examination to test this figure further.
  - b. An indicative figure was requested from the LPA, is arrived at after proactive engagement between the LPA and NPB, and is then tested as part of the examination of the NDP.
  - c. "Exceptionally" an indicative figure was requested from the LPA, but the LPA felt unable to provide one, the NPB arrived at a figure which was then tested as part of the examination of the NDP.
  - d. In all cases, the requirement figure must then be set out in the NDP. The PPG is silent as to precisely how this has to be done (i.e. in policy or supporting text – I consider this further below).
9. In this case it is clear to me that:
- a. There is no requirement figure set out for Queniborough in the NDP which was 'made' on 12 June 2021. The closest the NDP comes to it is by noting (¶7.3) that the Core Strategy provides for at least 500 homes to be provided in 12 settlements including Queniborough.
  - b. The NDP Examiner's Report (¶32) describes this 500 figure as a "collective requirement" which has already been exceeded. He also identified (¶35) that in the emerging Local Plan these same settlements were given a further collective requirement of 945 new homes.
  - c. There is no evidence which I have seen that the NPB requested an indicative figure from the LPA or that the LPA and NPB engaged on this matter.
  - d. No indicative figure (whether provided by the LPA or arrived at by the NDF) was tested during the NDP examination process.
10. In my opinion the requirements of NPPF ¶14b) are therefore not met in this case. In the determination of the current planning application the "likely" provision in ¶14 does not apply.

**PARAGRAPHS 11 TO 20 REDACTED AS UNRELATED TO PLANNING  
APPLICATION P/20/2349/2**

21. For the moment, nothing further occurs.

Hugh Richards  
No 5 Chambers  
Birmingham – London – Bristol – Leicester

1 February 2022

Tel: 0845 210 5555  
Email: [hr@no5.com](mailto:hr@no5.com)



## Appendix B

### Application Reference Number P/20/2349/2

<b>Application Type:</b>	Outline	<b>Date Valid:</b>	15.12.2020
<b>Applicant:</b>	Davidson Developments Limited		
<b>Proposal:</b>	Application for Outline planning permission for residential development for up to 50 no. dwellings, with associated landscaping, open space, drainage infrastructure and access: and the demolition of number 65 Glebe Road Queniborough to facilitate the development of an emergency access (Outline access only to be considered).		
<b>Location:</b>	Land off Boonton Meadow Way, including No. 65 Glebe Road, Queniborough		
<b>Parish:</b>	Queniborough	<b>Ward:</b>	Queniborough
<b>Case Officer:</b>	Ann Scott	<b>Tel No:</b>	07592104635

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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 application site is presently agricultural pastureland and covers an area of 2.07 hectares. The site access is through an existing residential area off Boonton Meadows Way and an emergency access is proposed following the demolition of 65 Glebe Road.

The site is situated in Flood Zone 1 as defined on the Environment Agency Flood Map for Planning. The site is also not shown as being within an area at risk of flooding from surface water. There are presently no public rights of way associated with the application site.

The site lies outside but adjacent to the development limits for Queniborough. To the north east of the application site are existing residential properties fronting Main Street, Queniborough. To the north west is the newly constructed housing development off Barkby Road, with the Rugby club and other sports clubs to the south-west. Immediately adjacent to the south-west boundary is Syston Rugby, Cricket and Tennis club.

Queniborough Conservation Area is located immediately adjacent to the northern end of the application site, to the north-east. Other heritage assets within the vicinity including a number of listed buildings, the closest of which are situated approximately 100 metres from the north-east boundary at 25 Main Street which is Grade II listed. In addition, there are Grade II Listed Buildings at 22-28 Main Street and 38 to 40 Main Street.

## **Description of the Proposal**

This outline application seeks consent for the erection of up to 50 dwellings (Class C3) with associated access, landscaping, open space and drainage infrastructure at land Boonton Meadows Way. All matters are reserved except for an emergency access proposed to Glebe Road following the demolition of number 65 Glebe Road and a main vehicle access onto Boonton Meadow Way housing development.

The indicative plans show the retention of the existing boundary treatment on the North, West and Southern boundaries of the site. This boundary treatment is hedging primarily interspersed with some trees.

Whilst only indicative, the submitted layout makes provision for surface water attenuation, and indicative landscaped areas. Whilst the layout of the site is only indicative at this stage it demonstrates how a development could be brought forward with dwellings arranged around the site in a curved estate road pattern with 'T' turning cul-de-sac arrangements and off those, smaller informal vehicular accesses to serve properties.

The application has been submitted with the following supporting documents;

- Site location plan 400\_Rev B
- Indicative layout drawing SK001 Phase 3 Sketch Layout
- Drainage details E100-70-01 Rev C
- Topographical survey drawing S4203-01 (site) and S4203-02 (emergency access)
- Tree Survey
- Landscaping Emergency Access GL1323 13
- Ecological Impact Assessment P2047/1120/02 V4
- Habitat plan Revision 4
- Landscape and visual impact assessment
- Heritage statement and heritage mitigation
- Design and access statement
- Transport Statement 2001570-01 Rev A
- Noise Screening Letter
- Design Parameters Plan - n1353 - 101

## **Development Plan Policies**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 require that planning applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Adopted Development Plan for the area comprises the Charnwood Local Plan 2011-2028 Core Strategy, the saved policies of the Charnwood Borough Local Plan 1999-2006 and the Queniborough Neighbourhood Plan (June 2021)

The most relevant policies of the Development Plan are listed below;

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. Within the settlement hierarchy. Queniborough is an “other” settlement as defined in policy CS1. Which meet the social and economic need for development in other settlements.

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)

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.

Queniborough Neighbourhood Plan (Made 10<sup>th</sup> June 2021)

Policy Q1 Parking – New development should ensure satisfactory parking provision.

Policy Q2 – Green spaces seeks to protect identified green spaces from development that would harm its character.

Policy Q3 – Community services and facilities. Seeks to ensure development does not involve the loss of community services and facilities.

Policy Q4 – Sport and Recreation – Supports provision for open space and facilities for young people.

Policy Q6 - Countryside and landscape – supports and protects the character of the landscape and countryside outside the development limits applying policy CS11 of the Charnwood Local Plan.

Policy Q8 – Ecology and Biodiversity – Seeks to avoid development which results in harm to biodiversity where it cannot be avoided, mitigated or at last resort compensated for.

Policy Q9 - Infill Housing – supports housing development within development limits where they meet other policies of the Neighbourhood plan.

Policy Q12 Housing Mix – requires applications on rural exception sites of five or more dwellings to demonstrate how proposals meet housing needs.

Policy Q13 – Non designated heritage assets – requires development affecting non designated heritage assets to balance the need or public benefit of the proposal against the significance of the non-designated heritage asset.

Policy Q14 - Design – supports residential development that reflects the distinctive and traditional character of Queniborough.

### **Other material considerations**

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

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 National Planning Policy Framework as a whole.

The NPPF policy guidance of 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 68). 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 62).

As the Borough of Charnwood Local Plan pre-dates, the NPPF 2021, paragraph 219 indicates that due weight should be given to relevant policies according to their consistency with the National Planning Policy Framework. These policies are broadly consistent with the aims to the NPPF and, as such, should be given significant weight.

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 National Planning Policy Framework as a whole.

#### 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 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). 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 111).

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

Paragraph 126 seeks to ensure the creation of high quality, beautiful and sustainable buildings, and places. Good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities. Being clear on design expectations and how these will be tested is essential for achieving this. So too is effective engagement between applicants, communities, and other interests throughout the process.

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

New development should be planned for in ways that avoid increased vulnerability to the range of impacts from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure (paragraph 154).

#### Section 16: Conserving and enhancing the historic environment

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.

### 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 etc, 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.

### National Modal Design Code

Provides detailed guidance and promotes successful design and expands on the 10 characteristics of the National Design Guide.

### 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)

This Supplementary Planning Document provides guidance on affordable housing, housing mix, houses in multiple occupation and purpose built and campus student accommodation 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 (July 2012):

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'.

#### 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 2021-37

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.

#### Queniborough Conservation Area Character Appraisal (June 2011)

This document sets out to how the Queniborough Conservation Area is an area in which its character or appearance is of special architectural or historic interest has been chosen to be preserved or enhanced. The appraisal is then used to inform the consideration of management and development proposals within the Area.

### **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>
Queniborough Parish Council	<p>The Queniborough Neighbourhood plan is 'Made'. The Parish Council wish to emphasise that this proposed development is not supported by either the Neighbourhood Plan or the pre-submission Local Plan. In addition, the Neighbourhood Plan is less than two years-old and allocates a site for future housing at Queniborough Lodge (HA4).</p> <p>Queniborough Parish Council is aware that the Planning Authority only has to demonstrate 3 years housing supply. Queniborough has already taken substantial housing growth at The Millstones and Barley Fields as well as catering for further development within its Neighbourhood Plan. The Parish Council believes that any acceptance of this current application is therefore completely untenable. The site is an unallocated greenfield site. The Parish ask the Planning Authority to reject the application on these grounds.</p>
Severn Trent Water	Do not object to the application
Leicestershire County Council Minerals Authority	It is recognised that the application site lies within Sand/Gravel and Gypsum Mineral Consultation Areas, however, given the proximity of existing residential development any potential mineral resource is unlikely to be workable to reasonable constraints. Accordingly LCC as Minerals Authority raise no objection against the proposed development from a mineral safeguarding perspective.
Environment Agency	No objections to the application.
Leicestershire County Council – Planning obligations	<p>Education contribution. – Confirms there is overall surplus in the sector and therefore no education contributions are required.</p> <p>Library contribution – £1,510 for library facilities at East Goscote</p> <p>Civic amenity contribution - £2,584.00</p>
Charnwood Borough Council Housing	In accordance with Planning Policy CS3, the applicant is required to provide 40% affordable homes across the site. Based on 50 homes this results in 20 affordable homes. The tenure split proposed does not accord with the Councils SPD.
Leicestershire County Council Highways	The Local Highway Authority advice is that, in its view, 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. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations.
CBC Environmental Health (contamination)	No objections to the proposal in principle but suggests conditions in relation to contamination investigation and mitigation where required.
Lead local flood authority	Leicestershire County Council as Lead Local Flood Authority has raised no objections and considered the proposal acceptable subject to the inclusion of planning conditions
Charnwood Open Space	<p>The development proposals are required to meet Core Strategy Policy (CS 15) standards for open space, sport and recreation. Development proposals need to set out how these standards will be met on site, or alternatively off site, through provision of a financial contribution for new or enhancement of existing facilities to meet development need. The ongoing management and maintenance of any on site open space also requires agreement prior to commencement of development to ensure proposals are sustainable and publicly accessible in perpetuity.</p> <p>Off site contribution for young people of £47,700  Outdoor Sports £26,469  Allotments £5,646</p> <p>Indoor Sport - The Sport England Facility Calculator estimates that the development generates demand for - 7 additional pool visits per week (this equates to an additional 1.21 sq m pool space at a cost of £22,709), 0.03 indoor courts (at a cost of £21,943) and 0.01 Indoor Bowls Rinks (at a cost of £3,240).</p>
Leicestershire Police	<p>Raise no objection to the proposal but have made the following recommendations in relation to design advice for</p> <ul style="list-style-type: none"> <li>• Street lighting,</li> <li>• Fencing</li> <li>• Key access points</li> <li>• Natural surveillance</li> <li>• Parking</li> <li>• Secured by design principles</li> <li>• Security alarms</li> <li>• Electrical spurs at vehicle entry points</li> </ul>

## Other Comments Received

34 letters of comment/objection have been received from local residents. Comments/Objections raised are summarised as follows:

- impact on the character of the area
- adverse impact on biodiversity
- antisocial behaviour because of the proposed new access route
- impact on the local road network from traffic generation
- emergency access should be gated off
- Glebe Road is already narrow, and it would be difficult to get emergency vehicles down it.
- add pressure to local infrastructure which is already at capacity
- congestion
- the existing site at Barley Fields has not yet been completed.
- Access is proposed in a quiet cul-de-sac
- Impact on residential amenity
- Highway safety potential for speeding traffic/danger to children/pedestrians from the additional traffic generation.
- Additional landscaping is required to the proposed footpath if the development is accepted.
- No objections to the proposed housing but consider the additional emergency access should only be a footpath through to Glebe Road from the site.
- Negative impact on the design of the existing estate
- Loss of privacy
- Noise and disturbance
- Building in the countryside
- Overbearing impact from the new development
- School is already at capacity
- concerns that the infrastructure of this estate is woefully insufficient to support these extra homes.
- There is a lack of traffic calming measures on existing roads in the area.
- The proposal would be detrimental to the local community.
- The Queniborough Neighbourhood plan has a defined limit for development and this site is not within it. It does not meet the exemption criteria.
- There are limited retail outlets in the village and people will have to use their car to go into Syston for shopping.
- Why is Queniborough being singled out to take up all of Charnwood's shortfall for new housing?
- The demolition of a perfectly serviceable dwelling 65 Glebe Road is not acceptable the dwellings are very sought after and an asset to the community.
- Pedestrian access to adjoining fields would be useful so residents can use the development to get easier access to the village amenities.
- Roads, footways are already congested causing problems for parents with pushchairs/wheelchair and mobility scooter users.
- Do we really need a further 50 houses in the village?
- Will there be an alternative route out of this development?

- Proposal not sustainable development.
- The plan to turn a cul-de-sac into an emergency access route to accommodate the new estate is just not feasible.

Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

## **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 Charnwood Local Plan 2011-2028 Core Strategy (2015) those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy and the Queniborough Neighbourhood Plan. It is acknowledged that with the exception of the neighbourhood plan, 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. Except for those policies which relate to the supply of housing, the relevant policies listed above are considered to be up to date and comply with national advice. Accordingly, there is no reason to reduce the weight given to them in this regard.

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 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 ii), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

The main issues are considered to be:

- The Principle of Development
- Housing Mix
- Open Space
- Heritage
- Landscape and visual impact
- Impact on Residential Amenity
- Highway Matters
- Flooding and drainage
- Ecology and biodiversity
- Infrastructure/S106 Contributions

## **The Principle of the Development**

The application is located outside but adjacent to the limits for development for development for Queniborough, as defined by “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, Queniborough is identified as an “other settlement”, where small scale development will be supported within the defined development limits. Policy Q9 of the Queniborough Neighbourhood Plan supports housing development within development limits where they meet other policies of the Neighbourhood plan. Policy Q6 of the Queniborough Neighbourhood Plan supports and protects the character of the landscape and countryside outside the development limits and Policy Q12 of the Queniborough Neighbourhood Plan requires applications on rural exception sites of five or more dwellings to demonstrate how proposals meet housing needs. 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.

Paragraph 14 of the National Planning Policy Framework applies in situations where the presumption at paragraph 11d applies. It advises that where applications involving the provision of housing, that conflict with the neighbourhood plan, the adverse impact of allowing development is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision was made.
- b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement
- c) The LPA has at least a three year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer set out in paragraph 74; and
- d) The local planning authority’s housing delivery was at least 45% of that required over the previous three years.

Whilst there is a Neighbourhood plan that is ‘made’ for Queniborough and is less than two years old, the plan does not identify a local housing requirement within policy. As such, it fails to fulfil criteria of para 14(b) as it does not contain policies and allocations which meet its identified housing requirement. Therefore, any contradiction with policies relating to the provision of housing is unlikely to be considered as a significant and demonstrable harm sufficient to outweigh identified benefits. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative.

Within this assessment, it should be recognised the proposal would result in the provision of up to 50 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 plan's spatial strategy set out in policies CS1, CT/1, CT/2, ST/2 and Q9, which seeks to direct growth away from smaller settlements and within settlement limits, it is not considered this would significantly and demonstrably outweigh the benefits, insofar as the principle of development is concerned. 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 and Q12 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 50 units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of policy CS3 relating to how these units should be provided.

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 form and includes an undertaking to provide 40% affordable homes within the site. 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 is proposed in the application form to be 50% affordable rent and 50% shared ownership, this conflicts with the Council's Housing Supplementary Planning Document which requires 77% affordable rent and 23% shared ownership. The applicant has amended the tenure to conform with the SPD requirements and would 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 Policy CS3 and Q12), 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 and Q12 could be achieved. The provision of 20 affordable units is also a significant benefit of the scheme which should be given weight within the planning balance.

### **Open Space**

Policy CS15 Open Spaces, Sports and recreation, seeks to meet the strategic needs of the community by 2028 and seeks to ensure new development meets the standards in the open space strategy. Where provision cannot be met on site contributions can be sought for off-site provision. Neighbourhood Plan Policy Q2 relates to Green Spaces and recognizes that there is existing sports provision within the Village including the adjacent Syston, Rugby, Cricket and Tennis Field.

The site does not propose any formal open space provision, however there will be incidental open space areas and SUDs features within the application site. Given the size of the site and its close proximity of existing play and sports facilities, it is considered off site contributions are more appropriate and would mitigate the impact of the proposal in accordance with Policy CS15. Charnwood open space advise that they have no objections to the proposed application, subject to a number of off-site contributions towards young people provision, outdoor sports facilities, allotments and indoor sport.

Whilst it is recognised that formal open space provision will not be provided within the site, it is considered that the development would provide a contribution towards open space proportionate to its size and needs of future residents and accordingly the proposal is considered to accord with Policies CS15 of the Charnwood Local Plan and Q2 of the Queniborough Neighbourhood Plan.

### **Impact on Heritage Assets**

When considering a development proposal within a conservation area or within the setting of a listed building, sections 66 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 199-202 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.

Policy CS14 Heritage seeks to ensure that the historic environment is conserved and enhanced for their own sake and requires developments to protect their assets and

the setting. Policy Q13 of the Queniborough Neighbourhood Plan relates to non-designated heritage assets. Some are located on Main Street and include a telephone kiosk, and number 8 Main Street. These non-designated heritage assets are not considered to be affected by the proposed development.

There are several designated heritage assets within the vicinity of the site that the proposal could potentially impact upon, including the listed buildings along Main Street, St Mary's Church and the Queniborough Conservation Area.

Paragraph 194 of the National Planning Policy Framework requires that the applicant is required to describe the significance of any heritage assets affected including any contribution made by their setting. The application is accompanied by a design and access statement which identifies the nearby heritage assets

Paragraph 195 of the National Planning Policy Framework requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected including by development affecting the setting of a heritage asset. The application is accompanied by a Heritage Statement which assesses the significance of the heritage assets and how they may be affected by the development proposal.

The listed buildings closest to the site are located along either side of Main Street and extend partially along the linear burgage plots running back from the street. Together these provide a predominant mediaeval plan form to the village, which is evident in the wider landscape. The buildings and boundary treatments obscure views towards the application site. The setting of the listed heritage assets, in particular 25 Main Street, and the development proposal have no distinct visual relationship due to the intervention of other built development and the distance to the edge of the application site, which is at the nearest point approximately 100 metres. The interrelationship between these listed buildings and the site is very limited and therefore it is the wider landscape setting of these listed buildings that is likely to be impacted upon. The spire of St Mary's Church dominates the skyline but is some distance from the site and any adverse impact from the development is likely to be minimal.

The heritage asset significantly affected by the development is the Queniborough Conservation Area and its setting. The site is located immediately adjacent to the conservation area boundary at its north western edge. The Queniborough Conservation Area Appraisal states that the Conservation Area incorporates the whole of the village as it was from mediaeval times up until the end of the 19<sup>th</sup> Century. During the 13<sup>th</sup> Century the burgage plots for homesteads and farmsteads established a regular pattern of narrow strips of land. The early Mediaeval village was a parish of open agricultural fields. By the 18<sup>th</sup> Century this changed due to the pressure to change the economic system and in 1793 the Enclosure Act of Parliament for Queniborough was passed. Following enclosure only a few farms were built beyond the village. This historic pattern of land is still evident today.

The proposal has the potential to impact on the setting of the Conservation Area, particularly in views from Ridgemere Lane and from the public footpaths leading towards the village from the Lane, as well as from the footpath on the edge of the village.



The Council's Heritage Officer has considered the proposal in full. It is recognised that there would be both private and public views of the site from the conservation area, however these would be limited. The Heritage Officer considers the development of the land would result in an erosion of the heritage significance of the wider setting of the Conservation Area, by virtue of a visual intrusion in to the mediaeval setting, created by the distinctive built form, historic burgage plots and their connection to the agricultural land. The introduction of suburban/urban development on the mediaeval village plan would be harmful to the significance of the setting of the conservation area. The Queniborough Conservation Area Appraisal published in 2010, recognises these characteristics and that the Conservation Area itself is mostly untouched by 20th Century development with the exception of limited infill development.

It is considered that overall the harm to the heritage significance of the designated heritage assets would be less than substantial but still considerable. This harm needs to be given considerable importance and weight, and this must be weighed against the economic, social and environmental roles of the development in accordance with para 202 of the National Planning Policy Framework.

Potential harm could be significantly mitigated by careful consideration of the context of the site in relation to the design, scale and layout of the proposed dwellings to be put forward in a "reserved matters" application and from a suitable landscaping scheme to integrate the development into this distinctive landscape setting. A parameter plan which identifies this mitigation has been submitted and suitable planning conditions are suggested to ensure that going forwards the proposed reserved matters application would provide for a varied and articulated roofscape, and the use of native planting and large tree species to soften the impact of the development, reducing the harm to the setting of the designated heritage assets

These proposed measures have the potential to mitigate the harm to the setting of the designated heritage assets. It is considered that this harm would still be less than substantial but significantly reduced. On balance it is considered that there are no adverse impacts which would outweigh the benefits for planning permission to be refused. It is considered that the proposed development can accord with the aims and objectives of Policies CS14 and Q13.

#### 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. Policy Q6 of the Queniborough Neighbourhood Plan seeks to support and protect the character of the landscape and countryside by applying the requirements of Policy CS11. Policy Q14 seeks to ensure that residential development is in keeping with the character of its surroundings and takes account of topography and landscape features. These policies generally accord with the National Planning Policy Framework, 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 Wreake Valley Landscape Character area which is a mixed area of arable and pasture farming.

Views will be available towards the site from the within the village and conservation area. The historic pattern of the fields in the locality are a connection to the agricultural land beyond the introduction of suburban/urban development. The indicative layout lends itself more to the adjacent layout of the Boonton Meadows Way development with its contemporary street pattern and suburban layout. Whilst this may not be in keeping with the historic core of the settlement of Queniborough and its Conservation Area, later development has set a precedent for newer more contemporary development patterns in the locality.

The Borough Council's Senior Landscape Officer has considered the submission documents for this proposal for new housing on the site and considers the proposal will impact on the landscape character and visual appearance of the area, causing some adverse harm to the immediate landscape. Whilst it is recognised that all new development would have some impact on the immediate landscape character, it is considered that the current application does not fully mitigate this visual impact. However, it should be recognised that this is an outline application and the provision of new additional landscaping could help mitigate its landscape impacts.

Whilst it is accepted that the site would extend outside the defined development limits, the area to be lost would be limited only to that between the built edge of Queniborough, the sports pitches and the adjacent Boonton Meadows Way housing development. Overall it is considered the proposal is acceptable in principle in relation to landscape and visual impact because it relates well to the adjacent market housing and the settlement of Queniborough. Although there would be some impact on the character of the edge of open countryside and landscape, this impact would not be so significant or demonstrable as to outweigh the benefits of providing the additional housing. If approved, it is recommended that further details in relation to mitigation for landscape and visual impact are secured by planning conditions.

In conclusion it is considered the impact on landscape and visual impact can be mitigated to some extent by the design, scale and layout of the proposed dwellings to be put forward in a "reserved matters" application and from a suitable landscaping scheme to integrate the development into the locality. Accordingly, whilst it is recognised the development does not fully accord with policies CS11 and Q6 of the Development Plan, there is likely the development could accord with the aims and objectives of Policies CS2, EV/1 and Q14. Accordingly, whilst there would be some impact on the character of the edge of open countryside and landscape and harm would be caused by the non-compliance with the policies identified, these impacts would not be so significant or demonstrable as to outweigh the benefits of providing much needed additional housing within the Borough. The harm identified would however fall to be considered within the overall planning balance.

### **Impact on Residential Amenity**

Policy CS2, EV/1 and Q14 of the Development 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.

The amenities of the future occupiers of the development and its surroundings would be a consideration in the assessment of a future reserved matters application for the development if outline planning permission was granted. Whilst only indicative plans are submitted at this stage, it is considered that a suitably designed scheme could be provided which complied with the provisions of the Development Plan in this regard and which could maintain a suitable level of amenity for future and existing residents.

The application does include the detailed provision of an emergency access to the site this would be facilitated by the demolition of 65 Glebe Road (a detached dwelling). There are no objections in principle to the emergency access from the Highway Authority. There have been comments from nearby third parties with regard to noise and disturbance from the proposed access. Details of the emergency access has been submitted and show the emergency access to be blocked with collapsible bollards which will stop the use of the access by residents of the developments. It is considered that any impact on the amenities of nearby occupiers from the potential use of the access will be mitigated by its restricted use for emergency responder vehicles only. Accordingly, it is not considered the provision of this emergency access would result in an unacceptable level of noise and disturbance from vehicular traffic which would warrant the refusal of planning permission.

In terms of the residential amenities of the wider site and those of existing and future residents going forwards, due to the location of the site in close proximity to the nearby Syston, Rugby, Cricket and Tennis Club further details will be required by a planning condition to secure a ball strike report to inform the “reserved matters” Design and Boundary treatments.

For the reasons set out above, it is considered the proposal could, following careful design, comply with the provisions of policies CS2, EV/1 and Q14 along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

### **Highway Safety**

Policies CS2, CS18, TR/18 and Q1 of the Development Plan seeks to ensure safe access is provided to new development and appropriate parking is provided. 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 110 of the NPPF seeks to promote sustainable travel choices. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.

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:

## Background

*The Local Highway Authority (LHA) has been consulted on an outline planning application for the erection of up to 50 no. dwellings, with associated landscaping, open space, drainage infrastructure and access; and the demolition of No. 65 Glebe Road, Queniborough to facilitate the development of an emergency access.*

*The application site is Land off Boonton Meadow Way including No. 65 Glebe Road Queniborough. In its previous comments dated 12 February 2021, the LHA requested for a Stage 1 Road Safety Audit (RSA) and accompanying designer's response submitted in support of this planning application. The LHA also noticed that the trip generation figures were inaccurate as the Applicant had used the vehicle trip rates as opposed to the person trip rates.*

*The LHA advised these should be recalculated based on the person trip rates and Table 5.1 corrected, and that Table 5.2 should then also be updated as the modal split will also be incorrect. Road Safety Audit. The LHA are now in receipt of a Stage 1 RSA Report undertaken by M&S Traffic dated 4th March 2021 and a Designer's Response dated March 2021 in addition to updated Trip Rates.*

*Two problems were identified as a result of the RSA which are summarised below. Problem 3.1.1 Location: Proposed tie-in on alignment.*

*Summary: Proposed tie-in could lead to loss of control collisions. Recommendation It is recommended that the materials used in the carriageway construction should be of a consistent Polished Stone Value to those used along the length of the existing carriageway.*

## Designer's Response

*The Designer's Response accepts the recommendation and states this particular concern raised relates to the surface material used for the proposed access road and tie into the existing carriageway. It also sets out that construction details will be provided at the detailed design stage, considering the issues raised within the RSA. These will be made available for assessment at the Stage 2 Audit.*

*The LHA consider the above response to be acceptable. Problem 3.2.1 Location: Bend on proposed alignment. Summary: Vehicles entering the opposing carriageway at bend may lead to collisions with parked vehicles, side swipe collisions or vehicle to pedestrian collisions. Recommendation It is recommended that the carriageway widths should be sufficient to ensure that all expected movements can be safely accommodated, where swept paths should be supplied for assessment. Designer's Response.*

*The proposed internal site access road measures 5.5 metres wide and includes 0.6 metres widening around the initial bend as per Table DG6 of the Leicestershire Highway Design Guide. Nevertheless, Drawing Number 2001570-004 has been produced to include swept path analysis along the site access road itself. This demonstrates how a large refuse vehicle can enter the site and travel along the internal access road whilst passing a large car without conflict or overhanging of the footway.*

*As part of the detailed design stage, the internal layout shall be reviewed and assessed to ensure that the highway is designed in accordance with current local guidance and is suitable to accommodate vehicular manoeuvrability safely throughout. The LHA are satisfied that a refuse vehicle can enter and exit the site in a forward gear and manoeuvre around the site without conflict.*

### *Trip Generation*

*The Applicant has now corrected the trip generation. Notwithstanding this, they have used vehicular trip rates rather than the preferred person trip rates. Nevertheless, the LHA considers the above trip rates to be acceptable and notes that the development is proposed to generate 31 two-way vehicular trips in the AM and PM peak hours. The LHA therefore considered there is no requirement for any off-site junction capacity assessments other than the wider site access (Barkby Road junction with Boonton Meadow Way). The LHA advised the applicant that this junction should be assessed in PICADY, so it can be demonstrated it would operate under capacity with the additional trips generated.*

*The site access capacity has therefore been assessed as set out in the table below, which summarises the results of a PICADY model of the Barkby Road/Boonton Meadow Way T-junction. The LHA has checked the model, which is acceptable. Therefore, based on the above results, the LHA is content that the junction would operate well within acceptable limits of capacity at the 2026 Design Year with the proposed development in place, with all RFC values well below the 0.85 threshold of practical capacity where congestion may begin to occur. The LHA are therefore satisfied there is no further assessment required.*

*Emergency Access Further to a review of the letter from the Police Architectural Liaison Officer dated 10th February 2021 and drawing Emergency Vehicle Swept Path Analysis drawing no. 2001570-003 Rev C the LHA have the following comments:*

- Any necessary works regarding the dropped kerbs and vehicular crossover at Glebe Road end can be carried out under a S184 application and will need to conform to LHDG; and*
- The extension to the dropped kerbs and vehicular crossover at Daisy Close will require permission from the landowner / Developer as this site hasn't been adopted as of yet. Please note that this should conform to LHDG to avoid future adoptability issues. The emergency access should conform with paragraphs 3.18 & 3.19 of Part 3 of the LHDG. The Applicant should note that the LHA will not adopt the emergency access itself in any event".*

Details of the emergency access has been submitted and show the emergency access to be blocked with collapsible bollards which will stop the use of the access by residents of the developments.

There are no concerns raised by the Local Highway Authority. Queniborough is a sustainable location with access to regular bus services. The impacts of development on highway safety and the local road network would not be severe. Based on the information provided the development does not conflict with paragraph 111 of the

National Planning Policy Framework 2021, Policy Q1, CS18, and CS1 of the Development Plan subject to planning conditions.

### **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. There are no objections to the proposal from the Lead Local Flood Authority.

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. Details of how the site will be drained would be submitted in more detail at the Reserved Matters Stage but a drainage strategy has been submitted for indicative information as drainage remains a matter for a later application. No objections have been received from the Environment Agency or Severn Trent Water Authority to the proposed drainage information and subject to suitable conditions to secure a future drainage strategy for the site including any mitigation measures and ongoing site maintenance of surface water drainage. The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and the National Planning Policy Framework.

### **Ecology and Biodiversity**

Policy CS13 and Q8 seek to conserve and enhance the natural environment regarding biodiversity and ecological habitats.

The application is supported by an Ecological Appraisal and Biodiversity Impact Assessment (BIA). The results of these appraisal indicate there would potentially be a net loss in biodiversity. However, it is difficult to assess the biodiversity impact fully at this stage as the full design and layout details for the site are unknown. Accordingly, the Council Senior Ecologist has recommended that if the application is granted that the S106 agreement secure adequate mitigation and compensation at the Reserved Matters stage. This could be a combination of amendments to the indicative layout or the developer identifies a suitable site for biodiversity offsetting and delivers it under an agreement with the council or the developer makes an offsetting payment based on the Warwickshire County Council metric v19.1 (or a combination of the above).

Whilst it is recognised that at present the application does not demonstrate full compliance with policy CS13 due to the possibility of a net loss provided on the site, the Councils Senior Ecologist has raised no objections to the application. Overall, it is considered that a carefully considered reserved matters application and offsite mitigation could result in a development which can ensure there is not a biodiversity net loss. Policies CS13 and Q8 support 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 S106 agreement, in compliance with policies CS13 and Q8.

## Other issues

Contamination/Air quality - Environmental Health have raised no objections to the proposal in relation to the potential for contamination of the site and suggest a condition to provide a Phase two ground investigation for contamination and if contamination is found as a result of the investigation a remediation scheme is required to provide mitigation measures to bring the site into a suitable condition for development and also a scheme to identify and deal with any landfill gas contamination. In addition, comments have been made about air quality and the potential for dust being generated from the construction phase. A condition to ensure that the potential for dust from construction is mitigated can be part of the construction management plan for the site.

## Infrastructure Contributions

Some comments from third parties refer to 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:

<b>Education</b>	No education shortfall within the locality so no contribution for education required.
<b>Libraries</b>	£1,510 in order to meet the needs of increased population for the library at East Goscote Library where it is estimated that the proposed development will add 150 to the existing library's catchment. The contribution is sought to provide books, newspapers and associated equipment for the library.
<b>Civic Amenity</b>	The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be accommodated at the existing waste facilities and to be able to maintain the existing service levels a developer contribution of £2584 is required to the nearest pound.
<b>Affordable Housing</b>	40% of the dwellings to be affordable housing with a tenure split of 77% affordable rented and 23% shared ownership.
<b>Open Space</b>	Seeks Contributions for open space/sports provision.  Off site contribution for young people of £47,700 Outdoor Sports £26,469 Allotments £5,646  Indoor Sport - The Sport England Facility Calculator estimates that the development generates demand for -

	7 additional pool visits per week (this equates to an additional 1.21 sq m pool space at a cost of £22,709), 0.03 indoor courts (at a cost of £21,943) and 0.01 Indoor Bowls Rinks (at a cost of £3,240).
<b>Highways</b>	<p>The following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.</p> <ol style="list-style-type: none"> <li>1. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack)</li> <li>2. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £510.00 per pass).</li> <li>3. Raised kerb provision at the nearest two bus stops Syston Rd (adj Barkby Rd) – 260007805 and at Syston Road (opp Avenue Rd) - 260007804 at a cost of £3,500 per stop to support modern bus fleets with low floor capabilities.</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 these contributions are 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 (3.34 years), this application would have to be determined based on para 11d of the presumption in favour of sustainable development in the NPPF. As paragraph 14 of the NPPF cannot be met in this case, 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 up to 50 new units of which 20 would be affordable homes, at a time when there is an acute need for these. This is a significant benefit of the scheme. 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, net loss of biodiversity and landscape compensation can be secured by way of detailed landscaping and design. There would be less than substantial harm to heritage assets which would be outweighed by the public benefits of the scheme. Impacts on infrastructure and public services can be offset within the site or via commuted payments to improve facilities in the area.

Weighed against this benefit is the conflict with Development Plan policies, including those of the recently adopted Neighbourhood Plan, there would be some limited harm to the landscape and heritage assets as set out above.

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. 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 a legal 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:

Biodiversity	The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with the agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference: <ol style="list-style-type: none"> <li>1) To achieve no net biodiversity loss.</li> <li>2) Mitigation on site.</li> <li>3) Mitigate off site</li> <li>4) Offsite contribution to pay for a project within the vicinity of the development which mitigates the net loss on site (to be agreed by all parties).</li> </ol>
Libraries	£1,510 to mitigate the impact of the development at East Goscote Library
Civic Amenity	£2,584 to mitigate the impact of the development at the Mountsorrel Household Waste Recycling Centre
Affordable Housing	40% of the total housing on the site with a tenure split of 77% affordable rented and 23% shared ownership.

Open Space	Off site contributions for young people of £47,700 Outdoor Sports £26,469 Allotments £5,646
Highways	<p>1. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack)</p> <p>2. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £510.00 per pass).</p> <p>3. Raised kerb provision at the nearest two bus stops Syston Rd (adj Barkby Rd) – 260007805 and at Syston Road (opp Avenue Rd) - 260007804 at a cost of £3,500 per stop to support modern bus fleets with low floor capabilities.</p>

**RECOMMENDATION B:**

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

1	<p>Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</p> <p>REASON: 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>

	<ul style="list-style-type: none"> <li>• Site Location Plan 400 Rev B</li> <li>• Indicative access arrangement 2001570-002 Rev A (within the Transport Statement) submitted 15<sup>th</sup> December 2020</li> <li>• GL1323 13 A Emergency access/footpath/soft landscape drawing submitted 15<sup>th</sup> March 2021.</li> </ul> <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.</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>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>
6	<p>The details submitted pursuant to condition 2 above shall include provision of a Swept path analysis will be required based on Charnwood's refuse vehicle to confirm the suitability of the layout.</p> <p>REASON: In the interests of pedestrian and highway safety and in accordance with the National Planning Policy Framework (2019) and to promote and encourage walking to and from the site in accordance with policy CS17.</p>
7	<p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of 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>
8	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Indicative Access</p>

	<p>Arrangements drawing number 2001570-002 Rev A have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework.</p>
11	<p>The details to be submitted pursuant to Condition 2 above shall include the following;</p> <p>Details of external lighting for the site that minimises light spill onto boundary habitats</p> <p>REASON: To ensure that there is no adverse unmitigated impact on ecology and that there is compliance with Policy CS13 and the National Planning Policy Framework.</p>
12	<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>
13.	<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>
14.	<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>
15	<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>

16	<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>
17.	<p>The existing hedges and trees located within the application site boundaries, other than at the point of the new access shall be retained and always maintained. 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 and trees are an important feature in the area and its retention is necessary to help screen the new development</p>
18	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, 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 and trees 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>
19	<p>The details submitted pursuant to condition 2, shall include an heritage statement to inform the impact of the development upon the Queniborough Conservation Area.</p> <p>REASON to ensure the development does not cause harm to the character and appearance of the Queniborough Conservation Area in order to ensure that the development complies with Policy CS14 of the Charnwood Local Plan 2028.</p>
20	<p>No development including site works shall begin until a ball strike report assessment has been submitted with the Reserved Matters to inform the impact of the location and design of the development in relation to the adjacent Tennis Court at the Syston Rugby, Cricket and Tennis ground on the future occupiers of the development.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>

21	<p>No development including site works shall begin until details of the method of dealing with dust from construction works has been submitted to and agreed in writing with the local planning authority. The agreed details shall thereafter be implemented during the construction phase of the development.</p> <p>Reason this condition is imposed in the interests of protecting the amenities of existing and future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
22	<p>No development shall commence on site until a physical site investigation has been undertaken to identify the extent, scale and type of any contamination. Details of the findings of this site investigation shall be submitted to the local planning authority.</p> <p>If contamination is identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be prepared, submitted and agreed in writing by the local planning authority.</p> <p>The development hereby permitted shall be carried out in strict accordance with this approved remediation scheme.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
23	<p>Upon completion of the remedial measures approved pursuant to condition 21 a site verification report shall be provided including conclusive evidence that the remedial measures have been implemented and the site is suitable for its intended use, to the local planning authority and confirmed in writing that it is acceptable.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
24	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
25	<p>An agreed scheme to investigate and where necessary deal with landfill gas shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented and a completion statement</p>

	<p>provided to the satisfaction of the Local Planning Authority.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
26	<p>The details submitted pursuant to condition 2 shall include a scheme for dwellings that incorporates a varied roofline; and strengthening the hedge along the boundary adjacent to the conservation area and the fields to the south. Planting of large species trees along the edge and within the proposed development, that are given sufficient space to grow to maturity.</p> <p>REASON This condition is imposed in order to break up the regularity of built form, particularly roofscapes, in the interests of the visual amenity and in accord with Policy CS2, CS11 of the Charnwood Local Plan and Policy Q6,of the Queniborough Neighbourhood Plan.</p>

Informative Note(s):

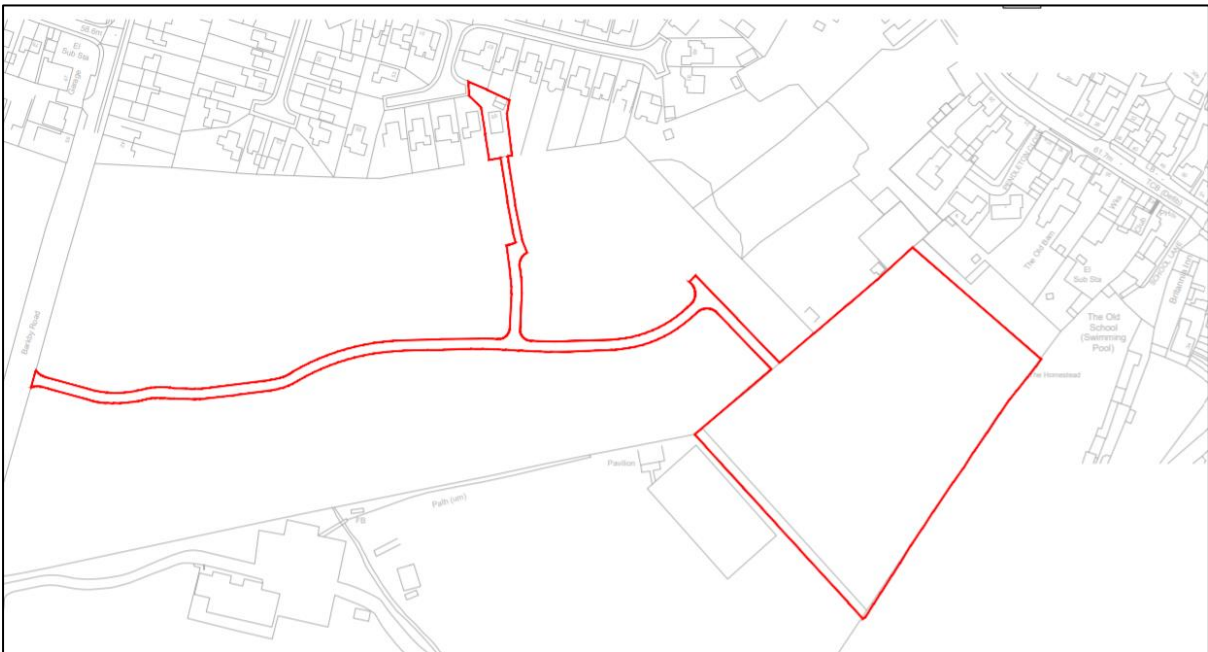
1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS13, CS14, CS16, CS24, CS25, EV/1, TR/18, and the Queniborough Neighbourhood Plan 2019-2028, Policies Q1, Q4 Q8 Q13 and Q14. Whilst it is recognised that the proposal does not fully comply with policies CS11, ST/2, CT/1, CT/2, Q6 and Q12 the harm arising from this does not significantly and demonstrably outweighed the identified benefits. 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 (2021), 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.
12. An appropriate air quality assessment to support the application is necessary, to determine: 1. Air quality conditions at new residences in the proposed development; and 2. Air Quality impacts associated with the traffic generated by the proposed development. The assessment should include receptors adjacent to all roads where a significant change in traffic is predicted.



**For Plans Committee – 16<sup>th</sup> December 2021**

**Additional items received since the report was drafted.**

**Pages** 6-38

**Site Address: Land off Boonton Meadow Way,  
including No. 65 Glebe Road, Queniborough**

**Item No.** 5

**P.A. No.** P/20/2349/2

Councillor Grimley has raised the further points following the publication of the agenda:

- Question the allocation of the S106 monies for allotments as Queniborough has no allotments and the allotments in Syston are restricted to Syston residents only.
- Following comments from the Planning Consultant for Queniborough Parish Council on the application of Paragraph 14 of the NPPF for Queniborough Neighbourhood Plan (QNP) a deferment of a decision of this application is requested to allow the Parish Council to seek Counsel Opinion regarding this issue.

**Officer Response:**

Allotments

There are no allotments within Queniborough which the contribution sought could be put towards. Additionally, the allotments in Syston are for Syston residents only. However, it is identified within the Council's Open Spaces Strategy that '*consideration should be given to increasing the provision of allotments in the service centres. Particular priority should be given to provision in East Goscote and Queniborough, where no residents have access to an allotment.*' The report also recommends that new allotment provision should be provided in Queniborough. The requested contribution is therefore CIL compliant as it is directly related to the development, necessary to make the development acceptable in planning terms due to the identification in the supporting evidence for the Local Plan and the contribution is fairly and reasonably related in scale and kind.

The detail of the project this money would go towards is to be confirmed and therefore delegated authority is sought to identify a CIL compliant project for the allotment contribution sought.

Queniborough Neighbourhood Plan

Reference is made by the Planning consultant for Queniborough Parish Council to the Basic Conditions Statement which was prepared to support the QNP. The basic conditions required to allow a neighbourhood plan to be made are different to the test set out in paragraph 14 of the NPPF.

Para:097 Ref ID 41-097-2019059 of the PPG sets out the context for paragraph 14 of the NPPF and provides advice with regards to how 'policies and allocations to meet its identified housing requirement' should be interpreted. This advice states.

*“In order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the ‘policies and allocations’ in the plan should meet the identified housing requirement in full, whether it is derived from the housing figure for the neighbourhood area set out in the relevant strategic policies, an indicative figure provided by the local planning authority, or where it has exceptionally been determined by the neighbourhood planning body....”*

In the case of QNP, the identified housing need for the ‘neighbourhood plan area’ has not been set out in the relevant strategic policy, no indicative figure was provided by the local planning authority and it has not been exceptionally determined by the neighbourhood planning body. Therefore, the QNP does not meet the tests of paragraph 14 of the NPPF.

The assessment of the QNP against paragraph 14 of the NPPF is based upon the Governments Planning Practice Guidance and officer’s professional opinion. The additional comments put to officers does not alter the assessment which has been made.

**Recommendation:**

No change to the recommendation for approval.

**RECOMMENDATION A**

Add:

That authority is given to the Head of Planning and Regeneration to identify and finalise the details of a CIL compliant project(s) for the off-site open space contributions.

**RECOMMENDATION B**

No changes

### Item No. 3

#### Application Reference Number P/21/0535/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	09/03/2021
<b>Applicant:</b>	Owl Partnerships Ltd & Nottingham Community Housing Association Ltd & Inside Land (South) Ltd.		
<b>Proposal:</b>	Residential development comprising the erection of 55 dwellings with associated infrastructure, access, landscaping and public open space.		
<b>Location:</b>	Land off Homefield Road Sileby Leicestershire LE12 7LZ		
<b>Parish:</b>	Sileby	<b>Ward:</b>	Sileby
<b>Case Officer:</b>	Deborah Liggins	<b>Tel No:</b>	07864 603401

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This application is brought to Plans Committee at the request of Councillor Paul Murphy who has concerns that the proposal represents unwarranted housing development in the countryside and which will be prominent in the local landscape and contrary to Sileby Neighbourhood Plan.

#### Description of Application site

The application site measures approximately 1.72 hectares and is located on the western edge of Sileby outside of but adjoining the defined settlement limits. The site is accessed via Homefield Road which connects with Seagrave Road and the village centre to the south east. There is also a gateway from the existing public right of way to the south of the site. (Public footpath I46 which leads from Barrow Road, across the railway to King Street). The site is located approximately 500m to the north of the village centre.

The site sits on an elevated landscape ridge of exposed agricultural pasture land between two tributary valleys overlooking the Soar Valley. The ridge forms the north western limit to Sileby and extends along the north-western edge of the site boundary with land falling away to the south east and north-west. A remnant hedgerow divides the site (running north/south) and is to be wholly removed as a consequence of the proposal and a further hedgerow, forming an east-west boundary as the land begins to taper in shape to the south is to be partially removed to create the access to the public open space. Trees within this hedgerow are subject to a group tree preservation order.

The land has an undefined boundary with the open countryside to the north-west and ground levels falling away beyond the line of existing housing on the north side of Homefield Road. A mature hedgerow demarcates the boundary shared with the Redlands Primary school playing field to the south east. The north-east is the existing residential development consisting mostly of 1.5 storey properties constructed in the 1970's and the western boundary abuts with the cutting for the railway line which provides a substantial physical barrier and an abrupt edge to the site.

According to government mapping, the whole of the site lies within Flood Zone 1 and is therefore land with a low probability of flooding. The land is also located within a minerals safeguarding area for the sand and gravel.

The site is a proposed housing site allocated in the emerging local plan, which has been submitted for Examination but its policies, at this time, carry little weight.

### **Description of the Proposal**

The application seeks full planning permission for the erection of 55 affordable homes comprising a mix of shared ownership and affordable rent properties of various types and sizes as set out below:

- 10 x 1 bed – 2 person maisonettes 50sq.m. – 62 sq.m. - (standard is 50 sq.m.)
- 6 x 2 bed – 3 person bungalows 57.7 sq.m. – (standard is 61.sq.m)
- 31 x 2 bed – 4 person houses – 71 sq.m. – (standard is 79 sq.m.)
- 7 x 3 bed - 5 person houses – 85.5 sq.m – 89 sq.m. – (standard is 93 sq.m.)
- 1 x 4 bed - 6 person houses – 102 sq.m. – (standard is 106 sq.m.)

TOTAL = 55 units

A plan received on 21<sup>st</sup> January 2022 shows that the proposed 55 units would have a tenure split as follows: 66% (37 units) would be for rent and 34% (22 units) would be for shared ownership and this is the mix recommended in the Sibley Neighbourhood Plan.

There would be a mix of two storey and single storey dwellings arranged in streets leading off the main spine road which terminates in a cul-de-sac to the south of the site. Dwellings would be served by private gardens and car parking spaces and would be a mix of materials including buff brick, red brick, render and tiled roofs as set out on Plan No. 41273/006H received on 21<sup>st</sup> January 2022.

The proposed housing development would be accessed off Homefield Road which is a residential access road with a carriageway width of approximately 5.5m with 2m wide footpaths on either side. Speed limits here are 30 m.p.h and the street is lit with lighting columns. Approximately 50m along Homefield Road is the junction with Park Road which has similar characteristics and wide grass verges to parts of its southern side.

The tapering land to the south of the proposed housing is proposed as public open space with associated landscaping, a drainage easement, and footpath to connect to the public right of way which runs to the north of dwellings on Highbridge. An 11m wide landscaping buffer is proposed along the north-western boundary, where it meets other agricultural land. The scheme includes public open space and an on-site attenuation basin to take surface water run-off as part of a sustainable urban drainage scheme before being brake-discharged into the public sewer to the south of the site.

Each dwelling would have 2 off-street car parking spaces with the exception of Plots 22 & 23 and Plots 30-37 – these being the 10 No. 1 bed 1 person maisonettes. Plot 40 would have 3 off-street spaces as this is the 4 bed dwelling.

The application is accompanied by the following supporting documents which are available to view in full on the Council's website:

- Design and Access Statement – prepared by rg&p – this report describes the proposed development and appraises the site and its surrounding context. This document also sets out the planning history of the site and explains how the proposal would accord with relevant policies and plans.
- Planning Statement – prepared by Marrons Planning – this report includes an assessment of the proposal and seeks to demonstrate that there are no adverse impacts of the proposal that would significantly and demonstrably outweigh the benefits.
- Road Safety Audit Report prepared by Midlands Road Safety Limited – This is a combined Stage 1 & Stage 2 report & recommends that the access road tie-in with Homefield Road and its approach are fully assessed and that suitable street lighting is provided. It also recommends that sufficient inter-visibility is provided at the juncture of the driveway to No. 75 Homefield Road and the application site boundary.
- Noise Impact Assessment – prepared by Omnia – this report aims to identify and assess any surrounding noise-generating activities which may have the potential to constrain the development of the land. The assessment concludes that thermal double glazing will be adequate in controlling noise from rail traffic, but with a partially open bedroom and living room windows for certain plots, noise levels within habitable rooms will exceed adopted noise criteria and alternative ventilation for these rooms will be required. With regard to the playing fields to the east of the site, it is recommended that a 2m high acoustic barrier is installed along this boundary in order to adequately reduce noise levels.
- A written scheme of investigation for Archaeology – prepared by the University of Leicester Archaeological Services – this report provides a preliminary indication of the character and extent of any heritage assets in order that the heritage impact of the proposal can be properly assessed by the local planning authority. The report sets out that as the site has not been subject to previous evaluation, there is some potential for archaeology within it, since the site lies close to the medieval core of the village. The report sets out a methodology for further survey work and trial trenching.
- An Archaeological Evaluation of the site conducted by the University of Leicester – this follows on from the recommendations of the Scheme of Investigation and reports the results of excavating twelve 30m long trial trenches across the site. Some evidence of ridge and furrow was identified with associated gullies and two sherds of 18<sup>th</sup>-19<sup>th</sup> century pottery was recovered along with fragments of modern brick from the same period.
- A Landscape and Visual Assessment – prepared by PDP Associated – this document provides an assessment of the potential landscape and visual effects arising from the residential development of the site. The report considers factors

such as landscape quality, scenic quality, rarity, conservation interests, recreational value, representativeness, perceptual aspects and cultural associations.

- Affordable Housing Needs Statement – Prepared by Marrons Planning – this report considers the need for affordable homes in Charnwood and the relationship between affordable housing targets and delivery; whether needs are being met and the scale of any shortfall. The report then goes on to consider whether new development is likely to meet the need for affordable housing and seeks to understand its likely future supply. The report sets out that the delivery of affordable housing is an important material consideration which should be given significant weight where there is a high need or in circumstances where there is an under-provision. The report is appended by a statement from Nottingham Community Housing Association which also partners the scheme and clarifies that the development would qualify for grant funding from Homes England with the remainder of funding from the Nottingham Community Housing Association.
- Flood Risk Assessment – prepared by Hexa Consulting – this document assesses the suitability of the site and the proposed development in terms of flood risk and surface water run-off.
- Informal Building for Life Assessment – prepared by rg&p – this provides an assessment of the proposal against the ‘Building for Life’ criteria endorsed by the Government as a means of securing accreditation for development proposals which achieve good places to live with well-designed homes and neighbourhoods. The report concludes that the proposed development would achieve a top score and meet all of the assessment criteria.
- Tree Survey Report – This report provides a baseline to identify the arboricultural features associated with the development of the site. This report sets out that 1 No. category C tree and 4 No. category C hedges were identified as part of the survey with 3 of these hedges lying outside the site boundaries.
- Preliminary Ecological Appraisal Report (Rev B) – prepared by Red Kite – this report seeks to provide an initial assessment and overview of the nature conservation value in relation to the proposed development following a survey of the site undertaken in September 2020 by a suitably qualified ecologist. The study revealed there are no statutory or non-statutory designated sites within the application site boundary but identified a number of sites within 2 kilometres of the site. The research did not highlight any records of protected /notable species but numerous records exist of sightings within 2 km. The report concludes that there are no significant ecological constraints in relation to the proposed development. The information in this report is supplemented by a Biodiversity Impact Assessment received on 2<sup>nd</sup> November 2021 and updated on 24<sup>th</sup> November which concludes there would be a loss to the value of 4.99 habitat units if the development were to proceed and this would, in accordance with the Warwickshire County Council metric be equivalent to £166,129. Revised information has since been submitted which adjusts this amount as set out in the ‘Developer Contributions’ Section below.

- Transport Statement Rev V02 – Prepared by Hexa Consulting – this report provides traffic and transportation advice in relation to the proposed development of 55 dwellings which includes a new network of internal access roads, footways, off-street car parking and public open space. The purpose of the report is to detail likely transport matters and identify the expected highways impact of the scheme on the local transport network, taking account of local and national policies. The report also includes a swept path analysis for larger vehicles and TRICS (Trip Rate Information Computer System) data to calculate likely daily vehicle movements. This report concludes that the proposal would be acceptable in highway terms.
- Technical Transport Note – prepared by Tatum Consulting – provides a response to the local highway authority and additional TRICS data and accident data.

Additional information and amended plans were submitted on 2<sup>nd</sup> November 2021 and subject to a further round of consultation.

### **Development Plan Policies**

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2011-2028, Saved Policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies Document (2009), and the Leicestershire Waste Core Strategy and Development Control Policies document (2009). The Sileby Neighbourhood Plan (made January 2020) also forms part of the development Plan and is relevant to this application.

The Core Strategy was adopted on 9th November 2015 and set out the overarching aims and objectives for development in the Borough. This included provision for 13,940 dwellings over the plan period, equivalent to 820 dwellings per annum (dpa). As of 9th November 2020, the Core Strategy became more than 5 years old. As required by the National Planning Policy Framework paragraph 74, where Local Plans are more than 5 years old local housing need is to be assessed based on the standard methodology set out in national planning guidance. The standard methodology requires delivery of 1,111 dpa. On that basis and as of March 2021 the Council has a 3.34 years' housing land supply. The implications of the housing supply position on the planning balance to be applied to this planning decision along with the weight to be given to policies is set out under the consideration of the planning towards the end of this report.

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

#### 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 Sileby as a “Service Centre” a settlement that has access to a good range of services or facilities compared to other settlements and where small scale development within and adjacent to settlement limits may be appropriate.

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. For Sileby it is expected that 30% of Affordable Housing will be provided on site.

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. The Policy advises that it is intended to protect the predominantly open and undeveloped character of Areas of Local Separation unless new development clearly maintains the separation between the built-up areas of these 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 – this requires development to conserve and enhance historic assets for their own value and the community, environmental and economic contribution they make. This will be achieved by requiring development to protect heritage assets and their setting; supporting development which prioritises the refurbishment and re-use of disused or under-used buildings of merit; supporting development that is informed by and reflects relevant Landscape and Conservation Area Character Appraisals and Village Design Statements; and development that incorporates Charnwood's distinctive local building materials and architectural details.

Policy CS15 Open Space, Sports and Recreational - outlines that new developments must meet the open space standards set out in the Open Spaces Strategy, having regard for local provision and viability.

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 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, Green Wedge and Local Separation - This policy defines which types of development are acceptable in principle within areas of countryside and seeks to prevent significant adverse environmental impact.

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.

#### Sileby Neighbourhood Plan (2018-2036)

It was declared on Friday 16 January 2020 that the Sileby Neighbourhood Plan was successfully approved by majority at referendum and therefore now forms part of the development plan for Charnwood. The Policies considered to be of relevance to the proposal are:

Policy G1: Limits to Development - states that outside of the defined limits, development will be strictly controlled, save for development associated with agriculture, the provision of formal recreation or sport and finally, the provision of affordable housing through a rural exception site.

Policy G2: Design - sets out criteria for new development to ensure it enhances and reinforces local distinctiveness, character of the area and be sympathetic to any neighbouring properties and the surrounding area. Development which would have significant adverse effect on the street scene or the character of the countryside will only be permitted where any harm is clearly outweighed by the wider benefits of the proposal. Contemporary or innovative design will be encouraged and supported where it makes a positive contribution to the character of the area and is compatible with the surrounding historic context. Development proposals should aim to maintain and enhance biodiversity through measures such as integral bird boxes and bat roosting or breeding sites and providing permeable hedges or fences.

Policy H3: Housing Mix - proposals should seek to create sustainable, inclusive and mixed communities by providing a mix of house types and sizes that reflect local need.

Policy H4: Affordable Housing – requires that at least 30% of homes on sites of 10 or more units should be affordable. The affordable housing should be made available as an integral part of the development, equivalent to the open market housing and be dispersed throughout the site as individual units, subject to a registered provider being prepared to deliver the units if applicable.

ENV5 – Ridge and Furrow – identifies areas of ridge and furrow earthworks as non-designated heritage assets. The application site is not identified within this policy which calls for any loss or damage arising from a development proposal is to be avoided unless it is to achieved sustainable development; the benefits of such development must be balanced against the significance of the ridge and furrow features as heritage assets.

Policy ENV6: Biodiversity, Hedges and Habitat Connectivity – expects development proposals to safeguard locally significant habitats and species and to create new habitats for wildlife. Development proposals which result in significant harm to biodiversity will be resisted unless the benefit of the development outweighs the impact and provided it can be adequately mitigated, or as a last resort, compensated for.

ENV7 – Protection of Important Views –identifies 5 important views in the plan area which development proposal must consider, assess and address with mitigation where appropriate.

ENV8 – Biodiversity Protection in new development - this requires that for new development of 2 or more houses to include measures for the protection and enhancement of local biodiversity and sets out how this can be achieved.

ENV9 - Footpaths and Bridleways – identifies the existing network of footpaths and bridleways in the plan area and states that the loss of or significant adverse effects upon them will not be supported.

#### Leicestershire Minerals and Waste Local Plan (Up to 2031)

This plan was adopted in 2019 and forms part of the Development Plan for Charnwood. The document includes the County Council’s spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031. The Development Management Policies set out the criteria against which planning applications for minerals and waste development will be considered and a monitoring framework is included to examine the efficacy and effects of those policies.

In terms of Charnwood, Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.

#### **Other material considerations**

#### The Charnwood Local Plan: Pre-submission Draft (July 2021)

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2037. The new local plan will include strategic and detailed policies for the period 2019-37 and was approved by Council on 21 June 2021 for consultation and then submission to the Secretary of State for an Examination in Public. The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six-week pre-submission consultation period that ran from 12<sup>th</sup> July to 23<sup>rd</sup> August 2021. The Plan was submitted for Examination on 3 December 2021 although its policies carry limited weight at the current time.

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

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 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 policies of particular relevance to this proposal include:

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 74). 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 62).

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 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). 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 106). 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 111).

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 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

### 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 document sets out the Government's design guidance to support the NPPF and seeks to inspire higher standards of design quality in all new development.

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

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests: 1. necessary to make the development acceptable in planning terms; 2. directly related to the development; and 3. fairly and reasonably related in scale and kind to the development

### 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.

### Building for Life 12

This document provides a framework by which to consider the quality of housing proposals to enable a conclusion to be reached of their overall design quality. development plan policies and are regarded as guidance at present. However, the standards have some weight in the planning balance.

#### Leicestershire County Council Local Transport Plan (LTP)

This sets out Leicestershire County council's strategy for delivering improvement to accessibility, connectivity and for promoting social inclusion and equality.

#### 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 (2018)

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

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.

The Charnwood Site Landscape Sensitivity Assessment July 2021

This report presents a landscape sensitivity assessment of a number of sites considered for development as part of the preparation of the Charnwood Local Plan 2021–2037. The purpose of the assessment is to consider the landscape sensitivity of sites, and ways that significant adverse impacts can be mitigated. The recommended mitigation measures have informed the draft Local Plan.

The assessment for the application site, referenced as PSH261 Homefield Road, Sileby, has been undertaken. This states that this prominent raised area of land provides extensive long distance views for the central, eastern and northern portions of the site out towards the north. The site is largely visually contained to the west, whilst to the south and east the site is contained by existing built form. There are long distant views to the south and south-west over the settlement with localised views from Homefield Road and Highbridge. There are some filtered views from Slash Lane and Mountsorrel Lane and the river Soar walkway. Views from Barrow Road are obscured by the railway embankment and dense vegetation.

The assessment concludes that development of the site would be a minor adverse impact on perceptual visual separation and this is therefore a harm to be weighed in the overall planning balance. The report concluded there would be nil or insignificant adverse impact in terms of the physical separation. Any development of the land would be perceived as infill development in the context of the settlement and the report suggests some mitigation measures, some of which are incorporated within the proposed scheme.

Relevant Planning History

Reference	Description	Decision & Date
<b>P/74/1671/2</b>	Use of land for residential development	Refused 14/08/1975
<b>P/81/1109/2</b>	Site for residential development	Refused 12/05/1981
<b>P/99/1610/2</b>	Erection of 23 detached bungalows and construction of access	Refused 18/02/2000  Appeal dismissed 18/8/2000

**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

Consultee	Responses
Housing Strategy & Support CBC (Affordable Housing)	Notes the proposal is for 100% affordable units. 77% of these (33 units) should be for rent with 23% (22 units) being shared ownership. The service recommends that a Section 106 legal agreement secures a number of 2 bed wheelchair accessible bungalows with level access shower and 4 bed homes to rent.
The Environment Agency	Comments that there are no environmental constraints associated with the application and therefore makes no formal comments.
Leicestershire County Council – Minerals Planning Authority	The site is located within an area safeguarded for sand and gravel and it is noted that the application is not accompanied by a minerals assessment. However, having regard to the size and location of the site in close proximity to the built up area and constrained by surrounding land uses, the Minerals Planning Authority has no objection.
Leicestershire County Council – Lead Local Flood Authority	Considers the scheme is acceptable, subject to the imposition of conditions
Charnwood Borough Council – Env Health	The submitted Noise Impact Assessment identifies the site is impacted by rail noise and noise from the nearby school sports pitch. Rooms which would exceed minimum internal noise criteria would require acoustic trickle vents to meet Building Regulations. A 2m high acoustic barrier should also be provided along the playing field boundary
Charnwood Borough Council – Ecology	The BIA received on 2 <sup>nd</sup> Nov 2021 indicates a loss of biodiversity value which can be off-set through a developer contribution of <b>£166,129</b> . This would be spent on an identified Leicestershire and Rutland Wildlife Trust project within the Living Landscapes (Soar Valley) area.
Charnwood Borough Council – Open Spaces	<p>Does not raise any objection to the proposal and sets out the open space requirements to be provided on site and seeks the ongoing management and maintenance of any on-site open space.</p> <ul style="list-style-type: none"> <li>• Parks – 0.04ha</li> <li>• Natural and Semi-Natural open space – 0.26ha</li> <li>• Amenity Green Space – 0.06ha</li> <li>• Provision for children – 1 LEAP facility (or £14,666 off-site spend)</li> <li>• Provision for young people – 1 facility (or £52,470 off-site spend)</li> </ul> <p>In addition, contributions to off-site provision are requested where need is not met on site in accordance with Policy CS15:</p>



	<ul style="list-style-type: none"> <li>• Outdoor Sports Facility - <b>£18,116</b></li> <li>• Allotments - <b>£6,211</b></li> <li>• Indoor Sport - <b>£52,681</b></li> </ul>
Network Rail	Comments that the revised plan showing the relocated SuDs facility further away from the railway means that it is able to withdraw its initial objection to the scheme and it makes no further comment on the proposals.
Leicestershire County Council – Education	<p>Revised its initial request for monies based on increased cost multipliers published in May 2021. Requested amounts are therefore uplifted as follows:</p> <p><u>Primary</u> – The site falls within the catchment area of Sileby Redlands Community Primary School which has a net capacity of 420 and 408 pupils are projected on the roll should this development proceed – surplus of 12 pupil places. There are 2 other primary schools within a 2 mile walking distance of the site. Cossington Church of England Primary School has a surplus of 4 places and Highgate Community Primary School has a deficit of 120 pupil places.</p> <p>There are no s106 funded places in this area and therefore the 14 deficit places created by this development cannot be accommodated at nearby schools and a claim for an education contribution to off-set this is therefore justified. Amounting to <b>£247,806.00</b> to be used to address capacity issues, improve, remodel or enhance existing facilities at Sileby Redlands Community Primary School or any other school within the locality of the development.</p> <p><u>Secondary</u> – the site falls within the catchment area of Humphrey Perkins School in Barrow-upon-Soar. This has a net capacity of 900 and 882 pupils are projected on the roll should this development proceed; a surplus of 18 pupil places. A total of 32 places are included in the forecast for this school from developer contributions arising from other developments and this increases the total surplus at the school to 50 pupil places. Consequently, no contribution to this sector is sought.</p> <p><u>Post 16</u> – The nearest Post 16 provision is Rawlins Academy at Quorn. This has a net capacity of 332 and 386 pupils are projected on roll should this development proceed; a deficit of 64 pupil places. A total of 8 places are being funded from developer contributions arising from other planning permissions, which reduces the total deficit to 56 pupil places (of which 54 are existing and 2 are created by this development). In order to provide the additional 2 pupil places a contribution of <b>£28,700.60</b> is requested. This would be spent improving, remodelling or</p>

	<p>enhancing existing facilities at Rawlins Academy or any other school within the locality of the development.</p> <p><b>TOTAL - £276,506.60</b></p>
Leicestershire County Council - Libraries	<p>Requests <b>£1,510</b> towards additional Leicestershire Library materials to meet the needs of the increased population to be spent at Sileby Library on Cossington Road which is the nearest facility to the development site.</p>
Leicestershire County Council – Waste	<p>Requests <b>£2,342</b> towards enhancing householder waste and recycling provision at its centre at Mountsorrel.</p>
National Health Service Clinical Commissioning Group	<p>Requests contribution towards additional clinical accommodation to meet the needs of the increased population using services at the following:</p> <ul style="list-style-type: none"> <li>• Highgate Medical Centre – <b>£17,495.75</b></li> <li>• The Banks Surgery - <b>£23,009.25</b></li> <li>• <b>TOTAL £40,505</b></li> </ul>
Severn Trent Water	<p>The connection of foul and surface water drainage would be subject to a Section 106 sewer connectional approval under the Water Industry Act 1991. Surface water should have a primary disposal to soakaways</p>
Sileby Parish Council	<p>The development does not overcome previous reasons for refusal at the site. There is no need for this quantum of affordable homes and the proposal does not meet the strict criteria of being a rural exception site and the proposal is contrary to Policy G1 of the Neighbourhood Plan. The additional housing is not needed. The site was considered for inclusion within the NP but was rejected amid concerns about the impact of any development on views of the landscape. It considers that the proposal would not accord with NP Policy G2(a) in that it would harm local distinctiveness and biodiversity. The Parish Council also object to the 2 storey houses on the ridge of the site, where bungalows have previously been dismissed at appeal. The design and layout of the proposal warrants the removal of hedgerows and that the hedge adjoining the playing field has value as assessed under NP Policy ENV6. The submitted transport assessment does not appear to have considered the cumulative impact of the development. There is no assessment of biodiversity. The Noise Survey was carried out at a suboptimal time. Flooding is an issue. No archaeological survey has been undertaken. Developer contributions should be secured.</p>
Council for the Protection of Rural England	<p>Objects to the application stating the proposal is contrary to the development plan and the NPPF and does not overcome previous reasons for refusal. The development would result in the loss of Grade 3 agricultural land and the CPRE consider there is no justification or need for the housing proposed.</p>
The Local Highway Authority	<p>The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with</p>

	other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in its report.
Leicestershire County Council as local highway authority	Requests the developer contribute <b>£52.85</b> per dwelling towards travel packs for each property to inform new occupiers of their transport choices. These packs should include 2 application forms for bus passes which can be supplied by the County Council at a cost of <b>£600</b> per pass. In addition a sum of <b>£3,500</b> is requested towards raised kerb provision at the closest bus stop on Homefield Road to support modern bus fleets with low floor capabilities.

### Other comments received

Objection letters have been received from the following interested third party residents. Please note that resident's comments can be read in full on the Council's website at

- Barrow Road – 87, 105, 82
- Herrick Close - 38
- Homefield Road – 77, 79, 83, 84, 86, 88, 89, 92, 93, 100, 109, 111, 155, 179, 183
- Loughborough Road, Hoton - 33
- Middle Orchard – 3
- Park Road - 22
- Phoenix Drive – 1
- Pryor Road - 20
- Ratcliffe Road Sileby – 159
- Seagrave Road – 18
- +6 others (addresses not supplied)

The resident's raise the following areas of concern with regard to the application:

- Schools, dentists, and local GP surgeries are full.
- Sileby is already overdeveloped and has no leisure centre
- Policing in the area is overstretched
- Sileby becomes an island during flooding events & the development will worsen this by removing 'soakaway' land.
- Sileby would lose its 'village' status
- Village centre car parking is full & roads would be gridlocked
- On-street car parking within the village causes congestion, especially on bus routes and Park Road which becomes dangerous in icy conditions.
- Increased accidents from heavy traffic through village at peak times
- The development is not needed – Sileby has already seen substantial growth
- Proposed sub-station should be relocated
- Loss of agricultural land & impact on wildlife
- The flood risk assessment does not consider sewer flooding – capacity issues
- Development in highly visible countryside

- Additional noise and disturbance
- The houses are not in keeping in terms of their design and materials
- Availability of previously developed land
- The field is of local historic significance known as 'Tommy Hunts' and used for sledging for 100's of years.
- A mixed housing development of affordable and open market units is preferred.

Ward Councillor Murphy opposes the application and is concerned about development in a prominent area of the countryside and that the need for this quantum of affordable housing is not demonstrated with quantities of affordable homes already being provided through other schemes currently being built out at Sileby. The CBC Housing Needs Assessment (2020) forms part of the evidence base for the emerging replacement local plan but identifies a Parish level requirement of 28 dwellings per annum until 2037. In the past 6 months, 14 of these have already been committed and the proposal with 100% affordable homes fails to demonstrate a local need and fails to create a mixed or balanced community. The proposal also fails to integrate existing landscape features and includes limited landscaping. The installation of the recommended acoustic fencing along the Redlands school boundary would impede the migration of protected species and the proposal does not recognise the foraging habitat of the existing land. The submitted Traffic Statement does not assess the junction capacities of King Street/High Street or Barrow Road/Mountsorrel Lane and other junctions. It is also considered that the submitted Noise Impact Assessment was undertaken at a sub-optimal time.

#### **Non-planning matters that have been raised:**

- The proposal will affect existing property values
- The land should be given to the school
- Disruption to the school throughout the construction period
- Sileby Parish Council comments that third party land ownership needs to be resolved before any development takes place – this is a private matter.

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

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy and the Sileby Neighbourhood Plan (2020). It is acknowledged that the Core Strategy and the Local Plan 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 (3.34 years), and as a result, any policies

which directly relate to the supply of housing are out of date and cannot be afforded full weight.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11(d) of the NPPF), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. In situations where paragraph 11(d) of the presumption applies consideration should be given to paragraph 14 in relation to neighbourhood plans in the context of the authority having more than three years supply of deliverable housing sites and good housing delivery. The Sileby Neighbourhood plan (SNP) was made in 2020 and is more than 2 years old from the date of the referendum and does not therefore meet the criteria of paragraph 14.

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 7 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 this 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 that in this instance paragraph 11(d) (i) would apply. Therefore, 11(d) (ii) applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The main issues are considered to be:

- Principle of the Proposed development
- The provision of Affordable Housing
- Landscape and Visual Impact
- Design and Amenity
- Heritage
- Loss of Agricultural Land
- Transport and Highway Impact
- Ecology and Biodiversity
- Flood Risk and Drainage
- Developer Contributions
- Infrastructure

#### Principle of the proposed development

The application site is located outside but adjacent to, the Development Limits to the settlement of Sileby, 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 in the countryside outside of a relatively narrow set of criteria. Policy G1 of the Sileby Neighbourhood Plan states that development outside the limits to development will be carefully controlled. It says appropriate development in the countryside includes development for the provision of affordable housing through a rural exception site to meet a local need. This proposed

residential development is outside of the settlement limits shown in the Neighbourhood Plan and does not meet the definition of a rural exception site (as defined in the NPPF) and so does not meet policy G1. The development is at odds with these housing supply policies as it comprises a residential development that is outside the limits to development in the countryside.

The proposal does accord with Policy CS1 of the Core Strategy however. This policy outlines the development strategy for the borough and the distribution of sustainable growth. Within the settlement hierarchy, Sileby is defined as a Service Centre where there is a good range of services and facilities to meet the day to day needs of its residents and where new small scale development within and adjoining the settlement boundary is considered acceptable to maintain these things. It is the case that 4,460 homes have been committed in service centres since 2011 (and 1,060 homes in Sileby) although it should be noted the policy requirement for 3,000 homes in service centres is not a maximum figure.

The policies identified in this section are those that are the most important for establishing whether development of the site is acceptable in principle. Given the current lack of a 5 year supply of housing land, the above housing supply policies must be considered out of date. In these circumstances, 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.

In this assessment it should be recognised the proposal would result in the provision of 55 affordable houses at a time then there is not a five year supply. Weighed against this benefit would be the conflict with the above policies which can be considered an adverse impact. However, given the 5-year supply position of the Borough Council and the age of policies CS1, CT/1, CT/2, ST/2 and G1, the weight that can be ascribed to them would be reduced. Accordingly, although there is some harm resulting from conflict with the development plan's spatial strategy set out in policies CT/1, CT/2, ST/2 and G1, which seek to protect the countryside (noting that Policy G1 allows for affordable housing in the countryside as a 'rural exception' development to meet a local need), the proposal is in accordance with Policy CS1 which directs growth towards the largest settlements in the borough and provides for small scale residential development adjoining Service Centres. It is not considered that the identified policy conflicts would significantly and demonstrably outweigh the benefits, insofar as the principle of development is concerned.

The site is proposed as a housing allocation site in the emerging replacement local plan under *Policy DS3 (HA54) Land off Homefield Road, Sileby*. The allocation of sites in the draft Local Plan represents the culmination of testing through evidence and sustainability appraisal. Whilst not a decisive factor, it is a material consideration in the determination of the planning application that the Council has considered the site as a suitable location for housing growth. As noted above, the emerging Local Plan carries limited weight at the current time.

In conclusion, Sileby is considered to be a sustainable location for new housing development and the housing figures expected to be delivered within and adjoining Service Centres are expressed as minimum figures. As such, despite the conflicts with the housing supply policies discussed above, it is not considered the impacts of

development adversely and significantly outweigh the benefits of this proposed affordable housing development. 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.

### Affordable Housing

Core strategy Policy CS3 normally applies to residential development proposals on sites of 10 dwellings or more and seeks 30% affordable housing provision on sites in Sileby. However, in this case the proposal is for 100% affordable units. The Charnwood Housing Needs Assessment 2020 concludes that the Borough affordable housing need is 476 dwellings per annum 2020-37 and this figure is stated within the emerging Local Plan (paragraph 4.25). The applicant has submitted an Affordable Housing Needs Statement which sets out that the Council are projected to complete 261 affordable dwellings per annum (based on 30% affordable delivery rate) in the next 5 years. Therefore, the Statement concludes that affordable housing delivery will not be sufficient to meet the net affordable housing need per annum and that the 55 affordable dwellings proposed at this site will help to boost supply in the short term. The provision of 100% affordable housing in the borough in light of need and such a demonstrable shortfall is therefore a significant material consideration.

### Landscape and Visual Impact

Policy CS11 seeks to protect the character of the Borough's landscape and countryside by requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of local Landscape Character Assessment. This policy is consistent with national planning policy and is considered to attract significant weight.

The site lies in the countryside but its eastern and south eastern boundary adjoins the settlement and its western boundary adjoins the Midland Railway which runs in cutting forming a considerable physical barrier. The natural character is permanent pasture bounded and bisected by hedgerow. The landform is that of a shallow dome affording extensive long range views northwards whilst being visually contained to the west for short to medium views then again with long distance views to the south and southwest. Prominent skyline features include the church tower.

The site does not currently play a key role in settlement separation and is not within the draft Local Plan Area of Local Separation extension. A public right of way to the lower southern corner connects over a footbridge to the village core.

The Landscape Sensitivity Assessment for SHLAA Sites 2019 examined the site as part of PSH261, which extended to the north/north-west. This study analysed the site in combination with several others and found them to have low-moderate sensitivity for 2-3 storey development. It noted that the sensitivity was moderate-high for historic landscape character, notably due to the site's proximity to the historic settlement edge and the Sileby Conservation Area. It noted that development of the site would be perceived as infill.

The site was further assessed in the Charnwood Landscape Sensitivity Assessment (July 2021) which noted that historically the site was pasture adjoined to wood pasture. The special landscape qualities of the site that are sensitive to change are:

- Gentle sloping domed landform
- Hedgerow and trees especially TPO
- Long range views open vistas across the Soar to the Charnwood uplands
- The setting of the Sileby Conservation Area
- Area of Local Separation – perceptually not physically

The application is supported by a Landscape and Visual Assessment. The proposed layout sees the proposed bungalows arranged around the north-western boundary of the site and grouped on the highest portion of ground with ridges and levels graduating downwards in the street scene towards the south-eastern boundary. The proposal also includes an 11m wide landscape buffer on the north-western boundary which can also assist in mitigating views of the site from the north and wider Soar Valley. The Landscape and Visual Assessment recommends that the landscape buffer to the northern boundary is a belt of woodland planting.

In terms of predicted visual effects, the key external views which would be affected are from Slash Lane and Mountsorrel lane and local walking routes. Most of the settlement other than Homefield Road housing is screened by high canopy trees. While the site itself is only glimpsed, the effect of elevated roof ridges would protrude above the canopy line and be much more noticeable. The long term mitigation this would require would be a great number of high canopy tree species to break up built form both within the development and the screening matrix to the northern boundary. The details of this screen and other landscaping is proposed to be controlled by the imposition of a suitably worded planning condition that includes tall tree species.

The hedge between the proposed housing and the public open space includes 31 Hawthorn trees which are subject to a 1974 group tree preservation order and none of these trees are indicated to be removed. The path to the public open space would, according to the proposed site layout plan, will be aligned to run between the position of these trees, enabling them to be satisfactorily retained. A detailed landscaping scheme is required by planning condition, together with a management plan which would demonstrate how landscaping would be looked after.

Policy ENV7 of the Sileby Neighbourhood Plan sets out that development proposals must consider, assess and address, with mitigation where appropriate, their impact on the important views identified in the Plan. One of these is the long range view of the north-west of Sileby bridleway 14 on the valley-side spur in the area beside the gypsum works and which looks over the valley leading from Canbyfield Lodge and towards the rear of Homefield Road properties. The proposal does not extend built form beyond the rear of those properties and it is therefore considered that the visual impact would from this identified viewpoint would not be harmful and the view would be preserved.

In summary, the proposal would maintain the separation between settlements as required by policy CS11 but would be noticeable in the landscape setting of the settlement and this is a minor harm of the proposal to be considered in the overall planning balance.



Mitigation in the form of a landscape buffer, retention of trees and appropriate site landscaping could be secured by planning condition.

### Design and Amenity

Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved Policy EV/1 supports development that is of a design, scale, layout and mass compatible with the locality and uses materials appropriate to the locality. Policy G2 of the Sileby Neighbourhood Plan seeks to reinforce local distinctiveness and supports contemporary or innovative design where it makes a positive contribution to the character of the area and is compatible with the surrounding historic context. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is considered that there is no need to reduce the weight that should be given to the policies in this regard.

Section 12 of the National Planning Policy Framework states that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work. Paragraph 134 of the National Planning Policy Framework 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.

The proposed site layout shows a development served by a principal spinal road which is to be offered for adoption and a series of cul-de-sacs. It also shows the southern edge of the development would overlook the public open space and provide good pedestrian connection to the village centre for both new and existing Homefield Road residents. The proposed scheme represents a density of development which is comparable to the adjacent residential area to the north-east with bungalows proposed on the higher north-western edge of the development, tempered also with the 11m landscaped buffer zone.

Suggested separation distances for privacy and to avoid overbearing impact as set out in the adopted SPD on Design are largely met with the exception of Plots 16, 17, 26 and 26 where the back to back distance is approximately 1m short of the suggested 21m distance (not taking account of changes in ground levels) between opposing elevations containing principal windows. Whilst this distance is less than that recommended, it is not significant and the tenants of the dwellings would be aware of this when making their decision to occupy the homes. The proposed layout also has due regard for the privacy and outlook of occupiers of the existing dwellings at No 74 and 84 Homefield Road.

In terms of the amenity of potential occupiers, several of the dwellings fall slightly short of the internal minimum standards set out in Technical Housing Standards with most being around 3sq.m. short of those standards. This small shortfall is considered acceptable, given that the standards are guidance only and not policy.

In summary, the scale of the development, the mix of house types and use of materials, together with indicated landscaping are considered to provide generally good quality housing development that would accord with national and local design policies CS2, EV/2 and G2. Final details of materials, landscaping and boundary treatments could be secured by planning condition.

## Heritage

Policy CS14 sets out how we will conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they require. The applicant has undertaken a desk top analysis of the historic significance of the site and in line with its recommendations, has followed this up with on-site investigations through trial trenching. Archaeological investigation is part of the assessment of historic assets and although the site is not close to listed buildings and is not within the Conservation Area, the significance of any archaeological remains forms part of the assessment of the planning proposals, to be weighed in the balance with other considerations.

In terms of the application site, 12 No. trenches were dug for evaluation with only 2 heavily truncated features being identified – one in the northern field (Trench 3) with another gully perpendicular to it in the central and southern field and visible also in trenches 5 and 11. Ridge and furrow was identified and the features appear to be on the same alignment. 18<sup>th</sup>-19<sup>th</sup> century pottery was recovered and it is likely that the features represent drainage relating to agricultural earthworks.

The historical significance of these features is in their discovery and recording and the survey results have now been deposited within the archives of the Leicestershire Museum Service. It is considered that there is no need for further archaeological investigation and there are no finds of such significance that development of the site would be prevented.

In summary, it is considered that the development accords with Policy CS14 and the requirements of the National Planning Policy Framework.

## Loss of Agricultural Land

Core Strategy Policy CS16 states that development which protects environmental resources, including Best and Most Versatile Land, will be supported. Paragraph 174(b) of the National Planning Policy Framework also states that the economic and other benefits of the Best and Most Versatile Land should be recognised. Footnote 58 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Natural England have produced a range of Agricultural land classification maps and although these are not sufficiently accurate for use in the assessment of individual fields or sites and the classification does not subdivide grade 3 land, they nonetheless indicate quality over a more general area. In terms of the application site, this is regarded as Class 3 land and this is described as 'good to moderate' quality.

The application site is a pasture field and having regard to the relative limited size of the field and taking into account the submitted survey, it is considered that there would be limited harm as a result of the loss of this land for agriculture and this is to be assessed within the overall planning balance.

## Transport and Highway Impact

Policy CS17 of the Core Strategy requires that major development proposals provide well-lit streets and opportunities for walking, cycling and public transport access to key facilities whilst saved Policy TR/18 of the Borough of Charnwood Local Plan sets out parking standards in respect of development proposals. Paragraph 111 of the National Planning Policy Framework 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.

A large number of objection letters were received referencing highway safety and congestion as concerns.

Homefield Road is a publicly maintainable unclassified road, subject to a 30 mph speed limit. The site benefits from two existing access points, the first at the southern end of Homefield Road to the north of the site and the second, from the existing Public Right of Way (PROW) to the south of the site.

The proposed site access has been designed to tie into the southern end of Homefield Road, effectively serving as a continuation of the road. The existing carriageway width is 5.5m and footway widths of 2m are to be continued into the site and throughout the proposed development. Information submitted on 2 November 2021 indicates the proposed access road would be offered for adoption to Leicestershire County Council via a section 38 agreement and lighting levels would be assessed as part of this process and would ensure that a suitable street lighting scheme would be secured.

In addition to the main vehicular access, a new pedestrian path is proposed through the open space to the south of the site that shall connect to the existing public footpath which runs in an east-west direction and over the railway line footbridge.

In terms of highway safety, the local highway authority has checked its records which confirm that there have been no Personal Injury Collisions within 500m of the application site in the last 5 years and it is concluded that the proposal would not exacerbate any existing road safety concerns.

The local highway authority has also examined the submitted information relating to proposed trip generation to and from the site and this shows that the proposal would be expected to generate 33 two-way trips in the AM peak period and a further 33 two-way trips in the PM period (taking account of COVID uplift factors). Whilst it is unlikely that any off-site junctions would be subject to a significant impact, it requested the applicant to supply an assessment of the junction capacity for the site in 2026 with development traffic flow conditions. Upon examination of the additional information, the local highway authority confirmed its satisfaction that the estimated flows were accurate and there is no need to modify existing road junctions to cope with the additional traffic generated by the proposed development.

The local highway authority has confirmed it is satisfied that a refuse vehicle can enter and egress the development in forward gear. The local highway authority has also confirmed that the internal road layout would meet adoption standards. The site layout provides links to existing footpaths, as required by policy T5 of the Sileby Neighbourhood Plan.

In terms of the proposed parking provision, the majority of dwellings will have two or three allocated off-street car parking spaces with the single bedroom dwellings being allocated one off-road parking space. The local highway authority considers this parking provision is acceptable, given the development is located within walking distance of Sileby village centre and a variety of services and amenities are accessible within short cycling times.

It is therefore concluded that the application proposals are acceptable and in accordance with Paragraphs 110 and 111 of the National Planning Policy Framework and policies CS17, TR/18 and T5 subject to planning conditions as recommended by the highway authority.

### Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. Policy ENV6 of the Sileby Neighbourhood Plan identifies a hedge boundary of the site (the eastern boundary with the school playing field, to be located within the proposed open space) as being of biodiversity/historical importance. Policy ENV8 of the Sileby Neighbourhood Plan seeks the protection and retention of trees and hedges of ecological value on development sites.

The application is supported by Ecological Assessment and a Biodiversity Impact Assessment which have been evaluated by the Borough Council's Senior Ecologist.

The site is semi-improved grassland in a moderate condition. Having reviewed the submitted ecological report as supplemented by the Biodiversity Impact Assessment received on 2<sup>nd</sup> November 2021, it is considered that the baseline assessment is at the low end of what could reasonably be accepted as a reasonable assessment, however it has failed to distinguish the two grassland areas which are different in character and have a boundary feature between them. It has also neglected to identify areas that could be enhanced rather than lost and recreated. The proposed on-site habitats have inflated values beyond what could reasonably be expected to be delivered on site.

As submitted the calculations showed a net loss of 4.56 Habitat Units requiring a compensatory payment of £152,733. Through making reasonable adjustments to take account of the revised assessment set out above and making appropriate amendments to the values of created habitats, the Council's Senior Ecologist calculates the actual habitat loss to be -4.99 habitat units which would require a compensatory payment of £166,129,932. It is recommended that compensation if provided off-site in the form of a developer contribution, secured through a Section 106 legal agreement and spent on a suitable and identified Charnwood Borough Council or Leicestershire and Rutland Wildlife Trust project within the Living Landscapes (Soar Valley) partnership area.

An appropriate on-site landscaping scheme to include the retention of the important hedgerow can be secured by condition. Provided appropriate off-site mitigation is also secured, it is considered that the proposal would accord with Policy CS16 and ENV6 and ENV8 of the Sileby Neighbourhood Plan.

### Flood Risk 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 considered there is no need to reduce the weight afforded to this policy.

The site is wholly within Flood Zone 1 (low risk of fluvial flooding). The site is also at very low risk of surface water flooding and the Environment Agency raises no objection to the proposal.

The Leicestershire Lead Local Flood Authority has assessed the submitted information and notes that the application site is a greenfield site of 1.72 ha of which 0.73ha is to be impermeable. The surface water proposals seek to discharge to an onsite attenuation basin before being discharged at a QBar discharge rate of 5.1 l/s to a Severn Trent Water (STW) surface water sewer located to the south of the site.

Ground investigations have concluded that infiltration is unlikely to be a feasible method of draining the site. Planning conditions will require the submission of details relating to a suitable surface water drainage scheme, together with its ongoing management proposals.

It is concluded therefore that the proposed development can be accommodated on the site without causing or exacerbating flooding to other properties subject to the imposition of appropriate conditions. The proposal is therefore considered to be compliant with Policy CS16 and the National Planning Policy Framework.

### Developer Contributions

Regulation 122 of the CIL Regulations introduced on 6 April 2010 prescribes the limitations on the use of planning obligations. Accordingly, it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

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

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 the impact of the proposals. At the time of determination, the following contributions have been requested:

<b>Organisation requesting</b>	<b>Amount</b>	<b>Location of Spend</b>	<b>CIL Assessment</b>
Affordable Housing	100%	On site	Exceeds the requirements of Policy CS3 of the Core Strategy and Policy H/4 of the Sileby Neighbourhood Plan which call

			for 30% affordable housing. The proposal is for 100% affordable units with 77% of these (33 units) being for rent and 23% (22 units) being for shared ownership. This mix is acceptable. Recommendation: CIL compliant
Charnwood Borough Council – Ecology	<b>£166,129</b>	Off-site identified project	This would provide mitigation for loss of biodiversity value units Recommendation: CIL compliant
Charnwood Borough Council – Open Spaces	<p>On-site provision: 0.04ha Parks 0.26ha natural and semi-natural open space 0.06ha amenity green space</p> <p>On site provision or off-site contribution: Provision for children 1 on site LEAP or £14,666 off-site contribution. Provision for young people 1 on site facility or £52,470 off-site contribution.</p> <p>Off-site contributions: Outdoor sports £18,116 contribution.</p>	<p>A children’s LEAP facility either on site or commuted sum of £14,666 towards improving facilities at Memorial Park. A young people’s facility would be provided on site or a contribution of £52,470 would go to new or enhanced facilities at Memorial Park.</p> <p>Outdoor sports £18,116 towards projects in the Playing Pitch Strategy 2018 (maintenance works to pitches at Memorial Park, pitch improvements, second artificial wicket or changing facility</p>	<p>In accordance with policy CS15 of the Core Strategy, on site public open space is to be provided. The Council’s Open Spaces Team has confirmed a number of projects to which off-site contributions could fund within the vicinity of the site in accordance with the Playing Pitch Strategy 2018.</p> <p>The request for indoor sport provision is generated on the basis of a national calculator and no specific projects have been identified and therefore cannot be related in scale and kind to the development and will be not sought.</p> <p>The ongoing management and maintenance of any on site open space also requires agreement prior to commencement of development to ensure proposals are sustainable and publicly accessible in perpetuity. Recommendation: CIL compliant if no indoor sport provision is sought.</p>

	Allotments £6,211 contribution. Indoor sports £52,681	at Sileby Cricket Club) -new allotment provision or improvements to existing in Sileby £6,211 Indoor sport £52,681 (no specific projects identified)	
Leicestershire County Council Library Services	<b>£1,510</b>	Sought for reference materials or lending items at Sileby Library to account for additional use by occupiers of the development	The development will impact on library services in respect of additional pressures on the availability of library facilities and materials Recommendation : CIL compliant
Leicestershire County Council Education	<b>£247,806</b>  <b>£28,700.60</b>	Primary School Improving, remodelling or enhancing facilities at Sileby Redlands Community Primary School or any other school within the locality of the development  16+ education Remodelling or enhancing existing facilities at Rawlins Academy or any other school within the locality of the development	These requests are considered to directly relate in scale and kind to the development proposed as set above. Recommendation: CIL compliant

Leicestershire County Council Civic Amenity	<b>£2,342</b>	Mountsorrel Household Waste and Recycling Centre	The contribution would be spent to facilitate additional capacity in order to meet the additional demands created by the development Recommendation: CIL compliant
Leicestershire County Council Highways	<b>£2,906.75</b>  <b>£66,000</b>  <b>£3,500</b>	Travel Pack provision – 1 per new dwelling at a cost of £52.85 per pack  Bus passes – 2 per dwelling at a cost of £600 per pass (application forms to be included in Travel Packs)  Raised kerb provision to Homefield Road bus stop which is the nearest stop to the site and the most likely to be used by new residents.	These contributions would help achieve sustainable travel choices in accordance with Policy CS17 of the Core Strategy and the NPPF. Recommendation : CIL compliant
NHS Clinical Commissioning Group	<b>£17,495.75</b>  <b>£23,009.25</b>	Additional clinical accommodation at Highgate Medical Centre  Additional clinical accommodation at The Banks Surgery	The site falls within the catchment of the 2 surgeries and would be impacted by the development Recommendation: CIL compliant

### Infrastructure

Objections have been raised outlining the capacity issues in the village in relation to the existing medical practices and education and leisure facilities. Relevant statutory



consultees have provided comment and consider that the impact of the development can be mitigated through the collection of Section 106 contributions to allow expansion or improvement of the facilities. Whilst there have been no feasibility studies undertaken to establish if medical or schools could be expanded, given planning permission would be required for any expansion, there is no certainty that the capacity could be increased. However, this is not uncommon and should not lead to a refusal of a scheme where developer contributions are requested to mitigate impact.

## **Conclusion and the Planning Balance**

This application seeks to provide 55 dwellings which would comprise 100% affordable units at a time when there is a demonstrable shortfall against borough wide need. As part of the proposal, public open space and landscaping would be provided. The supporting information and consultation responses have established that there are no technical reasons in relation to highways, flooding and biodiversity that indicate planning permission should be refused.

A Section 106 legal agreement could be agreed and this would have the effect of mitigating impact on local services and facilities in accordance with Policy CS24 of the Core Strategy.

The adopted Core Strategy, saved Policies of the Local Plan and the Sileby Neighbourhood Plan are the starting point for the consideration of these proposals. The site is located within countryside but adjoins the settlement limits of Sileby and Policy CS1 provides for proposals for new homes in such locations. Policy G1 of the Sileby Neighbourhood Plan seeks to protect the countryside from development and will allow rural exception housing but does not support affordable housing development of this type. However, the policies most important for determining the application are out of date and as such, the presumption in favour of sustainable development of NPPF paragraph 11(d)(ii) applies.

The provision of 55 dwellings in an accessible location all of which would be affordable homes would make a useful contribution to housing needs and housing supply within the Borough and would support the Government's objective of significantly boosting the supply of homes. The proposal is considered to be small scale in the context of the overall scale of Sileby. At a time where there is a Borough wide housing shortfall and the Council can demonstrate only 3.34 years supply, the benefits of this housing provision are afforded significant positive weight.

The proposal would provide some economic benefit in terms of construction, local spend, council tax and home bonus but these are standard for all development proposals and are afforded only limited weight.

It has been demonstrated that the development is acceptable in respect of highway safety and capacity. This is afforded neutral weight as all proposals are required to be safe and not have any severe impact on highway safety.

The proposal would provide areas of equipped play (directly or indirectly) and additional public open space with improved pedestrian connection to the village centre. In terms of existing provision in Sileby, the 2017 Assessment of Open Space shows that there are

existing shortfalls in the quantity of natural/semi-natural public open space and allotments within the village. There are accessibility shortfalls in all typologies of public open space and this is particularly relevant, given the location of the development site outside of the settlement boundary. There is a particular shortfall in provision for young people, allotments and outdoor sport in Sileby that will not be worsened and would be off-set by the developer contributions required as part of any grant of planning permission. The benefit of the scheme in terms of public open space is therefore neutral in the planning balance.

The application site is not considered to have any significant ecological value although it is acknowledged that some hedgerow removal would be required contrary to Policy ENV6. There is, however, an opportunity to provide net biodiversity gains and an off-site commuted sum is therefore sought to improve opportunities for local biodiversity enhancement. Development proposals are required to provide biodiversity benefits and therefore only moderate weight can be given to this as it is required to mitigate the effects of the development.

There would be some landscape harm in terms of perceived visual impact as a result of the development, from both near and distant views. However, the landscape does not benefit from any protective statutory designations and some of this harm can be mitigated in successful landscaping of the development, particularly to its periphery. The development would maintain the separation between settlements but the minor harm identified would be contrary to policy CS11. The minor harm identified is given moderate weight. The loss of the productive agricultural land is also a minor harm of the scheme but this is moderated by the size of the land and its quality which is average. It is acknowledged that the site is a proposed housing development site in the emerging local plan, although this is at an early stage in its development and its Policies carry little weight at this time.

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 at a time when it is most needed. For the reasons set out above, it is considered that the identified harms when taken together, would not significantly or demonstrably outweigh the benefits of the additional affordable housing. Accordingly, it is recommended that planning permission be granted conditionally and subject to a section 106 legal agreement as set out in recommendations A and B 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 contributions, on terms to be finalised by the parties as set out in the table below.

Affordable Housing	100% on site provision 77% of these (33 units) being for affordable rent and 23% (22 units) being for shared ownership.
Ecology	£166,129 off site contribution to mitigate for loss of biodiversity units
Open Space	On-site provision:

	<p>0.04ha Parks 0.26ha natural and semi-natural open space 0.06ha amenity green space</p> <p>On site provision or off-site contribution:</p> <p>Provision for children 1 on site LEAP or <b>£14,666</b> off-site contribution towards improving facilities at Memorial Park Provision for young people 1 on site facility or <b>£52,470</b> off-site contribution to new or enhanced facilities at Memorial Park.</p> <p>Off-site contributions:</p> <p>Outdoor sports <b>£18,116</b> contribution towards projects in the Playing Pitch Strategy 2018 (maintenance works to pitches at Memorial Park, pitch improvements, second artificial wicket or changing facility at Sileby Cricket Club) Allotments <b>£6,211</b> contribution towards new allotment provision or improvements to existing in Sileby The ongoing management and maintenance of any on site open space also requires agreement prior to commencement of development to ensure proposals are sustainable and publicly accessible in perpetuity.</p>
Library Services	<b>£1,510</b> towards Sileby Library
Education	<p><b>£247,806</b> contribution to improving, remodelling or enhancing facilities at Sileby Redlands Community Primary School or any other school within the locality of the development.</p> <p><b>£28,700.60</b> 16+ education contribution to remodelling or enhancing existing facilities at Rawlins Academy or any other school within the locality of the development.</p>
Civic Amenity	<b>£2,342</b> contribution to Mountsorrel Household Waste and Recycling Centre to facilitate additional capacity
Highways	<p><b>£2,906.75</b> Travel Pack provision – 1 per new dwelling at a cost of £52.85 per pack</p> <p><b>£66,000</b> Bus passes – 2 per dwelling at a cost of £600 per pass (application forms to be included in Travel Packs)</p> <p><b>£3,500</b> Raised kerb provision to Homefield Road bus stop.</p>
Health Services	<p><b>£17,495.75</b> for additional clinical accommodation at Highgate Medical Centre</p> <p><b>£23,009.25</b> for additional clinical accommodation at The Banks Surgery</p>

## RECOMMENDATION B:

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

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Application form
  - Design and Access Statement
  - 41273/005K - Proposed site layout - revised plan received 21st Jan 2022.
  - 41273/006H - Materials plan - revised plan received 21st Jan 2022.
  - 41273/007C - BUNG Housetype RB
  - 41273/008C - BUNG-BUNG Housetype RB
  - 41273/009B - HAM-HAM Housetype RB
  - 41273/010B - HAM-HAM Housetype BB
  - 41273/011B - HAM-HAM Housetype Render
  - 41273/012B - HAM-BAR Housetype Render
  - 41273/013B - BAR-HAM-HAM Housetype Render
  - 41273/014B - HAM-BOT-HAM Housetype BB
  - 41273/015B - HEA-HEA Housetype RB
  - 41273/017D - HOB/WIL-HOB/WIL Housetype BB - plan received 2nd Nov 2021.
  - 41273/018C - HOB/WIL-WEB/ELL Housetype RB
  - 41273/019B - WEB/ELL Housetype Render
  - 41273/020B - STO Housetype RB
  - 41273/021H - Boundary Treatments - plan received 21<sup>st</sup> Jan 2022
  - 202241272/022 - Site location plan – received 9 Mar 2021
  - 41273/024C - Tenure Plan - revised plan received 21st Jan 2022
  - 3424 - Topographical Survey
  - 600167-HEX-00-00-DR-TP-0100 Rev P02 - Proposed highway alterations - plan received 13th Jan 2022
  - SILEBY\_01\_230\_01 - Drainage Strategy Plan received 2nd Nov 2021.
  - C-1895-01 - Survey of Existing trees
  - C-1895-02 Rev B - Proposed landscaping scheme - plan received 2nd Nov 2021.
  - 1078-AD-007 - Construction Environmental Management Plan

REASON: To define the terms of the planning permission.

- 3 No groundworks associated with the 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. Once approved, this scheme shall be fully implemented in accordance with the approved details prior to first occupation of any dwellings hereby approved.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policy CS16 of the Charnwood Local Plan (2011-2028) Core Strategy and the NPPF.

- 4 No groundworks associated with the 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. Once approved, the development shall be carried out in full accordance with the approved details.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire construction phase in order to accord with Policy CS16 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 5 None of the dwellings hereby permitted shall be occupied until such time as details in relation to the long-term maintenance of the surface water drainage system (that was approved and implemented pursuant to condition 3) within the development have been submitted to and approved in writing by the Local Planning Authority. Once approved, the surface water drainage system shall be maintained in full accordance with the approved details.

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 and in order to accord with Policy CS16 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 6 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.

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 and in order to accord with Policy TR/18 of the Borough of Charnwood Local Plan.

- 7 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Highway Alterations, drawing

number 600167-HEX-00-00-DR-TP-0100 Rev P02 have been implemented in full.

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 (2021).

- 8 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Layout drawing number 41273/005J. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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 (2021).

- 9 Notwithstanding the submitted details, within two months of the commencement of development, a landscaping scheme, to include retention of the existing hedgerow on the eastern boundary with the school playing field, a woodland planting buffer to the northern site boundary and those details specified below, shall be submitted in writing to the local planning authority for approval:

- i. the treatment proposed for all ground surfaces, including hard areas;
- ii. full details of tree planting including tall tree species
- iii. planting schedules, noting the species, sizes, numbers and densities of plants;
- iv. finished levels or contours;
- v. any structures to be erected or constructed;
- vi. functional services above and below ground; and
- vii. all existing trees, hedges and other landscape features, indicating clearly those to be removed.

The submitted landscaping scheme shall be in accordance with the recommended mitigation measures and conclusions of the Landscape and Visual Assessment (PDP Associated, December 2020).

REASON: To make sure that a satisfactory landscaping scheme for the development is secured in accordance with Policy CT/1 of the Borough of Charnwood Local Plan and Policy CS11 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 10 The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 9, in the first planting and seeding seasons following the first occupation of any part of the development 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 10 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 and in order to accord with Policy CT/1 of the Borough of Charnwood Local Plan and Policy CS11 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 11 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 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 in accordance with the approved details.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and in order to accord with Policy CT/1 of the Borough of Charnwood Local Plan and Policy CS11 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 12 Where provision is to be made on site, details of the design, type and location of proposed children and/or young people's play facilities shall be submitted to and approved by the local planning authority. No dwelling hereby permitted shall be occupied until such time as such facilities as may be approved have been fully installed and made available for use. Once installed, such provision shall be permanently retained, unless alternative provision is agreed in writing with the local planning authority.

REASON: In order that adequate provision is made and retained for recreation and made available to residents and in order to accord with Policy CS15 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 13 None of the dwellings on Plots 38-55 shall be occupied until such time as the acoustic fence shown on Drawing No. 41273/021H has been provided along the rear boundary of plots 38-55 with the school playing field. Once provided in accordance with the approved details, the fencing shall remain in perpetuity.

REASON: In the interests of residential amenity and in order to accord with Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy EV/1 of the Borough of Charnwood Local Plan.

- 14 No use or occupation of the dwellings hereby permitted shall take place until the scheme for boundary treatment for that dwelling and as shown on Drawing No41273/021H has been fully completed.

REASON: To ensure the satisfactory, overall appearance of the completed development and in order to accord with Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy EV/1 of the Borough of Charnwood Local Plan

- 15 The dwellings on Plots 1, 13, 14, 15, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36 and 37 shall not be occupied until such time as the acoustic trickle vents as recommended in the submitted Noise Impact Assessment (OMNIA B10612/1.0 dated January 2021) have been provided to each respective dwelling. Once fully implemented, these features shall remain in perpetuity.

REASON: In order to reduce noise to internal rooms in the interests of residential amenity and in order to accord with Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy EV/1 of the Borough of Charnwood Local Plan.

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, CS15, CS16, CS17, CS18, CS24 and CS25 of the Charnwood Local Plan (2011-2028), saved Policies ST/2, TR/18, CT/1, CT/2 and EV/1 of the Borough of Charnwood Local Plan and Policies G1, G2, H2, H3, H4, ENV5, ENV6 and ENV8 of the Sileby Neighbourhood Plan have been taken into account in the determination of this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal and it does not fully accord with the terms of the above-mentioned policies. the degree of harm that might be caused to one or more of the issues arising under the policies is insufficient to warrant the refusal of planning permission.
- 3 The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 In order to arrange for the delivery of the necessary equipment for participation in the refuse and recycling service and to ensure that the properties receive a collection service as appropriate, please contact Environmental Services on 01509 634538 or [recycle@charnwood.gov.uk](mailto:recycle@charnwood.gov.uk), before the first property is completed.
- 5 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>

- 6 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.

- 7 To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 8 Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority. No new gates, stiles, fences or other

structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

9 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the buildings.

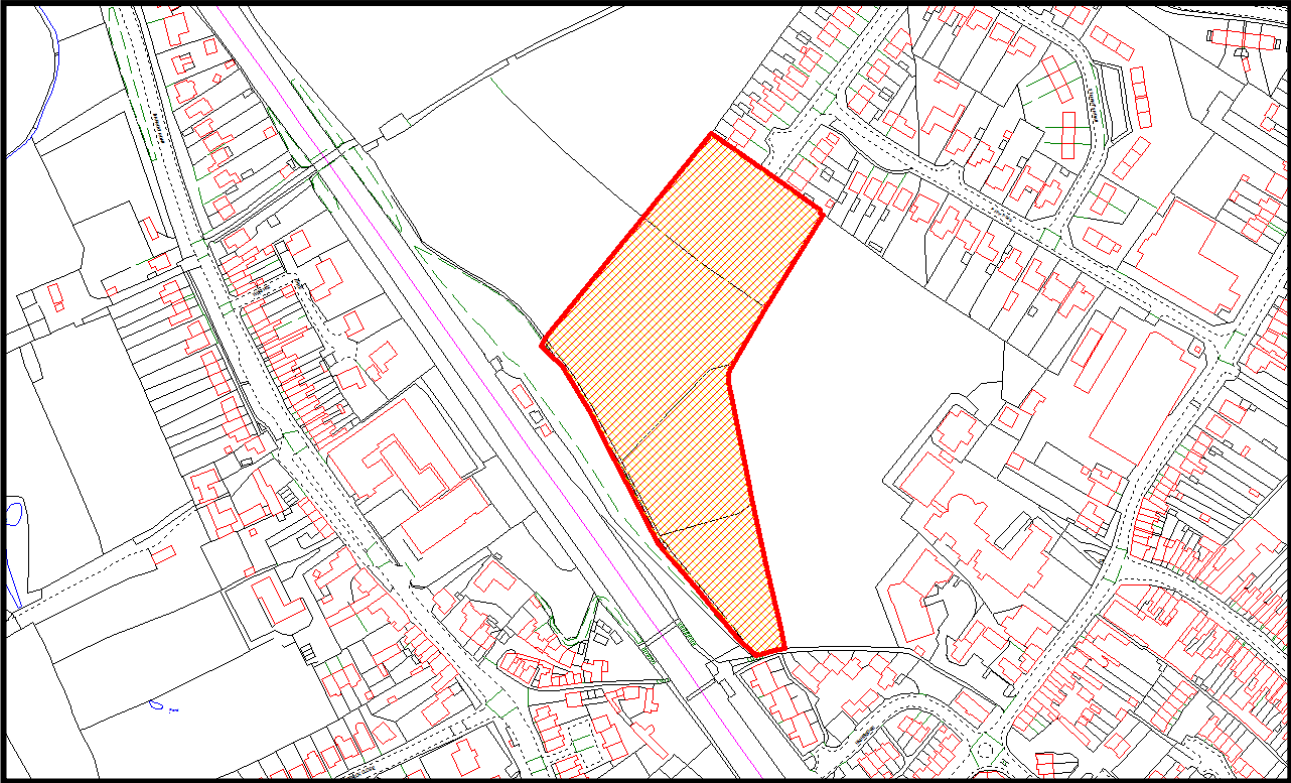
10 The Lead Local Flood Authority advises the following:

In terms of the proposed drainage, the details required by the planning condition 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. Details should demonstrate how surface water will be managed on site to prevent any 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.

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.

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.



## Item No. 4

### Application Reference Number P/21/1260/2

<b>Application Type:</b>	Outline Planning Permission	<b>Date Valid:</b>	02/06/2021
<b>Applicant:</b>	Penland Estates Ltd, RV Millington Ltd, Sarah Higgins and Gavin Higgins		
<b>Proposal:</b>	Outline planning application for residential development of up to 93 dwellings, public open space, landscaping and associated works. All matters reserved except for access.		
<b>Location:</b>	Land at Ashby Road, Markfield		
<b>Parish:</b>	Newtown Linford	<b>Ward:</b>	Forest Bradgate
<b>Case Officer:</b>	Susan Garbutt	<b>Tel No:</b>	07864 603389

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## Background

This application was brought to Plans Committee on 1 December 2021 as it relates to a major housing development and was considered a departure from the development plan and was recommended for approval. The officer committee report and additional items presented to that meeting are attached at Appendix A.

At the Plans Committee, it was resolved that planning permission be granted subject to recommendation A and B (planning conditions and S106 obligation) set out in the extras report of the Head of Planning and Regeneration. The S106 obligation has not yet been finalised and the planning permission has not been issued.

On the 25 January 2022 the Council received a letter from a member of the public that raised concerns about the proposed planning conditions. This report sets out those concerns and proposes amendments to the conditions.

In addition, this report notes any changes to policy since the application was considered at Plans Committee in December 2021.

## Consideration of Planning Issues:

### 1. The wording of the approved planning conditions

A member of the public wrote to the Council in a letter dated 21 January 2022, which was received on 25 January 2022. The letter raised concerns that the wording of some of the planning conditions only required submission and approval of details, and not the implementation of those details. In particular, the letter highlighted concerns regarding the wording of conditions 9, 10, 11, 13 and 16.

The case officer has reviewed the planning conditions in light of the concerns raised, and it is considered that the conditions should be amended as set out in the recommendation below. Amendments are proposed to conditions 8, 9, 10, 11, 12, 13, 16 and 18. It is considered that with the suggested amendments, the conditions will be robust and accord with the guidance on conditions set out in the NPPF. Paragraph 55 of the NPPF sets out that conditions should meet the following tests:

2. Relevant to planning,
3. Relevant to the development to be permitted,
4. Enforceable,
5. Precise, and
6. Reasonable in all other respects.

## 2. Material Considerations update

All material considerations remain as per the previous report – see Appendix A – with the exception of the emerging Local Plan, as set out below.

### The Draft Charnwood Local Plan 2019-37

The Pre-Submission Draft Charnwood Local Plan (July 2021) was consulted upon from 12<sup>th</sup> July 2021 to 23<sup>rd</sup> August 2021 and submitted to the Secretary of State on the 3<sup>rd</sup> December 2021. The Plan will now proceed to an examination hearing during 2022 with forecast adoption in very early 2023.

The Plan sets out strategic and detailed policies for the period 2019-37 and will replace the adopted Charnwood Local Plan Core Strategy (2015) and the saved policies of the Borough of Charnwood Local Plan 2004 when it is adopted. In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

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

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

- DS1 Development Strategy
- DS5 High Design Quality
- C1 Countryside
- H1 Housing Mix
- H2 Housing for Older People and People with Disabilities
- H3 Internal Space Standards
- H4 Affordable Housing
- T3 Car Parking Standards
- CC1 Flood Risk Management
- CC2 Sustainable Drainage Systems
- CC4 Sustainable Construction
- CC5 Sustainable Transport
- CC6 Electric Vehicle Charging Points
- EV1 Landscape
- EV4 Charnwood Forest and the National Forest
- EV6 Conserving and Enhancing Biodiversity and Geodiversity
- EV7 Tree Planting
- EV8 Heritage

- EV9 Open Spaces, Sport and Recreation
- EV10 Indoor Sports Facilities
- EV11 Air Quality
- INF1 Infrastructure and Developer Contributions
- INF2 Local and Strategic Road Network

The proposed development does conflict with emerging policy in that it is located outside of a settlement boundary and within open countryside. The proposed development is considered to accord with all other relevant emerging policy, subject to reserved matters of appearance, landscaping, layout and scale being finalised at reserved matters stage.

Since the 1 December 2021 Plans Committee meeting, the local plan has been submitted to the Secretary of State, which is a material change in circumstances. Accordingly, at this stage in its production, the emerging Local Plan can only be afforded limited weight in decision making as hearing sessions have not yet commenced and it is not clear if there is any unresolved dispute in relation to its policies or if they require modification by the Inspector to make the plan sound.

## Conclusion

The proposed amended conditions are considered to be appropriate for the development and will secure compliance with the policies of the adopted Development Plan. The conflict with the emerging Local Plan is the same as the conflict identified with the adopted Development Plan, in that the site is outside of defined limits to development and within countryside. Despite now having been submitted to the Secretary of State, the emerging Local Plan can only be afforded limited weight, as stated in the officer committee report of 1 December 2021 (see Appendix A).

Therefore, the conclusion set out in the officer committee report of 1 December 2021 remains unchanged. The application is recommended for approval subject to a S106 legal agreement to secure planning obligations and the amended planning conditions set out below (amendments to the planning conditions are highlighted in *underlined italics* for clarity).

## RECOMMENDATION

That the application continues to be recommended for approval subject to s106 Agreement and conditions and therefore that the following resolution of the Plans Committee be amended to allow for amended Conditions and planning permission to be granted on the terms set out in the updated Recommendations A and B below.

Application Reference	Address	Date of resolution to grant/Minute Number
P/21/1260/2	Land at Ashby Road, Markfield	1 <sup>st</sup> December 2021 [38 (1.) refers]

## RECOMMENDATION A

That authority us 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 contribution of £512,132.40 towards Mercenfield Primary School, or any other schools within the locality, and £277,632.16 Brookvale Groby Learning Campus Secondary School, or any other schools within the locality.
Affordable Housing	40% of units to be affordable comprising a mix of 77% social and affordable rent and 23% shared ownership
Open Space	The provision of off-site contributions for outdoor sports facilities £32,839.00 and allotments equating to £10,501.00 within Markfield
NHS – CCG	A contribution of £51,367.69 towards improving the capacity of Markfield Medical Centre to allow for the accommodation of 225 additional patients generated by the scheme.
Libraries	£2,810.00 towards library facilities.
Highways	A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy to facilitate improvements to the A511/ A50 corridor in mitigating offsite impacts from developments in the area.  The provision of raised kerbs at the nearest two bus stops.  The provision of travel packs for each dwelling, which will include two six-month bus passes, two per dwelling.  Sustainable Travel Accreditation and Recognition Scheme monitoring fee of £6,000
Civic Amenity	£6,080.00 towards improving waste capacity within the area.
Biodiversity Mitigation	The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with an agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference: 1. To achieve no net biodiversity loss. 2. Mitigation on site. 3. Offsite contribution to commentary payment for a project within the vicinity of the development (to be agreed by all parties).

## RECOMMENDATION B

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

1.	<p>Application for the approval of the reserved matters shall be made within three years of the date of this permission and development shall commence within three years of the date of this permission or within two years of the date of approval of the last of the reserved matters, whichever is the later.</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>
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> <ul style="list-style-type: none"> <li>• 001 Revision B Site Location Plan</li> </ul> <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.</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 policy CS3, and the advice within the NPPF.</p>
5.	<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. 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 of the Development Plan.</p>



6.	<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 policy CS2 of the Development Plan and associated national and local guidance.</p>
7.	<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. 0.07ha multi-functional green space area</li> <li>ii. 0.45ha of natural and semi-natural open space</li> <li>iii. 1 equipped LEAP</li> <li>iv. 0.10ha multi-functional green space area</li> <li>v. A young people's equipment/facilities</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>
8.	<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. <u><i>The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the dwellings hereby approved.</i></u></p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site <u><i>in accordance with policies CS2 and CS16 of the Charnwood Local Plan Core Strategy.</i></u></p>
9.	<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. <u><i>Thereafter the development shall be carried out in accordance with the approved details.</i></u></p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water run-off quality, and to prevent damage to the final surface water management systems though the entire development construction phase <u><i>in accordance with policies CS2 and CS16 of the Charnwood Local Plan Core Strategy.</i></u></p>
10.	<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. <u><i>The surface water drainage system shall be maintained thereafter in accordance with the approved details.</i></u></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 <u><i>in accordance with policies CS2 and CS16 of the Charnwood Local Plan Core Strategy.</i></u></p>

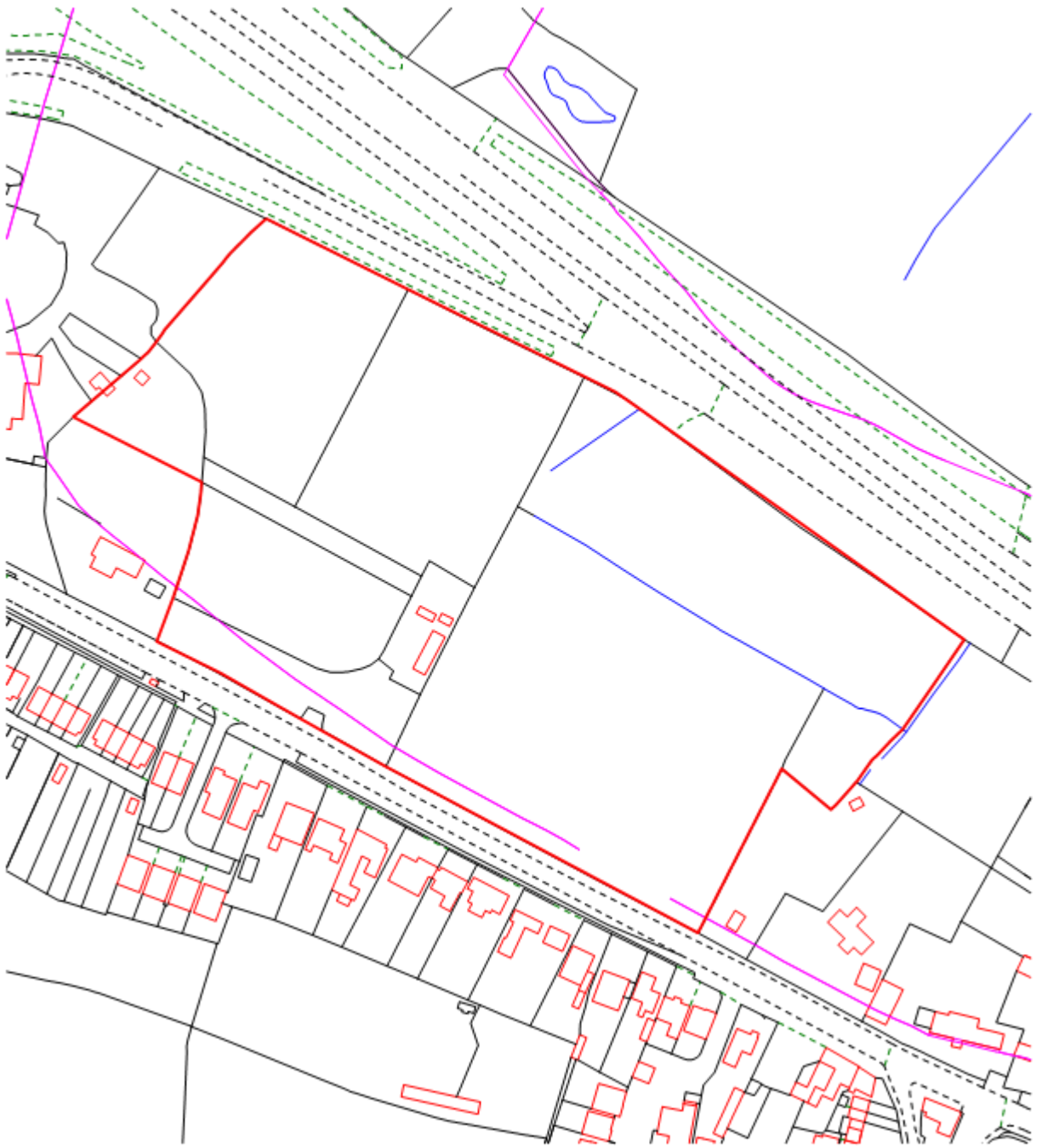
11.	<p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, <u>and the results of the testing have</u> 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 <u>in accordance with policies CS2 and CS16 of the Charnwood Local Plan Core Strategy.</u></p>
12.	<p>No development shall commence until a Construction Environmental Management Plan (CEMP) 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 construction traffic routeing</li> <li>• Hours of operation for construction and delivery of materials</li> </ul> <p><u>The approved CEMP shall be adhered to throughout the construction period for the development.</u></p> <p>REASON: To ensure that the development does not cause harm to amenity, biodiversity or the environment during the construction phase and ensure compliance with Development Plan policies CS2 and CS16.</p>
13.	<p>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 <u>in accordance with the approved details.</u></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 CS15 and CS16.</p>
14.	<p>No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
15.	<p>If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the</p>

	<p>Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
16.	<p>Upon completion of the remediation works, required by conditions <u>14 and 15</u>, a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
17.	<p>No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained in accordance with the approved details.</p> <p>REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).</p>
18.	<p>The agreed Travel Plan (Revision B, dated September 2021) shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>
19.	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy has been submitted to and agreed in writing by the Local Planning Authority. As a minimum these details shall include:</p> <ol style="list-style-type: none"> <li>1) The retention and enhancement of important ecological features including grassland, hedges and associated ditches.</li> <li>2) Prior to the occupation of any dwelling a Biodiversity Management Plan (BMP) will be prepared and implemented.</li> </ol> <p>The development shall be carried out and retained thereafter in accordance with the approved details.</p>

	REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.
20.	<p>Development shall not begin until a scheme for protecting the proposed dwellings from noise from all issues highlighted in the supporting MEC Noise Assessment Report, Ref: 20860-04-NA-01 Rev A has been submitted to and approved in writing by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.</p> <p>REASON: To protect the amenity of future occupants in regard to noise pollution in accordance with Policies CS2 and EV/1 of the Charnwood Local Plan.</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 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 (2021), 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).
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>





## Appendix A

### Application Reference Number P/21/1260/2

<b>Application Type:</b>	Outline Planning Permission	<b>Date Valid:</b>	13/07/2021
<b>Applicant:</b>	Penland Estates Ltd, RV Millington Ltd, Sarah Higgins & Gavin Higgins		
<b>Proposal:</b>	Outline planning application for residential development of up to 93 dwellings, public open space, landscaping and associated works. All matters reserved except for access.		
<b>Location:</b>	Land at Ashby Road, Markfield		
<b>Parish:</b>	Newtown Linford	<b>Ward:</b>	Forest Bradgate
<b>Case Officer:</b>	Shaun Robson	<b>Tel No:</b>	07864 603389

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### Background

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

### Description of the Application Site

The application site is located to the north of Markfield along Ashby Road and is approximately 3.66ha in size.

The site is bound by the A50 to the north, Ashby Road to the south and Rauncliffe Farm in the north-west. The site's south eastern boundary is defined by an established tree lined hedgerow that borders existing residential dwellings and additional fields to the north.

The site comprises of three separate paddocks divided by a combination of post and rail fencing and hedgerow with mature trees.

The majority of the site is located within Charnwood Borough Council's administrative boundary, within the parish of Newtown Linford and within the National Forest and Charnwood Forest Regional Park area. However, the site frontage to the south falls within Markfield, a settlement within Hinckley and Bosworth Borough Council's administrative boundary. Therefore, in order for the development to proceed it will fall to the respective Local Planning Authority's to determine the part of the development that falls within their area. If the application for the access to the site is not approved by Hinckley and Bosworth Borough Council, then the application that falls within Charnwood Borough Council may still be approved if committee is so minded but it will not be capable of implementation until an access is agreed and all of the reserved matters are approved.

### Description of the Proposal

The application seeks outline planning permission for residential development of the site for up to 93 dwellings which will include a mixture of dwelling types and sizes. All matters, other than the access arrangement, are reserved for future consideration.

The access to the site is proposed directly off Ashby Road, along the southern frontage of the site, currently where a field access sits. The new access arrangement provides a priority junction. In order to accommodate the vehicular access, two trees along the southern boundary will need to be removed.

The access arrangement to the site lies with Hinckley and Bosworth Borough Council administrative area. The suitability of the proposed access for the development therefore falls to Hinckley and Bosworth Borough Council to assess and determine.

The proposal is accompanied by an illustrative masterplan which shows how the site could be developed for a scheme of up to 93 dwellings. The masterplan suggests a central road accessed into the site via Ashby Road with a number of spur roads serving a number of dwellings.

An attenuation basin is proposed to be incorporated within the public open space to the north eastern boundary of the site to contribute to a sustainable urban drainage scheme (SUDs). A further wild flower grassland area is proposed to be incorporated to the north western boundary.

The application includes the following supporting documents & plans:

- Application Form
- Site Location Plan
- Illustrative Layout
- Design and Access Statement
- Landscape and Visual Appraisal
- Tree Survey
- Phase 1 Desk Study Assessment
- Transport Assessment
- Travel Plan
- Ecological Appraisal
- Consultation Statement
- Flood Risk Assessment
- Noise Assessment
- Heritage Assessment

## **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.

*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 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 2021)

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 75). 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 62).

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 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). 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 106). 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 111).

Section 12: Requiring well-designed places - The NPPF recognises that good design is a key aspect of sustainable development and that high quality, beautiful, sustainable and inclusive design should be planned for positively (paragraph 126).

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 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

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

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

#### The Charnwood Local Plan: Pre-submission Draft (July 2021)

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2037. The new local plan will include strategic and detailed policies and was approved by Council on 21 June 2021 for consultation and then submission to the Secretary of State for an Examination in Public. The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six week

pre-submission consultation period that ran from Monday July 12 until Monday August 23, 2021.

This document sets out the Council’s draft strategic and detailed policies for the period 2019-37. This document carries very limited weight at the current time.

The Markfield Conservation Area Appraisal (February 2010)

This document was produced by Hinckley and Bosworth Borough Council. However, due to the proximity of the site to the Conservation Area, the appraisal is a material consideration relevant to the determination of this application.

**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
Leicestershire Lead Local Flood Authority – LCC	Response awaited..
Housing Strategy & Support CBC	In accordance with policy CS3 requests 40% of new homes are affordable comprising a mix of 77% social and affordable rent and 23% shared ownership. No specific housing mix has been requested.
Environmental Protection - CBC	Response awaited.
Leicestershire County Council, (LCC) - Highways	<p>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.</p> <p>The County Council Highways team have requested the imposition of a number of conditions and the following contributions:</p> <ul style="list-style-type: none"> <li>• A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy to facilitate improvements to the A511/ A50 corridor in order to mitigate off-site impacts from developments in the area. The suggested trigger point being payment of the CTS shall be based on: 25% prior to first occupation of the development; 25% prior to occupation of the 23rd dwelling of development; 25% prior to occupation of the 47th dwelling of development, and 25% prior to occupation of the 70th development.</li> <li>• To comply with Government guidance in NPPF and commensurate with Leicestershire County</li> </ul>

	<p>Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:</p> <p>A. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). The suggested trigger point being prior to the occupation of the first dwelling.</p> <p>B. 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £360.00 per pass). REASON: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation. SUGGESTED TRIGGER POINT: Payment of 25% of total obligated contribution paid prior to the occupation of the first dwelling. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings, except payment may be deferred by agreement with the County Council.</p> <p>C. Raised kerb provision at the nearest two bus stops (ID's 2427 &amp; 2428) at a cost of £3,500 per stop. REASON: To support modern bus fleets with low floor capabilities SUGGESTED TRIGGER POINT: Prior to the occupation of the first dwelling.</p> <p>D. STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.</p>
LCC Education	Seek a contribution of £512,132.40 towards Newtown Linford Primary School and £277,632.16 Brookvale Groby Learning Campus Secondary School.
LCC Libraries	Seek a contribution of £2,810.00 towards facilities within the area.

LCC Civic Amenity	Seek a contribution of £6,080.00 towards improving waste capacity within the area.
Newton Linford Parish Council	Objects to the application on the grounds that the development lies outside of the housing growth area for Markfield and encroaches into an elevated part of Charnwood Forest; an area of natural beauty within the parish of Newtown Linford. The development would also increase pressure on already stretched services, including the GP Surgery, Mercenfeld Primary School and South Charnwood High School. The development will also impact on highway safety, residents already struggle exiting both Markfield and Newtown Linford safely onto the dual carriageway at busy times and further vehicles leaving Markfield would only add to this ongoing local problem.
Leicestershire Police	No objection to the proposal.
Charnwood Open Spaces	<p>No objection raised. The development shall include the following on site provision(s):</p> <ul style="list-style-type: none"> <li>• Parks – 0.07ha on site in the form of a multi-functional green space area combined with the Amenity Green Space provision;</li> <li>• Natural and Semi Natural Open Space – 0.45ha defined habitat areas should be identified and created within the proposed on site open space. These areas should be laid out and managed for their ecological/wildlife value in accordance with a landscape and biodiversity Strategy/Management Plan for the site;</li> <li>• Amenity Green Space – 0.10ha on site in the form of a multi-functional green space area combined with the Parks provision;</li> <li>• Provision for children – 1 facility on site (suitable LEAP to be provided – Equipment and design to be approved by CBC prior to commencement of development)</li> <li>• Provision for a site suitable and agreed young people’s equipment/facilities.</li> </ul> <p>The following developer contributions have been requested, where on-site open space provision is not to be met on-site, in order to mitigate the impact of the proposed development in accordance with Policy CS15 of the Charnwood Local Plan Core Strategy 2011-2028:</p> <ul style="list-style-type: none"> <li>• Outdoor sports facilities - £32,839.00;</li> </ul>

	<ul style="list-style-type: none"> <li>• Allotments - £10,501.00;</li> <li>• Parks - £14,028.00;</li> <li>• Natural and Semi-natural areas - £21,141.00;</li> <li>• Amenity green space - £10,064;</li> <li>• Indoor Sport - £44,381 towards swimming pool improvements, 0.07 indoor courts (at a cost of £42,431).</li> </ul>
Charnwood Biodiversity	No objection to the development of the site, subject to the use of an appropriate mechanism to ensure that no unacceptable biodiversity loss occurs that cannot be mitigated.
NHS - CCG	Seek a contribution of £51,367.69 towards improving the capacity of Markfield Medical Centre to allow for the accommodation of 225 additional patients generated by the scheme.

### Other Comments Received

20 objection letters have been received from local residents and The Friends of Charnwood Forest. 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)

- The site is a visually intrusive site, at 200 metres elevation, on a prominent edge of a Markfield outcrop. It has spectacular views of between 5-7km across a mixed vista of wooded hillsides, and open pasture. Conversely this site can viewed from across an area of outstanding beauty.
- This application pays no regard to the Charnwood Forest Landscape assessment or the objects of the recently formed Charnwood Forest Regional Park to preserve the landscape.
- The site should be refused on road noise alone. All the readings were on a dry day, add on another 10-15db for a wet day and it is now very loud.
- The mitigation proposed will still make it uncomfortable to be in the garden, let alone open a window.
- The development will create an unacceptable impact on local services (Primary School and Doctors Surgery)
- The reliance on the private motorcar will create a further impact on the surrounding environment
- There is no need as the Markfield Neighbourhood Plan has already been analysed and concluded that the provision of housing and infrastructure for the Parish has already been met
- The development does not accord with the Markfield Neighbourhood Plan
- The site is in the area of the Charnwood Forest Regional Park and the National Forest. The proposed development does not fall within the criteria set out in existing and emerging Local Plans for development in those areas.



- The site is on a prominent height at the edge of open and wooded countryside of the Ulverscroft Valley.
- The downhill part of the site is adjacent to the slip road from the A50 dual carriageway and is less well screened. Noise protection requirements could cause harm to the local landscape
- The site is outside limits to development in current and emerging Local Plans, and as proposed in the referendum version of the proposed Markfield Local Plan
- Ashby Road is a natural boundary to the village proving extensive views over open country towards Bradgate Park. The proposed development would cause considerable harm to the vista and deny the village of this amenity

2 letters of support have been received from local residents. The list below summarises those points 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)

- The proposal represents a well-thought out and thorough application
- There is a need for houses in Charnwood as they don't have the 5-year land supply currently, and there is a need for affordable housing in Charnwood.
- The proposed development has been well thought out and is in a sustainable area.
- The site has great visibility onto the Ashby road, so there are no highway concerns.

### **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 considered up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them, in this regard

As the Core strategy is now five years old the Authority must use the standard method to calculate its housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 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 that in this instance the exceptions in 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
- Impact on Residential Amenity
- Highway Matters
- Flooding and Drainage
- Ecology and Biodiversity
- S106 Contributions.

### **Principle of Development**

The application site is located predominantly within the Newtown Linford parish but it is outside of the settlement limits as established under "saved" Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. For land outside these settlement 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. These policies are those that are the most important for establishing whether development of the site for housing is acceptable in principle.

Within the settlement hierarchy, Newtown Linford is identified as an 'Other Settlement' where housing growth is limited to predominantly small scale development within settlement limits. 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. Markfield itself lies within Hinckley and Bosworth Borough, but the built form of the village lies on the boundary with Charnwood Borough. Markfield is considered to have a range of services and facilities that is consistent with a Service Centre. The extremely close proximity of the site to Markfield is a material consideration and it should be recognised that future residents are likely to access services and facilities, including public transport from this village.

Despite the site's proximity to Markfield, the development is at odds with the housing supply policies within the Charnwood Core Strategy 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 (3.34 years), the policies in the development plan that seek to control the supply of housing must be considered to be out of date and the presumption in favour of sustainable development in para 11 of the NPPF 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 development of up to 93 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. However, it is not considered this identified harm would significantly and demonstrably outweigh the benefits, insofar as the principle of development is concerned, especially when considering the sustainability of the site which is not isolated and lies adjacent to a settlement in Hinckley and Bosworth Borough that is considered to be similar in its characteristics and role to a Charnwood 'Service Centre'. The conflict with the Development Plan can however be considered within the overall planning balance for the proposal.

### **Housing mix**

Policy CS3 of the Core Strategy helps define a 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 93 units (37 no.) should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed.

Policy CS3 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 proposal is in outline and includes an undertaking to provide 37 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 is still considered to be appropriate to set down parameters relating to, for example, the size of units required at outline stage and it is suggested that a planning condition could be used to do this.

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

### Market Housing

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

### Affordable Housing Mix

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

It is considered that a proposal which complies with Policy CS3 could be achieved. The provision of 37 affordable units is also a benefit of the scheme which weighs within the planning balance.

### Landscape and Visual impact

Policies CS2 and CS11 are concerned with protecting the landscape and ensuring new development does not result in visual harm. A Landscape and Visual Appraisal (LVA) has been submitted with the application which looks in detail at these impacts. These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The site is within the Charnwood Forest designation and the National Forest. The Landscape Sensitivity Assessment for SHLAA Sites (2019) examined the site when a call for sites was issued. The study ranked the site as low to moderate sensitivity for 2 to 3 storey residential development with no significant variations across the site. The criteria which scored moderate were for views and visual character, form density and setting of the existing settlement. It noted that the land does not “*make a significant contribution to the landscape setting of the existing settlement*”. The most sensitive landscape features are considered to be the trees and hedgerows and medium to long range views.

The Landscape and Visual Appraisal (LVA) finds that the loss of an agricultural field to facilitate the residential development would create a localised effect but it would not constitute an unacceptable impact on landscape fabric or character in the long-term. It notes the potential to integrate a soft landscape buffer within the development will integrate the development into the existing built form of the area.

The Design and Access Statement sets out that a 20% quota of tree planting would be provided throughout the site but the illustrative layout (not part of the application for approval) seems to confine the tree planting to the perimeter and intermediate hedgerow. Notwithstanding this it is considered through the use of appropriate

planning conditions, the reserved matters submission could secure a landscaping scheme that provides for a greater dispersal of trees throughout the site.

The retention of boundary vegetation and woodland planting also limits any perceived effects on the wider landscape character area. Whilst it is acknowledged that there may be some the landscape impact in the short term whilst new landscaping matures, 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 permission were to be granted.

It is therefore considered that that a scheme could be designed which accords with policies CS2, CS11, EV/1 and CT/2 in this regard.

## **Design**

Policies CS2 and EV/1 seek to ensure that a high quality design for new development is brought forward. 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 which identities a sympathetic scheme could be brought forward on the site.

If the application were to be considered acceptable on balance, the detailed design will be assessed as part of the reserved matters submission. 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 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 the policy.

The indicative plan and the Design and Access Statement suggest that within the site there will be areas 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 secured as a planning obligation in a S106 legal agreement. Accordingly, the proposal is considered to comply with policy CS15 of the Development Plan.

## **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.

It is considered that the indicative layout provides ample space to ensure that the amenity of adjacent houses is not harmed by loss of light, privacy or outlook. The detailed design will be considered as part of the reserved matters.

The formal response from Environmental Health Team is pending, these comments will be updated as part of the late items to Members at the Plans Committee. However, given that the proposal is at an outline stage the noise mitigation can be conditioned to overcome any issues.

The proposal has been accompanied by a Noise Assessment which has concluded that the maximum noise exposure levels recorded on the site are to boundary overlooking the A50, which falls within the category of High Risk. The boundary overlooking Ashby Road falls within the category of Medium Risk. The noise impact can however be readily designed out within the detailed scheme through the layout, installation of acoustic garden fences; and selecting glazing systems, acoustically attenuated ventilation and building fabric with sufficient sound reduction. The proposed attenuation details will all form part of the reserved matters consideration.

In conclusion, it is considered that the proposal can be designed in a way that provides an acceptable standard of amenity for existing and future residents. This would mean it would 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 designated Markfield Conservation Area is lies to the south east and it is considered that the proposal has the potential to impact on its setting. Similarly, there is a listed building 260m away to the north and a non-designated heritage asset to the south.

The development has been accompanied by a Heritage Statement which has concluded that there will be no material harm to any Listed Buildings or the Markfield Conservation Area setting.

### *Listed Building and Non-designated Asset*

In regard to the Listed Building, Home Farm, Priory Lane, is visible to the north east from the development site. It is viewed in the distance from the site, therefore is

considered to fall within its setting. The setting of the farmhouse emphasises its historic development in the wooded landscape of Charnwood Forest.

In regard to the non-designated asset, the Queens Head Public House, Ashby Road is a 3 bay, 2-storey, slate roofed building dating to the early 19th century. It has two brick built end stacks and a pitched and gabled roof. The roadside setting of the pub and its position at the top of the High Street contribute to its significance as one of only 4 pubs in Markfield.

The proposed development cannot be seen from the Queens Head property. It is considered that given the landscaping and scale of development, as well as the intervening distance, the development would result in no harm on the Queen's Head. In regard to Home Farm, Priory Lane it is considered this designated heritage asset would be screened from the proposed development to the north of the A50. Although the development will be seen across the A50 the screening effect of the surrounding trees, the intervening distance and land uses would mean that the proposal would not harm the heritage significance of the Listed Building or its setting .

### *Conservation Area*

The Markfield Conservation Area focusses on the historic core of the village, along Main Street and identifies key views, listed and unlisted buildings, key historic buildings and landmark buildings. The Conservation Area is divided into character areas with the section of the Conservation Area closest to the proposed development categorised as a 'gateway'. This characterises the northern end of the Conservation Area where the setting, described as the trees flanking Ashby Road and Ashby Road itself, is considered to provide '*a natural link with the countryside beyond the limits of the village and the densely built up historic core*'.

The Conservation Area derives its significance from its historic architecture, its character which encapsulates the views to the south, the church and the early modern streetscape. The proposed development would add an area of residential development into the linear development extending along Ashby Road. The application proposes the retention of the boundary walling and the majority treeline along Ashby Road, with the exception of the removal of some of the trees to facilitate the vehicular access.

The removal of the boundary features in order to form the vehicular access to the site falls within Hinckley and Bosworth's administrative area. The Conservation Officer for Hinckley and Bosworth has assessed the impact of the proposal and has concluded the following:

*"This proposal affects the significance of the Markfield Conservation Area and the non-designated heritage assets by virtue of its location within the wider setting of these heritage assets. Overall the proposal is considered to have a neutral impact causing no harm to their significance. The proposal therefore preserves the significance of the Markfield Conservation Area"*

The inclusion of the trees and wall will also further reduce the impact of the development when approaching Markfield Conservation Area from the west. It is

considered that whilst this setting of this section of the Conservation Area will be altered through the introduction of the built form, the majority of the boundary features would be retained, and further additional planting would soften the appearance. The landform falling away from the road frontage would further reduce the impact of the proposal on the conservation area. With these points in mind, it is considered that the proposal will have no impact on the character and appearance of the Conservation Area and its setting overall and would at least preserve and maintain its historic character.

In conclusion, it is considered that the development would not result in harm to the significance to the designated and non-designated heritage assets or their setting. The proposal therefore complies with the provisions of CS14 the NPPF and the guidance contained within the Planning (Listed Building and Conservation Area) Act 1990.

### **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. 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.

A Tree Survey submitted with the application shows that the proposal will require the removal of a number of trees to the site frontage within Hinckley and Bosworth's administrative area which does not form part of this application being considered. The loss of a number of trees to facilitate the access arrangement is a consideration for Hinckley and Bosworth Borough Council.

For completeness, the Tree Officer from the County Council has responded to Hinckley and Bosworth and has raised no objection to the removal of the trees to part of the frontage within Hinckley and Bosworth's administrative area.

No trees will be lost within part of site falling for the Council to consider and an opportunity for a significant increase in tree planting as part of landscaping commitments exists.

It is considered, therefore, that the proposal complies with Development Plan policies CS2, CS11.

### **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 site has been assessed by both the Council's Senior Ecologist and the applicant's ecologists and it is recognised by both parties that an amount of the grassland within the site meets the Local Wildlife Site (LWS) criteria and constitutes an important



ecological feature. The Council and the applicant have considered the indicative layout as a potential direction of travel for the development of the site and have both concluded that the level of biodiversity loss resulting for the indicative development needs to be addressed.

It is considered that in this instance potential loss could be addressed by detailed measures secured by approval of planning conditions and approved as part of the detailed reserved matters application. It is also recommended that a mechanism be included within the Section 106 agreement that requires the reserved matters scheme to be subject to a biodiversity impact assessment (BIA) using an appropriate metric which can secure an off-site mitigation contribution in the unlikely event that the scheme does not protect against a net loss of biodiversity.

Overall, it is considered that a carefully considered reserved matters application could result in a development which can ensure that there is no biodiversity loss on site or that if there is unavoidable loss it is otherwise compensated for offsite. 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 provisions secured if necessary via the S106 agreement, in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

### **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 application includes flood risk assessment, which also includes a drainage strategy. The strategy suggests that surface water would be collected within a detention basin and SuDs features within the site and discharged at a green field run off rate.

The Lead Local Flood Authority's comments are awaited and will be provided in a late item. Subject to their comments 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.

## Capacity

The access is to be located to the southern side of the site, with the connection to the highway network falling with Hinckley and Bosworth Borough Council's administrative area on the Ashby Road. Whilst this element of the proposal does not fall to Charnwood Borough Council to formally consider and determine, it is noted, for completeness, that the submission has been accompanied by a Transport Assessment.

The Local Highway Authority requested, as part of their assessment, that the Applicant undertook a capacity assessment of Junction 22 of the M1 Motorway. The Applicant stated that they do not consider an assessment of this junction to be necessary, given that the proposed development and the level of trips generated (29 two way trips in the AM peak and 28 two way trips in the PM peak) falls below the threshold of 30 two way trips usually required to undertake capacity assessment. The Local Highway Authority has accepted the comments made by the applicant in regard to the trigger for a capacity assessment and considers that no further assessment of the junction is necessary. The Local Highway Authority has requested that a contribution of £4,884 per dwelling towards the extended Coalville Transport Strategy to secure improvements to the A511/ A50 corridor in mitigating off-site impacts from developments in the area. The contribution will specifically aid in the mitigation of the additional vehicular movement from the proposed development to ensure that severe residual cumulative highway impacts do not occur.

The Local Highway Authority also sought clarification on the following points, namely:

- Further consideration of trip distribution, particularly in respect of traffic travelling to/from the Field Head roundabout;
- Consideration of H&BBC application references 20/00848/FUL and 21/00387/OUT as part of a sensitivity test within the capacity assessments;
- Capacity assessments of the Field Head roundabout and M1 Motorway J22;
- Updates to the Travel Plan;
- Further consideration to footway links between the existing bus stops and the site.

The above additional information has been received and reviewed by the Local Highway Authority. The Local Highway Authority have not objected to the proposal based on the revised information.

The appropriateness of the vehicular access arrangement to the site will be assessed and determined by Hinckley and Bosworth Borough Council. However, the Local Highway Authority have not objected to it and but have recommended the imposition of a number of planning conditions as well as a request for a number of financial contributions to be secured as planning obligations in a S106 legal agreement.

## Sustainability

The proposal includes a footpath link to an existing bus stop on the frontage of the site. The main access to the site connects to the footpath along Ashby Road. These would help integrate the site with the village and would encourage journeys to local

facilities and green space on foot. It is considered that these links assist in the integration of the development and the development therefore considered to comply with policy CS17.

. Although site layout details are currently unknown it would be possible to provide internal roads and parking for the scheme to an acceptable design.. Accordingly, the proposal is considered to comply with relevant development plan policies and not to give rise to transport related harm, subject to a number of contributions and the imposition of a number of conditions.

## 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 based on a proposal for up to 93 dwellings.

Education	A contribution of £512,132.40 towards Newtown Linford Primary School and £277,632.16 towards Brookvale Groby Learning Campus Secondary School.
NHS	A contribution of £30,378.74 towards improving the capacity of Barrow Health Centre to allow for the accommodation of 145 additional patients generated by the scheme.
Open Space	The following provisions have also been requested. An outdoor sports facilities £32,839.00, allotments equating to £10,501.00 and an indoor sports contribution to consist of £44,381 towards swimming pool improvements, 0.07 indoor courts (at a cost of £42,431).
Libraries	A contribution of £2,810.00 towards library facilities.
Civic Amenity	A contribution of £6,080.00 towards improving waste capacity within the area.
Biodiversity mitigation	The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with an agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference: <ul style="list-style-type: none"> <li>1. To achieve no net biodiversity loss.</li> <li>2. Mitigation on site.</li> </ul>

	Offsite contribution to commentary payment for a project within the vicinity of the development (to be agreed by all parties).
Sustainable Transport	A request has been made for the provision of travel packs for each dwelling, which will include two six month bus passes, two per dwelling.
Highway Improvements	A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy.  The provision of raised kerbs at the nearest two bus stops.  Sustainable Travel Accreditation and Recognition Scheme monitoring fee of £6,000.

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**

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 up to 93 new units of which 37 would be affordable homes, at a time when there is an acute need for these. This is a significant benefit of the scheme. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, noise, heritage, landscape or flooding that cannot be mitigated and secured by way of detailed landscape design. The potential impact on the Ecology of the site can be mitigated through the use of planning conditions and Section 106 requirements. Impacts on infrastructure can be offset within the site or via commuted payments to improve facilities in the area.

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	A contribution of £512,132.40 towards Newtown Linford Primary School and £277,632.16 Brookvale Groby Learning Campus Secondary School.
Affordable Housing	40% of units to be affordable comprising a mix of 77% social and affordable rent and 23% shared ownership.
Open Space	The provision of off-site contributions for outdoor sports facilities £32,839.00 and allotments equating to £10,501.00.
NHS – CCG	A contribution of £51,367.69 towards improving the capacity of Markfield Medical Centre to allow for the accommodation of 225 additional patients generated by the scheme.
Libraries	£2,810.00 towards library facilities.
Highways	<p>A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy to facilitate improvements to the A511/ A50 corridor in mitigating off-site impacts from developments in the area</p> <p>The provision of raised kerbs at the nearest two bus stops.</p> <p>The provision of travel packs for each dwelling, which will include two six-month bus passes, two per dwelling.</p> <p>Sustainable Travel Accreditation and Recognition Scheme monitoring fee of £6,000.</p>
Civic Amenity	£6,080.00 towards improving waste capacity within the area.
Biodiversity Mitigation	<p>The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with an agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference:</p> <ol style="list-style-type: none"> <li>1. To achieve no net biodiversity loss.</li> <li>2. Mitigation on site.</li> <li>3. Offsite contribution to commentary payment for a project within the vicinity of the development (to be agreed by all parties).</li> </ol>

## 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>Application for the approval of the reserved matters shall be made within three years of the date of this permission and development shall commence within three years of the date of this permission or within two years of the date of approval of the last of the reserved matters, whichever is the later.</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>
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> <ul style="list-style-type: none"> <li>• 001 Revision B Site Location Plan</li> </ul> <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.</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 policy CS3, and the advice within the NPPF.</p>
5.	<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> </ul>

	<p>v) functional services above and below ground within landscaped areas; and</p> <p>vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.</p> <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 of the Development Plan.</p>
6.	<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 policy CS2 of the Development Plan and associated national and local guidance.</p>
7.	<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. 0.07ha multi-functional green space area</li> <li>ii. 0.45ha of natural and semi-natural open space</li> <li>iii. 1 equipped LEAP</li> <li>iv. 0.10ha multi-functional green space area</li> <li>v. A young people's equipment/facilities</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 and</p>
8.	<p>The development shall be carried out in accordance with the Flood Risk Assessment dated May 2021 submitted with this planning application.</p> <p>REASON: To ensure that there is no risk of flooding to future residents and that the proposal drains adequately and does not lead to flooding elsewhere. This is to ensure compliance with development Plan policies CS16 and national guidance.</p>
9.	<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>
10.	<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 run-off quality, and to prevent damage to the final surface water management systems though the entire development construction phase.</p>

11.	<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>
12.	<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>
13.	<p>No development shall commence until a Construction Environmental Management Plan (CEMP) 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 construction traffic routeing</li> <li>• Hours of operation for construction and delivery of materials</li> </ul> <p>REASON: To ensure that the development does not cause harm to amenity, biodiversity or the environment during the construction phase and ensure compliance with Development Plan policies CS2 and CS16.</p>
14.	<p>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.</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 CS15 and CS16</p>
15.	<p>Development shall not commence until an assessment of the risks posed by any contamination has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>



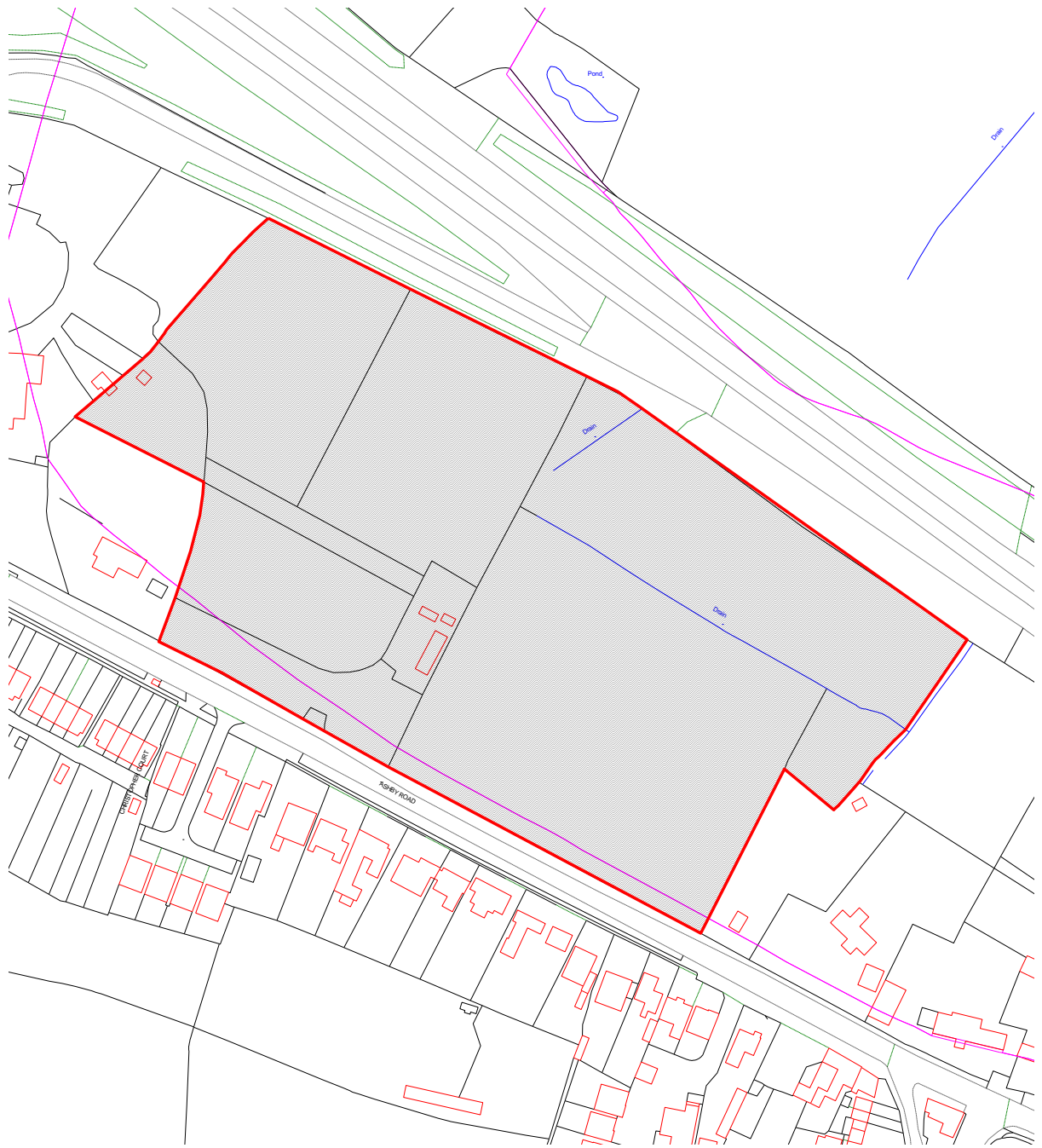
16.	<p>Where the above approved risk assessment identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
17.	<p>No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.</p> <p>REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).</p>
18.	<p>No part of the development hereby permitted shall be first occupied until a framework/full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>
19.	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy has been submitted to and agreed in writing by the Local Planning Authority. As a minimum these details shall include:</p> <ol style="list-style-type: none"> <li>1) The retention and enhancement of important ecological features including grassland, hedges and associated ditches.</li> <li>2) Prior to the occupation of any dwelling a Biodiversity Management Plan (BMP) will be prepared and implemented.</li> </ol> <p>The development shall be carried out and retained thereafter in accordance with the approved details.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF</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 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 (2021), 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).
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>



## For Plans Committee – 1<sup>st</sup> December 2021

### Additional items received since the report was drafted.

**Pages** 5-33

**Site Address:** Land at Ashby Road, Markfield

**Item No.** 1

**P.A. No.** P/21/1260/2

#### Issue 1

Following the publication of the original report responses have been received from the Lead Local Flood Authority and the Council's Environmental Health Officer who state:

Environmental Health – no objections subject to planning conditions relating to land contamination and the requirement of a noise mitigation scheme and verification report.

Lead Local Flood Authority – comments not yet received.

Full copies of the responses have been placed on the planning file which can be viewed on [www.charnwood.gov.uk](http://www.charnwood.gov.uk) .

#### Issue 2

Leicestershire County Council Education have highlighted, following the publication of the report, that the contribution requested towards Primary School education is towards Mercefield Primary School, Markfield or a school within the vicinity not Newtown Linford Primary School as indicated in the committee report.

#### Issue 3

Two additional representations have been received from local residents, since the publication of the report agenda pack. Full copies of this correspondence is available on the planning file and can be accessed through [www.charnwood.gov.uk](http://www.charnwood.gov.uk) . However, the matter(s) raised are summarised below:

1. Markfield Neighbourhood Plan is not referenced in the report and must be taken into account.
2. The approval of 290 homes in Markfield is also not referenced or given any weight.
3. The Wildlife Officer Report contained on the HBBC linked planning application online file is missing from the Charnwood online application file. The report clearly states that from the wildlife perspective the proposal has not met the requirements to agree the application.
4. Site sits at the very edge of Charnwood Borough with the nearest schools and doctors within the Charnwood Borough being several miles away, which is unsustainable. No direct bus to Loughborough. Residents would want to use Markfield services and this would have an additional impact on Markfield, set against the agreed 290 house development already approved in Markfield.

5. Council have fast tracked the process without due-diligence or an open and transparent process. No reference to multiple rejections of this application. If application had been part of HBBC then application would not have been approved.
6. Charnwood Borough Council are going against its own policy on climate change and sustainability and completely ignoring the elected plans and wishes of a Community the development is building in. This proposal will have little or no impact upon Charnwood's communities/the elected persons they serve whilst gaining all the financial benefits.
7. Site not identified by Charnwood Borough Council as a possible area for development
8. The affordable housing in this development will be of no use to Markfield or its residents as only those on Charnwood's housing register will be able to apply and anyone living in Markfield or that has a connection to the village waiting on the HBBC register for housing in the village will be ineligible.

**Officer Response:**

Issue 1

Following the comments from Environmental Health further planning conditions in regard to noise mitigation on site are necessary to ensure the development is acceptable. Recommended condition 20, identified in the following section, requires a scheme protecting the properties from noise to be submitted and approved by the local planning authority and undertaken in full prior to occupation of each dwelling. Amendments have been made to the contaminated land conditions in line with the requests from environmental health, an additional condition requiring a verification report to be submitted has also been added, see recommended conditions 14-16.

The comments from the Lead Local Flood Authority have not yet been received, however these have been provided to Hinckley and Bosworth Borough Council, where they state no objections subject to conditions. The conditions have been updated accordingly.

Issue 2

The original report identifies that Section 106 contributions towards primary school education are sought towards Newtown Linford Primary School. Unfortunately, this was a drafting error and should read Mercenfield Primary School in Markfield. Whilst the site is within the catchment for Newtown Linford Primary School it is highly constrained with no capacity to expand. Due to the proximity of the site to Mercenfield Primary School a contribution is requested for improving, remodelling or enhancing existing facilities to accommodate the additional school places generated.

Recommendation A is therefore updated accordingly in the section below.

Issue 3

1. The HBBC Core Strategy and the HBBC Site Allocations and Development Management Policies Development Plan Document and the Markfield

Neighbourhood Plan form part of the Development Plan within the administrative boundary of Hinckley and Bosworth Borough Council. They do not have primacy under S38(6) of the Town and Country Planning Act 1990 in Charnwood.. The HBBC Core Strategy essentially seeks to prioritise development to settlements in a hierarchy defined by settlement limits and seeks to control development in the countryside to appropriate uses. This is very similar to the approach in Charnwood's own core strategy and the principles set out in the NPPF.

The Markfield Neighbourhood Plan was made by Hinckley and Bosworth Borough Council in September 2021. It allocates a site for housing to the south of the village and provides a range of policies including those to manage and assist decision making such as for design, landscape, biodiversity, heritage, climate, open spaces and community facilities.

While the policies in the HBBC development plan have been considered and have helped inform the basket of community infrastructure and benefits recommended to lessen the impacts of the proposal and in this regard they are a material consideration. However, they do not have any control over the principle of development in Charnwood Borough and the proposal must therefore be assessed in light of the Charnwood Core Strategy and saved local plan policies in the normal way.

2. When assessing the impact of the development upon the existing infrastructure and the identification of appropriate mitigation existing consented/committed schemes are considered. It is not necessary to identify each individual scheme/application approved in the local area individually in the report. The proposed housing falls within Charnwood Borough Council, who cannot demonstrate a 5 year housing land supply, as outlined in the original report. In accordance with the NPPF significant weight should be given to the provision of housing in the planning balance.
3. An Ecological Appraisal was submitted with the application. However due to the sensitivity of ecological data these documents have not been published on the Councils website. Whilst the document is not on the public access file it forms part of the planning file and a copy could have been requested. It is noted that Leicestershire County Council Ecology, who act as consultees on ecology matters for HBBC, have deferred the assessment of the ecological appraisal to Charnwood Borough Council, due to the majority of the site being within its administrative boundary.
4. It is acknowledged in the report that the site is in close proximity to the village of Markfield and future residents are likely to access services and facilities, including public transport from this village. The site is adjacent to the settlement limits of Markfield, which is considered to have the range of services and facilities consistent with a Service Centre when assessed against the Charnwood Core Strategy (2015). The site is therefore adjacent to a sustainable settlement. Contributions are sought towards Markfield Medical Centre. Please note that a typographical error is included within the Infrastructure section which states that contributions are sought towards Barrow Health Centre, this should

read 'Markfield Medical Centre'. As discussed in Issue 2 the primary school education contribution request is to go to the primary school in Markfield. Contributions requested are therefore acknowledging the use of Markfield facilities by the proposals future residents. Through discussions with Hinckley and Bosworth Borough Council it is confirmed that there are sites within Markfield which the off-site open space contributions can be spent to mitigate the impact of development. Recommendation A has been amended accordingly.

5. The application has followed the due process outlined within the Development Management Procedure Order (2015). The report identifies the number of objections received for this application and lists the issues raised. All comments are available on the Councils planning webpage for transparency.
6. As discussed it is acknowledged that any future residents of the site are likely to access the services and facilities of Markfield, which is considered to be a sustainable settlement. Whilst the site is on the boundary of Charnwood Borough and outside the settlements which fall within its administrative area, this boundary is an arbitrary line which does not exist on the ground and the adjacent land uses must be taken into consideration when assessing the suitability of the site.
7. The site is not identified as an allocation in the current Charnwood Local Plan. The site is also not identified within the emerging Local Plan as a possible allocation. However, each site must be assessed on its own merits against the development plan policies relevant to the site.
8. The affordable housing to be provided on site will meet the requirements of Policy CS3 of the Charnwood Core Strategy (2015). The eligibility for the affordable housing will be based upon the Council's requirements for the borough. It is important to note that the affordable housing provision is a benefit to the borough as a whole not just the Parish it sits within or is adjacent to.

**Recommendation:**

No change to the recommendation for approval.

For clarity recommendation A and B are updated below to reflect the amended planning conditions and the clarification for the primary school education contribution.

**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:

<b>Education</b>	A contribution of £512,132.40 towards Mercenfield Primary School, or any other schools within the locality, and £277,632.16 Brookvale Groby Learning
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	Campus Secondary School, or any other schools within the locality.
<b>Affordable Housing</b>	40% of units to be affordable comprising a mix of 77% social and affordable rent and 23% shared ownership
<b>Open Space</b>	The provision of off-site contributions for outdoor sports facilities £32,839.00 and allotments equating to £10,501.00 within Markfield
<b>NHS – CCG</b>	A contribution of £51,367.69 towards improving the capacity of Markfield Medical Centre to allow for the accommodation of 225 additional patients generated by the scheme.
<b>Libraries</b>	£2,810.00 towards library facilities.
<b>Highways</b>	<p>A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy to facilitate improvements to the A511/ A50 corridor in mitigating offsite impacts from developments in the area.</p> <p>The provision of raised kerbs at the nearest two bus stops.</p> <p>The provision of travel packs for each dwelling, which will include two six-month bus passes, two per dwelling.</p> <p>Sustainable Travel Accreditation and Recognition Scheme monitoring fee of £6,000</p>
<b>Civic Amenity</b>	£6,080.00 towards improving waste capacity within the area.
<b>Biodiversity Mitigation</b>	<p>The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with an agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference:</p> <ol style="list-style-type: none"> <li>1. To achieve no net biodiversity loss.</li> <li>2. Mitigation on site.</li> <li>3. Offsite contribution to commentary payment for a project within the vicinity of the development (to be agreed by all parties).</li> </ol>

## 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	Application for the approval of the reserved matters shall be made within three years of the date of this permission and development shall
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	<p>commence within three years of the date of this permission or within two years of the date of approval of the last of the reserved matters, whichever is the later.</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>
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> <ul style="list-style-type: none"> <li>• 001 Revision B Site Location Plan</li> </ul> <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.</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 policy CS3, and the advice within the NPPF.</p>
5	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ol 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> </ol> <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 of the Development Plan</p>

6	<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 policy CS2 of the Development Plan and associated national and local guidance.</p>
7	<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. 0.07ha multi-functional green space area</li> <li>ii. 0.45ha of natural and semi-natural open space</li> <li>iii. 1 equipped LEAP</li> <li>iv. 0.10ha multi-functional green space area</li> <li>v. A young people's equipment/facilities</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>
8	<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>
9	<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 run-off quality, and to prevent damage to the final surface water management systems though the entire development construction phase.</p>
10	<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>
11	<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>
12	<p>No development shall commence until a Construction Environmental Management Plan (CEMP) 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 construction traffic routeing</li> <li>• Hours of operation for construction and delivery of materials</li> </ul> <p>REASON: To ensure that the development does not cause harm to amenity, biodiversity or the environment during the construction phase and ensure compliance with Development Plan policies CS2 and CS16.</p>
13	<p>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.</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 CS15 and CS16.</p>
14	<p>No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework</p>
15	<p>If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework</p>

16	<p>Upon completion of the remediation works, required by condition 15 and 16, a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework</p>
17	<p>No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.</p> <p>REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).</p>
18	<p>No part of the development hereby permitted shall be first occupied until a framework/full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>
19	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy has been submitted to and agreed in writing by the Local Planning Authority. As a minimum these details shall include:</p> <ol style="list-style-type: none"> <li>1) The retention and enhancement of important ecological features including grassland, hedges and associated ditches.</li> <li>2) Prior to the occupation of any dwelling a Biodiversity Management Plan (BMP) will be prepared and implemented.</li> </ol> <p>The development shall be carried out and retained thereafter in accordance with the approved details.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF</p>
20	<p>Development shall not begin until a scheme for protecting the proposed dwellings from noise from all issues highlighted in the supporting MEC Noise Assessment Report, Ref: 20860-04-NA-01 Rev A has been</p>

	<p>submitted to and approved in writing by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.</p> <p>REASON: To protect the amenity of future occupants in regard to noise pollution in accordance with Policies CS2 and EV/1 of the Charnwood Local Plan.</p>

**Pages:** 34-74

**Site Address:** Land off Humble Lane, Cossington

**Item No.2.**

**P.A. No.** P/20/2393/2

Since the publication of the committee report, correspondence has been received on behalf of Sileby Town Rugby Club. A financial contribution of £66,522.40 towards the improvements to the car parking facilities at the Platts Lane Recreation ground has been requested along with supporting evidence to demonstrate need.

Additionally, it has been noted that the early years education contribution request was not included in the recommendation set out in the main committee report. A contribution of £98,422.35 is requested by the County education authority to provide early years learning facilities for the demand generated by the development at the new primary school, or to improve, remodel or enhance existing facilities at existing early learning centres in the locality.

Further information has been received from the Leicestershire Highway Authority regarding the provision of a Travel Plan Coordinator to be secured in the S106 Agreement. This request has been previously considered in the main committee report and concluded not comply with the CIL regulations.

Also, further information has been received from the Cossington Parochial Church regarding the request for a contribution towards the provision and enhancement of community meeting facilities in Cossington.

### **Officer Response:**

#### Sileby Town Rugby Club

A contribution of this nature would fall under the category of outdoor sports facilities, a contribution for which is already set out in the recommendation and forms part of the open space provision for the site. The outdoor sports contribution requested is in line with the Council's adopted Playing Pitch Strategy. An additional outdoors sports contribution cannot therefore be secured at this time as it would not comply with the CIL regulations. The procedure for the Rugby Club to access the outdoor sports contribution for their identified project would be to make a separate application to the Council's Open Spaces Department.

#### Early Years Education Provision

The contribution has been assessed and is considered to comply with the CIL regulations and would allow the necessary infrastructure to be provided to mitigate the impact of the development to comply with the provisions of policy CS24. The contribution should therefore be added to the recommendation A.

#### Travel Plan Coordinator

The additional information has been assessed and it is considered that the appointment of a Travel Plan Coordinator would comply with the CIL regulations to

mitigate the impact of the development to comply with the provisions of policy CS24. The appointment of the Travel Plan Coordinator should therefore be added to the recommendation A.

### Cossington Parochial Church

The additional information submitted by the Cossington Project Group on behalf of the Church has been assessed. The contribution requested has been amended to £200,000.00 which is a reduction from the initial request of £437,500.00. The additional information submitted has been assessed and the contribution requested is considered to comply with the CIL regulations to mitigate the impact of the development to comply with the provisions of policy CS24. The contribution should therefore be added to the recommendation A.

### **Recommendation:**

No change to the officer's overall recommendation. However, it is recommended the following obligations are now included within Recommendation A;

### Recommendation A:

The following additional contributions to be secured in accordance with Policies CS24:

- A £98,422.35 contribution towards early years provision in the locality
- The appointment of a Travel Plan Coordinator
- A £200,000.00. contribution towards the provision of and enhancement of community meeting facilities in the locality

Issue 1

Since the publication of the report agenda pack a number of small errors have been noticed in the report. These are minor in nature and do not affect the recommendation. These are;

1. On page 75 the application reference number is erroneously cited as P/20/0738/2.
2. On page 82, the report states that the states that "*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.*"

**Officer Response:**

1. The correct reference number is P/21/0738/2.
2. This should instead state "*Given the nature of the application proposals, it is not considered that the application would constitute EIA development.*"

**Recommendation:**

**No change to recommendation**



**Pages** 75 - 110

**Site Address: Benscliffe Cottage, Benscliffe  
Road, Newtown Linford**

**Item No.** 4

**P.A. No.** P/20/1526/2

Issue 1

Since publication of the report, further consultation has been undertaken with the Councils Senior Ecologist in response to comments made by the applicant in respect of condition 4 as set out on page 128 of the report. It is recommended that a phase 1 Ecology Survey is not required but a Bat Mitigation Strategy remains to be required.

**Officer Response:**

The Council's Senior Ecologist considers that given there would not be a significant change in the footprint of development, on reflection it would be disproportionate to require a full survey to be submitted. It would however be expected that mitigation and the opportunity for improved habitat be explored with the landscaping scheme which remains to be included within recommendation A.

**Recommendation:**

Amendment to condition 4 contained within recommendation A as below;

No development shall commence until a Bat Mitigation Strategy has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed Strategy.

REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.

ENDS

## Item No. 5

### Application Reference Number P/21/1017/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	5th May 2021
<b>Applicant:</b>	Leicester City Football Club		
<b>Proposal:</b>	External amenity lighting, security measures, external directional signage and the provision of electric vehicle charging points (retrospective)		
<b>Location:</b>	Football Training Ground Park Hill Lane, Seagrave Leicestershire LE12 7NG		
<b>Parish:</b>	Seagrave Cossington Ratcliffe on the Wreake Sileby	<b>Ward:</b>	Sileby Wreake Villages
<b>Case Officer:</b>	Lewis Marshall	<b>Tel No:</b>	07714846497

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This item has been called in to be determined by the Plans Committee at the request of Cllr Poland for the following reasons:

- The lighting on site is noticeable from Seagrave
- Privacy of residents in terms of the onsite CCTV should be respected
- Is not against the application but would welcome conditions that limit the hours of use for the lighting

### Description of the Application

The application site is approximately 75 hectares and comprises the former Park Hill Golf Club and fishing centre. The site is accessed from Park Hill Lane which borders the site to the north. The A46 dual carriageway is immediately to the east of the site with agricultural farmland to the south. Sileby Brook borders the site to the west.

Seagrave is the closest village and is located to the north west of the site, with Sileby and Thrussington further away to the south west and east respectively. There are two residential dwellings which border the site to the north.

The site is a former 18 hole golf course with associated facilities, which closed in January 2018. Due to its previous use the site was predominantly open grassland, with a number of ponds and mature vegetation and trees. There is also a Public Bridleway which cuts through the site, connecting Park Hill Lane with Ratcliffe Road via Ratcliffe College.

The application seeks full planning permission for security infrastructure and features that have been erected at the site. Such details were a requirement of condition 3 of planning permission P/18/1269/2; however, whilst this condition was discharged as applied for by the applicant, it omitted the details that are the subject of the current planning application.

As the development is now in use, and due to the wording of the condition requiring the submission of details prior to commencement, it is not possible to submit the details under the provisions of the condition thus, a full application for planning permission is required.

## **Development Plan Policies**

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2006-2028, Saved Policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies Document (2009), and the Leicestershire Waste Core Strategy and Development Control Policies document (2009). The Sileby Neighbourhood Plan also forms part of the development plan as is relevant to this planning application.

### Charnwood Local Plan 2011-2028 Core Strategy

Policy CS1 – Development Strategy sets out the development strategy for the Borough confirming the role of Loughborough as the largest town in Charnwood and its role as the main focal point for housing, shopping, culture, leisure and business.

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. Major development should be subject to Design Review.

Policy CS6 – Employment and Economic Development states that the Council will deliver up to 75 hectares of land between 2011 and 2028 for strategic employment purposes, will provide opportunities for manufacturing businesses to development, relocate and expand, will promote business and employment opportunities that are accessible to Priority Neighbourhoods, and will support major employment opportunities in locations where they reduce journeys to work by car.

Policy CS10 – Rural Economic Growth states that the Council will maximise the potential for our rural economies by supporting the sustainable growth and expansion of businesses in rural areas and supporting tourism and leisure facilities.

Policy CS11 – Landscape and Countryside seeks to support and protect our landscape and countryside.

Policy CS12 – Green infrastructure seeks to protect and enhance our Urban Green Infrastructure Enhancement Areas by enhancing our network of green infrastructure assets through our strategic developments, addressing the identified needs in open space provision and supporting development.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

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

Policy CS15 – Open Space, Sports and Recreation deals with open space and seeks to retain open space, sport and recreation facilities unless they are clearly surplus to requirements or replacement provision of at least equal quantity and quality will be made in a suitable location. The policy also states the Council will respond positively to development which contributes to open space, sport and recreation provision.

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

Policy CS17 – Sustainable Transport seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network.

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

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

Policy CS25 – Presumption in Favour of Sustainable Development sets out a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

Borough of Charnwood Local Plan 1991-2026 (adopted 12th January 2004) (saved policies)

The policies relevant to this proposal include:

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

Policy ST/2 – Limits to Development: This policy restricts development to within the existing Limits to Development boundaries of existing settlements, subject to specific exceptions, to ensure that development needs can be met without harm to the countryside or other rural interests.

Policy CT/1 – General Principles for Areas of Countryside, Green Wedge and Local Separation: This policy seeks to strictly control development in Green Wedges and Areas of Countryside and Separation. It sets out the criteria against which to assess proposals for development. This is limited to small scale developments and re-use and adaptation of

rural buildings for uses suitable in scale and nature. The exceptions are agricultural or forestry proposals, facilitation of the rural economy, improving recreational facilities, and implementing strategically important schemes for mineral related uses, transport infrastructure, and for public services or utilities.

Policy CT/2 – Development in the Countryside: This policy seeks to ensure that developments that are acceptable in principle do not harm the character and appearance of the countryside and safeguard its historic nature conservation, amenity and other local interest. Leicestershire Minerals Core Strategy and Development Control Policies document (2009)

### The Leicestershire Minerals Development Framework Core Strategy

This sets out the policies and proposals for the development and use of land for minerals within the framework area. It sets the key principles to guide the future of winning and working minerals in the County. There are no known minerals issues within the development site.

### **Other Material Considerations**

#### The National Planning Policy Framework (2021)

The National Planning Policy Framework (chapter 7) sets out a presumption in favour of sustainable development. The framework 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. One of the principles of planning is to seek a good standard of amenity for all existing and future occupants of land and buildings. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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 59). 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. The NPPF notes that the supply of new homes can sometimes be best achieved through planning for larger scale development such as new settlements or extensions to existing villages

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. Developments that generate significant movement should

be located where the need to travel will be minimised and the use of sustainable modes maximised. 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. 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 111).

Section 11: Making effective use of land - Paragraph 119 states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

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). Paragraph 130 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The role of design review arrangements that assess, support and ensure high standards of design are recognised (paragraph 133) and the NPPF notes that great weight should be given to innovative designs which help raise the standard of design and that poor design should be refused (paragraph 134).

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 154). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

The National Design Guide (2019)

This document sets out the Central Government's design guidance which is intended to encourage, promote and inspire a higher standard of design in respect of development proposals.

#### Leicestershire County Council Local Transport Plan (LTP)

This sets out Leicestershire County council's strategy for delivering improvement to accessibility, connectivity and for promoting social inclusion and equality.

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

HEDNA provides an up to date evidence base of local housing and employment needs based on the expected demographic changes over the same period.

#### Charnwood Design SPD (2020)

The adopted in Design Supplementary Planning Document is a working document intended to encourage, promote and inspire higher design standards in development throughout Charnwood.

#### 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.

#### 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.

#### 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

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

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats.

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 Local Plan

The Pre-Submission Draft Charnwood Local Plan (July 2021) was consulted upon from 12th July 2021 to 23rd August 2021 and submitted to the Secretary of State on the 3rd December 2021. The Plan will now proceed to examination hearings during 2022. The Plan sets out strategic and detailed policies for the period 2019-37 and will replace the adopted Charnwood Local Plan Core Strategy (2015) and the saved policies of the Borough of Charnwood Local Plan 2004. In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to; (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given), (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given). At this stage in production, the emerging Local Plan is given limited weight.

## **Relevant Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision &amp; Date</b>
P/18/1269/2	Demolition of existing buildings and erection of a new football training facility (Sui Generis) comprising grass and artificial turf football pitches, multi-use training and ancillary uses building including 30no. bedrooms for players and dining facilities, indoor training pitch with associated facilities, show pitch with 499 seat spectator stand, multi-sports hall building, parents' pavilion, grounds maintenance buildings; sports turf academy building; security lodge building; 9-hole golf course; site plant and energy centre, including combined heat and power plant; landscaping, including shrubs, hedging, trees, ponds, areas of hardstanding, lighting and access routes; floodlighting; secure boundary	Approved



	treatments including fencing, lighting and CCTV; and associated access, car parking and other works.	
P/19/1625/2	Variation of condition 2 (Approved Drawings), condition 9 (Access Arrangements) and condition 12 (Visibility Splays) of planning permission ref. P/18/1269/2 for changes to site access, bridleway and path through the eastern part of the site, security lodge, intake room, show pitches and toilets, floodlighting masts, and associated works	Approved
P/20/0696/2	Section 73 Minor Material Amendment to P/19/1625/2 to amend Condition 6 (junction improvements).	Approved
P/19/1549/2	Discharge of conditions 3 and 4 of P/18/1269/2 regarding external details of the buildings and materials	Conditions discharged

## Responses of Consultees

### Charnwood Borough Council Environmental Health

No objection

### Ward Councillor Poland

The local ward councillor made the following comments:

- The lighting on site is noticeable from Seagrave
- Privacy of residents in terms of the onsite CCTV should be respected
- Is not against the application but would welcome conditions that limit the hours of use for the lighting
- Requests that the application is determined by the Plans Committee

### Seagrave Parish Council

The Parish Council objects to the application on the following grounds:

- Would like to see a lighting cut off time at time of 11pm - 7 am or at least dimmed down to 10 % of the output.
- The areas that are not in use at night should not need to be illuminated between 11.0 pm to 7.00 am.
- Would like to see the tree lighting and the ground lights that light up the main indoor facility switched off between 11.00 pm and 7 am as they appear to be purely superficial.
- These measures would help to reduce the light pollution from the site to neighbouring villages. It would also be more environmentally friendly and cost effective for the club.
- Concerned the CCTV cameras are able to pan/tilt and zoom so can look into neighbouring properties for no apparent reason.
- Vehicle Barriers - we would like to see the full LED green/line lights on the vehicle barrier being switched off between 11.0pm and 7.00 pm. This can be viewed from the back gardens of some properties in Seagrave.

## **Other comments**

There has been 8 letters of objection received from residents raising the following concerns:

- Amenity lighting overnight not necessary and should be reduced
- Loss of privacy
- Impact on light pollution
- Impact on wildlife

Non material matters that have been raised:

- The light pollution created by the match floodlights
- Any current or previous breaches of planning control
- The previous use of the site and any conditions imposed on that use
- Infrared security cameras should be used instead

## **Consideration of the Planning Issues**

The principle of a football training facility on the site has been established following the granting of planning permission P/18/1269/2. Through the granting of the original planning permission and subsequent variation permission, the principle of the development, the landscape and visual impact, the design, impact on flooding, road congestion and local wildlife were assessed and considered acceptable.

The main issues to be considered in the determination of this application are, and limited to, those in respect of the amenity lighting and other security measures, thus:

- Design, Amenity and Visual Impact
- Ecology

### Design, Amenity and Visual Impact

#### *CCTV*

Concerns have been raised in respect of the on-site CCTV cameras, the location of the CCTV cameras are noted on plan '750140-DGL-SW-XX-DR-E-6034 Site Layout CCTV Locations and Reference' which also indicates the field in which the CCTV cameras are directed. A total of 67 cameras are proposed, positioned around the perimeter of the site and within the site itself. In some views, private houses may be visible, but the views of the private houses from the CCTV have been blocked with privacy blinds. Examples of screen shots have been submitted as part of the application to show the privacy blinds which have been applied utilising the CCTV system software.

In terms of lighting and CCTV it should be noted that the CCTV system is capable of operating down to quarter moonlight on a cloudless night (0.1 – 0.4 lux). There are many areas throughout the site where there are no lights nearby. The amenity lighting therefore

serves a purpose to preserve site security over access routes, communal areas and pathways around the various buildings.

In terms of the visual impacts of the CCTV cameras, these are contained within the site and are located on existing buildings or interspersed on columns in parking areas or close to site access points. Whilst a small number may be visible, such as close to the Public Right of Way to the south of the site, it is not considered that this would result in an unacceptable visual impact or loss of individual amenity.

### *Lighting*

Due to safety and security protocols, the site is patrolled 24 hrs, 7 days a week. Patrolling personnel require the main routes to be lit for navigation, safety and to ensure good visibility.

The site's fire exit strategy that has been agreed with Leicester County Council, Building Control and the Fire Brigade, requires provision of minimum lighting levels to all the paths leading from the buildings fire exits to the place of assemblies (located in the First Team and Academy car parks). From time to time the building will be occupied 24 hours a day and the site's Operation Team will also need to provide a site presence. The car parks will be used throughout the 24hr period either by staff or returning players including player coaches.

The path to the South of the Training Centre, connects all the ground floor south exits to the academy car parking. It is required to comply with the fire strategy and emergency evacuation strategy. Similarly, the path to the south of the Sports Turf academy connects the fire exit to the place of assembly in the associated car parking area. The service yards can be operational from early hours in the morning to avoid peak hours and key site operational hours and until the evening for pitch and landscape operational maintenance and deliveries.

The site layout generally features the use of low-level lighting bollards in most of the areas with limited additional post mounted lighting in the car parking areas to ensure uniformity of lights levels and for pedestrian safety. Limited post mounted lighting is also adopted in the service yard next to the Machinery Store and along the academy players' paths that connect the internal players facilities to the academy pitches and indoor pitch. The predominant use of low-level bollards ensures minimum light spillage across the site or beyond the site boundaries and is utilised wherever possible only for the key routes where evening and night time navigation by players and security staff is required. The zone around the show pitch to the north of the site has been designed with low lighting levels to minimise the light spillage whilst still ensuring safety for visitors and staff.

Uplighters have been used along the main access avenue to light the tree canopies providing the minimum level of light for orientation and direction for those accessing the site by car without the requirement to light the roads with standard road lighting poles to minimise potential lighting spillage. No pathways have been provided to the road-side to avoid the requirement to provide further lighting. A single pedestrian path links the main car parking to the north to the training centre and indoor pitch. All lights along this path are low level bollards with single optics and are screened on one side by the green hedging to minimise lighting spillage. All bollards have been spaced at maximum distances advised

by the manufacturer to minimise the number required whilst still maintaining minimum operational lighting lux levels.

The training ground is also used by academy players in younger age groups and it is important to preserve their health and safety and provide clarity of navigation when walking around the site with parents or siblings. This is particularly important in areas where there may be either moving vehicles or maintenance equipment operating later in the evenings.

As part of the approved planning permission a significant landscaping scheme including a large number of trees was agreed which is still establishing and will gradually reduce the visibility of lighting on the site beyond the site boundaries as the hedgerows and planting zones mature. Notwithstanding this, the visibility of the amenity lighting is extremely limited. The general lighting illumination levels are kept as low as possible to both reduce light pollution and also operating costs for the large site.

Concerns have been raised in respect of the barrier lighting at the access point. Given the relatively low level of lighting at the access point and its location off a 60mph unlit highway, the barrier lighting is considered necessary for reasons of pedestrian and highway safety for both the general public and site users. Notwithstanding this, the barrier lighting is not considered to be of an intensity that is harmful to visual amenity or the character of the countryside.

Overall, it is considered that the lighting scheme submitted as part of the application demonstrates that the proposed amenity lighting and other security measures do not lead to any unacceptable light-spill impacts in terms of the impact on amenity or the wider landscape. It is therefore considered that there is no need for restrictions to be applied limiting the use of the amenity lighting. Furthermore, it's a material consideration that the original planning permission did not restrict lighting operational hours for amenity or security lighting. Environmental Health has not advised that it is necessary to impose such a condition and such a condition could seriously prevent the applicant from being able to operate its facility safely and lawfully.

The description of development also includes wayfinding signage and Electric Vehicle charging points. These are located within the site at appropriate locations and have no implications for wider amenity or landscape impact.

Therefore, the proposal is considered to accord with policy CS2, EV/1. CT2, CS11 and Section 12 of the NPPF.

### Ecology

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. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

It is not considered that the lighting scheme would have any implications for the biodiversity management plan or ecological mitigation measures that have been approved through the course of the previous application. The Council's Senior Ecologists has raised

some concerns that the trees that are up-lit along the main access road are not beneficial for wildlife. However, given there are a relatively small number of trees that are lit in this way, and that these trees perform a wayfinding and ornamental function, it is not considered that any small degree of harm in this regard would justify a refusal of planning permission.

Overall, it is considered that the proposal would accord with Policy CS13 and Paragraphs 174, 180 and 185 of the NPPF.

### Other matters

It has been suggested by Cllr Poland and local residents that the amenity lighting across the site should be limited by time restrictions. The applicant has stated as part of the submission that limiting the timing for lighting and requiring lighting to be turned off would restrict the operation of the site, remove flexibility and would compromise the safety of staff, players and visitors. The site is operational 24/7 with a constant security presence; as such no restriction should be imposed to limit the hours in which the lighting is turned off, as justified in the detail above. This approach and requirement to provide 24/7 lighting is also consistent with the requirements for the fire exit strategy, as agreed with Leicester County Council, Building Control and the Fire Brigade.

Given the nature of the development, flexibility is key to facilitate the training ground operations particularly given the varied, unfixed nature of a player's training and fixture schedule, as well as staff stays. Players and staff will utilise the on-site accommodation on an ad-hoc basis, necessitating the permanent 24/7 security presence onsite. Given that the club cannot clearly determine when players will or will not be in residence, this reinforces the case that the Club cannot commit to turning off lighting at certain hours. Notwithstanding this, it should be noted that the only lighting that was controlled by the original permission is the floodlighting used on the match pitches. The amenity lighting does not result in the same impacts as the flood lights and is required 24/7 whereas this is not the case for the pitch flood lights.

Concerns have been raised that the lighting used within the indoor pitch can be seen through its rooftop glazing. However, lighting used internally is beyond the control of the local planning authority.

Residents have also cited the light pollution created by the match floodlights as a concern. It should be noted that the match floodlights are not subject to this application and are controlled by conditions placed on the original planning permission. These require that the floodlights shall only be switched on, between 14:30 and 21:00 Monday to Saturday and 14:30 and 17:00 on Sundays and recognised bank holidays. During spectator matches the floodlights on the show pitch shall only be switched on between the hours of 14:30 and 22:00 on Mondays to Saturdays when the show pitch is in use for matches.

Residents have stated that the previous Golf Club use was subject to strict controls in respect of flood lighting. This may be the case, however, each application has to be considered individually and on its merits and the Environmental Health Officer does not recommend conditions to restrict the use of the amenity lighting.

It has also been suggested that the applicant uses infrared security cameras which would obviate the need for lighting. However, this proposal does not form part of the application and the application is required to be considered as submitted and on its merits.

## **Conclusion**

Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise.

Overall, the proposals have been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework. It is acknowledged that there is local opposition to the application as there was to the original permission, and this must be taken into account appropriately when reaching a decision on the application.

It is not considered that there is unacceptable light spill beyond the site boundaries emanating from the amenity lighting. The Council's Environmental Health Officers do not raise any objections to the application. It is not considered that there is unacceptable harm to the amenity of nearby residents or the character of the countryside as a result of the amenity lighting or any other aspect of the application. It should also be noted that any effects will be mitigated overtime as the significant areas of approved landscaping between the site and Seagrave, secured on the original permission, mature in the coming years.

There were no time limits imposed on the original planning permission for amenity lighting.

Accordingly, it is recommended having regard to the above considerations that planning permission is granted conditionally.

## **RECOMMENDATION:**

That planning permission be granted for the development subject to the following Conditions and Reasons why they have been imposed:

1. The development hereby permitted shall be retained in accordance with the following approved plans and documents:
  - Red Line Boundary Plan / Site Location Plan, prepared by KSS;
  - Amenity Lighting Plans:
    - 17793-KSS-SW-ZZ-DR-A-1150 prepared by KSS;
    - 17793-KSS-SW-ZZ-DR-A-1151 prepared by KSS;
    - 17793-KSS-SW-ZZ-DR-A-1152 prepared by KSS;
    - 17793-KSS-SW-ZZ-DR-A-1153 prepared by KSS;
    - 17793-KSS-SW-ZZ-DR-A-1154 prepared by KSS;
    - 17793-KSS-SW-ZZ-DR-A-1155 prepared by KSS;
    - 17793-KSS-SW-ZZ-DR-A-1156 prepared by KSS;
    - 17793-KSS-SW-ZZ-DR-A-1157 prepared by KSS;
    - 17793-KSS-SW-ZZ-DR-A-1158 prepared by KSS;

- 18001-DGL-SW-XX-DR-E-6301.1 - External Lighting Master Design Emergency Calculations, prepared by Holophane;
- LCFC Master – External Lighting Master Design, prepared by Holophane;
- 750140-DGL-SW-XX-DR-E-6301 EXTERNAL LIGHTING LAYOUT C02 –

External Lighting Layout, prepared by Dodd Group;

- Luminaire Schedule (Externals) - External Lighting: Value Engineering Proposal, prepared by McLaren;
- Amenity Lighting Technical Note, prepared by McLaren;
- Revised Elevations, prepared by KSS:
- 17793-KSS-IP-ZZ-DR-A-1301-A5-C6;
- 17793-KSS-MS-ZZ-DR-A-0301
- 17793-KSS-PP-ZZ-DR-A-1341
- 17793-KSS-PP-ZZ-DR-A-1342
- 17793-KSS-SL-ZZ-DR-A-1301
- 17793-KSS-SP-XX-DR-A-1311
- 17793-KSS-ST-ZZ-DR-A-1341
- 17793-KSS-ST-ZZ-DR-A-1342
- 17793-KSS-ST-ZZ-DR-A-1343
- 17793-KSS-ST-ZZ-DR-A-1344
- 17793-KSS-ST-ZZ-DR-A-1345
- 17793-KSS-ST-ZZ-DR-A-1346
- 17793-KSS-TC-ZZ-DR-A-1324
- 17793-KSS-TC-ZZ-DR-A-1325
- 17793-KSS-TC-ZZ-DR-A-1326
- 17793-KSS-TC-ZZ-DR-A-1327
- 17793-KSS-TC-ZZ-DR-A-1328
- 17793-KSS-TC-ZZ-DR-A-1329
- 17793-KSS-TC-ZZ-DR-A-1330

- External Signage Design Document (M1465-ASC-ST-ZZ-DR-X-006\_P03), prepared by Ascot;

Signage Plans, prepared by KSS:

- 17793-KSS-SW-ZZ-DR-A-1161 - Site Wide External Wayfinding and Signage Zone 1
- 17793-KSS-SW-ZZ-DR-A-1162 - Site Wide External Wayfinding and Signage Zone 2
- 17793-KSS-SW-ZZ-DR-A-1163 - Site Wide External Wayfinding and Signage Zone 3
- 17793-KSS-SW-ZZ-DR-A-1164 – Site Wide External Wayfinding and Signage Zone 4
- 17793-KSS-SW-ZZ-DR-A-1165 – Site Wide External Wayfinding and Signage Zone 5
- 17793-KSS-SW-ZZ-DR-A-1166 – Site Wide External Wayfinding and Signage Zone 6
- 17793-KSS-SW-ZZ-DR-A-1167 – Site Wide External Wayfinding and Signage Zone 7
- CCTV Specifications Document;
- CCTV Schedule (training academy - P02)

- Site Layout CCTV Locations and Reference (750140-DGL-SW-XX-DR-E-6034), prepared by Johnson Controls and Dodd Group;

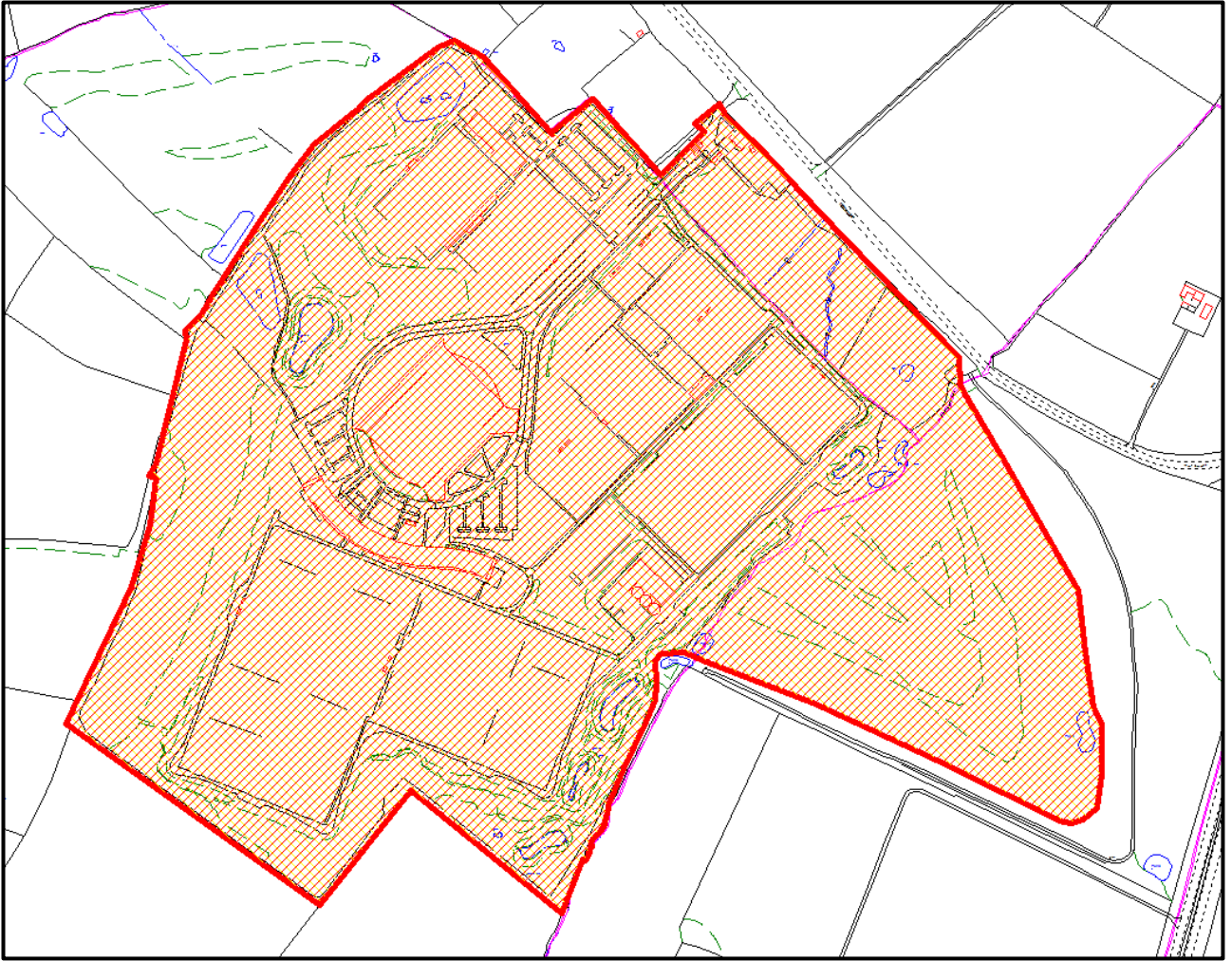
Security Barriers and Entrance Gate Drawings:

- M1465 LCFC - Barrier Access Control Drawing, prepared by KSS;
  - Barrier 1 (LUX/S/B-19 Automatic Raise Arm Barrier Left Handed);
  - Barrier 2 (LUX/S/B-19 Automatic Raise Arm Barrier Right Handed);
  - Barrier 3 (LUX/S/B-19 Automatic Raise Arm Barrier Left Handed);
  - Barrier 4 (LUX/S/B-19 Automatic Raise Arm Barrier Left Handed);
  - Barrier 5 (LUX/S/B-19 Automatic Raise Arm Barrier Right Handed);
  - Entrance Gate RH (Dwg ref: F-069014-02); and
  - Entrance Gate LH (Dwg ref: F-069014-01)
- Electric Vehicle Charging Points - 17793-KSS-SW-ZZ-DR-A-9005 Site Wide Proposed Masterplan, prepared by KSS; and
  - Quantum EV FTU Data Sheet (Rolec EV).  
REASON: to define the terms of the permission

Informative Notes:

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.





## Item No. 6

**Application Reference Number** P/21/0010/2

<b>Application Type:</b>	Householder	<b>Date Valid:</b>	25 <sup>th</sup> January 2021
<b>Applicant:</b>	Mrs. Z Wadi		
<b>Proposal:</b>	Erection of two storey and single storey extension to side of house		
<b>Location:</b>	124 Maple Road South Loughborough Leicestershire LE11 2JR		
<b>Parish:</b>	Loughborough	<b>Ward:</b>	Loughborough Shelthorpe
<b>Case Officer:</b>	Paul Oxbrough	<b>Tel No:</b>	07591 947040

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This item has been called in to Plans Committee at the request of the late Councillor Bolton who had concerns regarding the proposal's appearance on the street scene and its overbearing impact on the area.

### **Description of application site**

The existing dwelling is a 3 bed semi-detached house situated on the west side of Maple Road South, Loughborough, within the Loughborough Limits to Development. The area is residential in character, with a generally uniform scale of modern terraced and semi-detached two storey houses. The dwellings have gardens to the front and rear of the properties. To the front of this property is a grass verge and parking takes place in a lay by in the street.

The original house has been extended to the rear at single storey level to a depth of 2.6m.

### **Description of Development**

The application seeks full planning permission for two storey extension to the side and single storey extension to the rear.

The proposed single storey rear extension would result in a continuation of the existing rear extension to the rear of the proposed two storey side extension with dimensions of 2.6m x 4.5m.

This application is a resubmission of a scheme granted planning permission in June 2016 under ref P/16/0513/2 for - Erection of two storey side extension to dwelling. This planning permission expired 1<sup>st</sup> June 2019.

### **Development Plan Policies**

Charnwood Local Plan 2011-2028 Core Strategy

Policy CS1 – Development Strategy sets out the development strategy and directions of growth for the Borough.

Policy CS2 – High Quality Design – requires new developments to respect and enhance the character of the area, protect the amenity of people who live and work nearby and function well and add to the quality of the area.

### Borough of Charnwood Local Plan

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 H/17 – Extensions to Dwellings– states that planning permission will be granted provided the development meets specific criteria relating to the scale, mass, design and use of materials with the original dwelling etc.

Policy TR/18 - Parking Provision in New Development notes 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.

### **Other material considerations**

#### The National Planning Policy Framework (2021)

The National Planning Policy Framework is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development. The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this:

- 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.

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 55 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 56 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.

Paragraphs 126- 136 – Development is required to achieve high quality design that respects local distinctiveness and poor design should be refused.

Paragraph 134 states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 135 also affirms that local planning authorities should 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.

### 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.

#### 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.

#### Design Supplementary Planning Document (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.

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

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. 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. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

### **Relevant Planning History**

Reference	Description	Decision & Date
P/16/0513/2	Erection of two storey extension to side of house	Granted – 01/06/2016

### **Comments Received**

Councillor Bolton objected to the proposal for the following planning reasons:

- The effect of the appearance of the planned extension(s) on the street.
- The planned extension is extremely large and would have an overbearing impact on the area in which it is planned.

A letter of objection has been received from a neighbouring property raising the following concerns:

- There is very limited parking, raising concerns about impact this would cause.

This neighbour also raises the following matters which are not considered to be determinative to the proposal:

- Property would be used for HMO purposes.
- It would be lovely having a family in the property.

A letter of objection has also been received from neighbouring property at 122 raising the following concerns:

- There are many vehicles parked at the property causing problems on the highway and grass verges

This neighbor also raises the following matters which are not considered to be determinative to the proposal:

- The property is used as an unlicensed HMO.
- There are lots of changing tenants at the property
- The property is already suffering cramped conditions.

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

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

- Principle of development
- Design and the Impact on the Street Scene
- The Impact on Residential Amenity
- Use of the property
- Highway Safety
- Other Matters

#### The Principle of the Development

The starting point for decision making on all planning applications is that they must be made in accordance with the Development Plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration. The application site is within Loughborough, one of the main urban areas of the Borough, where the principle of extending dwellings is acceptable. The proposal is therefore considered to accord with Policy CS1 of the Core Strategy.

#### Design and the Impact on the Street Scene

Core Strategy Policy CS2 and saved local plan policies EV/1 and H/17 promote high quality design standards. Further guidance on design is set out in the Design

Supplementary Planning Document.

The proposed side extension has been set back from the existing front wall of the original house by 450mm. The roof shape is to match the existing pitched roof with a hip to the side. A single window is proposed to the front elevations at ground floor and first floor levels of the property in a manner that is similar to the original house. It is considered that the proposal is acceptable in design terms and due to its design, scale and set-back from the public highway, would not be unduly prominent or incongruous in the street scene.

The single storey extension attached to the rear of the two storey element will form a continuation of the existing single storey rear extension. This element of the proposed extensions is also not readily visible from within the street scene.

The proposal is therefore considered to accord with the provisions of the Development Plan and accompanying guidance in this regard and as set out in Policies CS2, H/17 and EV/1.

### The Impact on Residential Amenity

Core Strategy Policy CS2 and saved local plan policies EV/1 and H/17 promote high quality design and layouts to preserve residential amenity for both occupiers of existing neighbouring properties and the future occupiers of new development.

The properties along this part of Manor Road South are not on a rigid 'building line' or pattern of development, but are situated on a corner plot and set back from the street scene with a grassed verge situated to the front of the properties.

Impact on 126 Maple Road South - the proposed extension to the side of the dwelling would be recessed 450mm from the existing front wall of the house. The side extension adjoins the boundary between the two properties at a corner point and then extends away from the neighbouring house due to the orientation of the properties being not set in a straight line. The proposed rear extension will not breach a 45-degree line taken from the centre of the nearest neighbouring habitable room for this property.

It is not considered that the residential amenity of No.126 Maple Road South would be significantly impacted by the proposed side or rear extension by reason of loss of light, loss of privacy or overbearing impact and accordingly it is considered the proposal complies with the guidance contained within the adopted Supplementary Planning Document on Design in this regard.

Impact on 122 Maple Road South - the proposed side and rear extension is situated to the far side of the property away from this neighbouring house. It is therefore considered the proposal accords with the advice contained within the adopted Supplementary Planning Document on Design which seeks to safeguard against loss of daylight.

Impact on 89 and 87 Manor Road to the rear - the proposed side and rear extension would be located 40m from the rear principal windows of the properties to the rear. There are no significant variations in ground levels between the properties. It is considered the proposal would not have an unacceptable impact on the residential amenity of the neighbouring properties to the rear.

Therefore, it is considered the proposal complies with Development Plan policies CS2, EV/1 and H/17 and the advice contained within the adopted Design Supplementary Planning Document.

### Highway Safety

Saved local plan Policy TR/18 requires new development to provide off-street parking for vehicles and promotes standards that requires a maximum of 3 parking spaces for a 4 or more-bedroom dwelling in the interests of highway safety. Paragraph 111 of the NPPF states that new development should only be resisted on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

The proposal would result in the increase in the number of bedrooms from 3 to 4. The existing situation for this property does not allow for vehicle access due to an existing grass verge situated between the highway and its front boundary. There are existing parking spaces for vehicles on the street, including two spaces marked as for use for disabled parking users. Majority of houses in the area have boundaries with access to the highway and have installed dropped kerbs and private driveways. The demand for on street parking is therefore not considered to be excessive in this case or the impact considered severe.

Having regard to the above, it is considered that refusing the application on highway grounds would not be reasonable in this case. It is considered that there is some broad conflict with saved Policy TR/18 of the adopted Local Plan due to the lack of parking provision. However, the existing property does not have any off street parking spaces and the addition of one further bedroom would not create a severe impact upon the highway or cause any highway safety issues as highlighted in the National Planning Policy Framework.

### Other Issues

Concerns have been raised regarding the use of the property as a House of Multiple Occupation. The applicant is aware of the concerns raised in the consultation comments and has confirmed that one family has lived in the dwelling for the last three years and will continue to be used as a single family dwelling.

Notwithstanding this information, the use of the dwelling as a house of multiple occupation would represent a change of use of the property. An Article 4 Direction exists in Loughborough which removes certain permitted development rights and requires planning permission to be obtained for a change of use from Class C3 (House in Single family occupancy) to Class C4 (House in Multiple Occupation). This application is not seeking to change the use of the property. This application is for an extension to a dwelling and must be determined as such. Any possible future unauthorised use is not a material consideration in the determination of this application.

### **Conclusion**

In summary, for the reasons set out above, the proposed development is considered to be



acceptable in its design and appearance and would have no significant impact on the wider street scene.

The proposal, given its design, scale and location would not be unreasonably detrimental to the amenities of neighbouring residential properties and in this case there are no significant highway safety or severe impacts that would sustain a refusal of the application.

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

**RECOMMENDATION:**

Grant Conditionally

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

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following plans:

Application Form - received by the Local Planning Authority on 4<sup>th</sup> January 2021.

Applications Plans Location plan and Block plan - Drawings Ref MPD-960-PL-01-B rev A received by the Local Planning Authority on 1<sup>st</sup> February 2022.

REASON: To define the terms of the planning permission

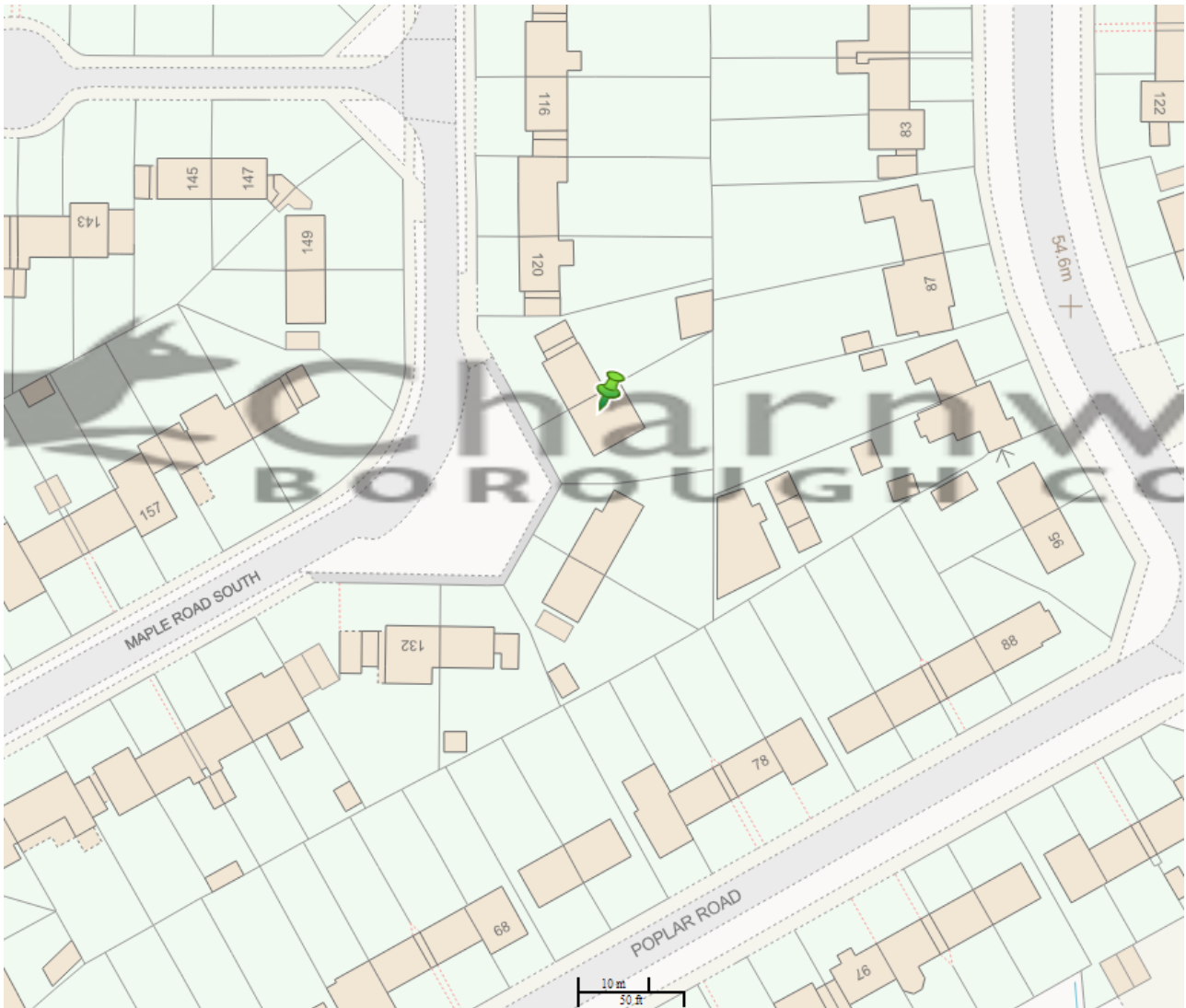
3. The facing materials to be used in the construction of the new works hereby permitted shall match as closely as possible those of the existing building.

REASON: To ensure the satisfactory appearance of the completed development.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS2, CS16 of the Charnwood Local Plan (2011-2028) Core Strategy, Policies EV/1, TR/18 and H/17 of the Borough of Charnwood Local Plan and the provisions of the National Planning Policy Framework have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have

been received against the proposal, it is generally in accord with the terms of the above-mentioned policy/ies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.



## Enforcement Reference Number E/21/0186

<b>Applicant:</b>	Barwoods		
<b>Breach:</b>	Development not constructed in accordance with plans approved under P/19/1766/2		
<b>Location:</b>	Land Off Cropston Road, Anstey, Leicestershire LE7 7FF		
<b>Parish:</b>	Anstey	<b>Ward:</b>	Anstey
<b>Case Officer:</b>	Sarah Hallam	<b>Tel No:</b>	07912093326

This case has been brought to plans committee as it has been called in by Councillor Taylor and Councillor Baines on the grounds that they do not support the proposal to take no further action in relation to the breaches of planning control identified.

### Description of the Site

The site is located on the south eastern side of Cropston Road, Anstey and this site was granted planning permission (P/17/0881/2) for the erection of 46 dwellings which was superseded by application P/19/1766/2 for the variation of conditions 2 and 3 of P/17/0881/2 (Section 73 application).

### Description of the Unauthorised Works

During the construction of the development various minor alterations to the approved scheme (changes to the location of plots etc.) were undertaken and the variations (including the exact amount the dwellings and garages have been moved within the designated plots) are included below;

Plot	Changes undertaken
3	Plot moved 290mm and garage moved 187mm south of approved planning layout
4	Plot moved 152mm and garage moved 241mm south of approved planning layout
5	Plot moved 215mm south of approved planning layout
6	Plot moved 116mm south and garage moved forward 1180mm of approved planning layout
7	Garage moved forward 1180mm to avoid damaging neighbours' existing trees/ roots
8	Garage moved forward 1330mm to avoid damaging neighbours' existing trees/ roots
9	Garage moved forward 1330mm
10	Garage moved forward 1358mm to avoid damaging neighbours' existing trees/ roots
11	Plot moved 699mm west of approved planning layout, to avoid foundations contravening sewer easement

12	Plot moved 699mm west of approved planning layout to avoid foundations contravening sewer easement
13	Plot moved 699mm west of approved planning layout to avoid foundations contravening sewer easement
14	Plot moved 998mm north of approved planning layout
15	Due to changes to plots 11-14, the boundary at plot 15 was adjusted
21	Garage rotated approx. 20 degrees
22	Plot moved 149mm south of approved planning layout to make parking and garage accessible in a straight line
32	Garage moved back approx. 903mm to accord with boundary line and avoid unusable space
33	Garage moved back approx. 903mm
42	Plot moved 528mm south of approved planning layout Garage moved 379mm north
43	Garage moved 247mm south to accord with boundary line and avoid unusable space

In essence the three main planning breaches that have been identified are as follows;

- Change to the location of the fence to the rear of plots 3-15
- Realignment of dwellings and garages within the designated plots (detailed in the table above)
- Installation of solar street lighting bollards

The approved layout plan is attached to this report and the changes detailed in the table above are shown in purple. In addition, the conveyance plan, which details the land purchased with each plot, is attached and on this plan the changes to the location of the boundary fencing are highlighted in green. The above information and plans attached have been provided by the developer upon the request of the Local Planning Authority. On site spot checks with the plans provided have been undertaken to ensure Councillors can have confidence that the information now provided by the developer is accurate.

## **Development Plan Policies**

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

The following policies are relevant to this application:

Policy CS1 – Development Strategy sets out the development strategy and directions of growth for the borough. For Service Centres, (of which Anstey is one), provision is made for at least 3,000 new homes between 2011 and 2028. These homes must on balance be sustainable, meet need, be in line with strategic vision, make effective use of land and comply with the Core Strategy as a whole

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

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

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy 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)

The saved policies relevant to this proposal include:

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

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

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

#### **Other Material considerations**

##### The National Planning Policy Framework 2012 (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this:

- 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 59 - Enforcement - effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control.

## Section 12: Achieving well-designed places

Paragraph 135 states Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

### Design Supplementary Planning Document January 2020

This document encourages and provides guidance on achieving high quality design in new development.

## Chapter 3 Design Principles

### Principle 1 – Respecting and enhancing the local character

Paragraph 3.58 states; In considering the design and siting of boundary treatments, a balance should be struck between privacy, safety and aesthetics. Boundaries should respond positively to the character of the buildings and spaces they surround. Existing, well-established boundaries in the form of hedgerows or low wooden fencing should generally be preserved, particularly in the countryside where they often will contribute towards the rural character.

### Principle 6 – Protecting the amenity of existing and future occupiers

#### Paras 3.164 and 3.165 - Separation distance between dwellings

For privacy where rear building elevations containing main habitable room windows a distance of 21 metres is considered sufficient to protect loss of privacy.

To avoid overbearing impact where elevations containing main ground floor habitable room windows would face windowless flank walls, the following distances provide a guide to avoid over dominance: 9.5m minimum distance between the two elevations where a flank wall is single storey; Single storey flank walls can be sited closer where a hipped roof form is proposed. Where there is a difference in ground levels the separation distance should be adjusted by 1m for every 1m level variation.

## Other Material Considerations

The Crime and Disorder Act 1998 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 authorisation of enforcement proceedings.

The issue of **human rights** is also a material consideration in the determination of planning applications and enforcement issues. Article 8 of the Human Rights Act 1998 requires respect for private and family life and the home while Article 1 of the First Protocol provides an entitlement to peaceful enjoyment of possessions. However, these rights are “qualified” and it is necessary to consider whether refusing planning permission and/or issuing an enforcement notice would interfere with the developer’s human rights. If it would, the Committee must decide whether any interference is in accordance with the law, has a legitimate aim and is proportionate.

The impact on the human rights of the developer must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area. In this case, the minor changes to the development are not considered to have an adverse impact upon the visual amenity of the area, highway safety or the amenity of the occupiers of the neighbouring properties.

## Relevant Planning History

App No.	Description
P/17/0881/2	Erection of 46 dwellings
P/18/2578/2	Discharge of Condition 7 and 8 of P/17/0881/2 regarding Construction Method Statement and Rothley Brook Mitigation Strategy
P/19/0185/2	Discharge of conditions 3, 4, 5, and 9 of P/17/0881/2 - regarding finished floor levels, contamination survey, ground gas monitoring and an ecology construction method statement.
P/19/0255/2	Discharge of condition 18 of P/17/0881/2 - relating to building materials
P/19/0461/2	Discharge of Conditions 7 and 8 of P/17/0881/2 regarding Construction Method Statement and Surface Water Discharging
P/19/0739/2	Discharge of condition 18 of P/17/0881/2 - relating to materials
P/19/1211/2	Discharge of condition 9 of P/17/0881/2 regarding submission of a Landscape & Ecology Management and an Ecological Construction Method Statement
P/19/1392/2	Discharge of condition 3 of P/17/0881/2 regarding finished floor levels
P/19/1393/2	Variation of condition 6 of P/17/0881/2 to amend the wording of the condition
P/19/1766/2	Variation of Conditions 2 & 3 of P/17/0881/2. (Section 73 application)
P/19/2441/2	Discharge of Conditions 10, 11, 12, 13 & 14 of P/17/0881/2
P/19/2441/2	Discharge of Conditions 10, 11, 12, 13 & 14 of P/17/0881/2
P/20/1807/2	Discharge of conditions 7, 8, 9, and 11 of application P/19/1766/2.
P/20/2353/2	Discharge of Condition 7 of P/19/1766/2

## **Responses of Statutory Consultees**

In respect of the solar street lighting bollards, the County Council Highway Authority has the following comments:

- Advised that they would not support the lighting installed but as the roads on the site are not being adopted by them they cannot require any improvements to the highway lighting within the site.

And the Council's Senior Ecologist has the following comments

- Raised no concerns and confirmed that the lights would not have any impact upon the local ecology.

## **Other Comments Received**

Both Ward Councillors were uncomfortable agreeing that no further action should be taken in respect of the breaches of planning control that have been identified. They felt it was considered particularly unfair that the residents of plots 3-15 had a section of land in their ownership that was located behind a fence, to which they did not readily have access and therefore it would be very difficult for them to maintain.

Residents have raised concerns that the land they have purchased is not as detailed on the approved plans. For some plots the resident's ownership encompasses the rear boundary fence and an area of land beyond that fence, which is not contained within their useable garden area and therefore in their opinion is an unusable area of land, and not easily accessible by the owners of that land.

## **Consideration of the Planning Issues**

### Change to the location of the fence to the rear of plots 3-15

In March 2021 a resident contacted the Council as it had come to their attention that the area of land that they had purchased and that had been conveyed to them appeared not to reflect what was shown on the approved plans. The size of their garden, in some instances, was approximately 1.7 metres smaller than detailed on the approved plan.

After investigation into these claims it transpired that the developers had set the rear boundary fences for the properties (plots 3-15) up to approximately 1.7 metres in from the neighbouring boundary fences. The developer advised that the reason for this was down to a building that had been erected on the neighbouring boundary and an existing boundary hedge on the site that they felt was important to retain. The developer therefore decided to set the boundary fence of the new build properties in, away from this building and the existing hedge. As this building and hedge was at a slightly higher ground level, rather than installing a 1.8-metre-high fence, as shown on the approved plans, a low brick wall with a fence on top was installed.

When the new build properties were sold, the land between the rear boundary of the new dwellings and the neighbouring boundary was conveyed to the residents of the new build dwellings. Their deeds clearly detailed their land ownership. Therefore, when the residents moved into these properties, if the residents were not happy with the location of the rear



boundary fence and the section of land outside of their usable garden not being easily accessible, it fell to them to take this matter up with their solicitor and the developers at the time of purchase.

It is understood that prior to purchase of the new dwellings, the residents were aware that they were purchasing land which was located behind their rear boundary fence. The Council have been provided with a copy of the 'external levels plan' that the residents were shown by the developer prior to purchase and this plan details the location of the as built boundaries for each plot. The developer has also shared with officers documentation showing that each of the residents signed a reservation checklist to confirm that they had reviewed the external levels plan prior to purchase. It is understood that some residents even viewed the location of the boundary fences on site prior to completion of the sale of their properties. The developer maintains that they did not hide this from the residents, despite allegations to the contrary by the complainant.

It is understood that initially the complainant went to the developer with their concerns but when they failed to achieve a satisfactory resolution they brought the matter to the Council's attention. The developers have advised the home owners that they can remove the fencing if they wish but that this would be at their own expense in light that they purchased their property in full knowledge of the location of the rear boundary fence. Officers discussed the potential for the developers to move the fence element off the boundary wall back to the boundary shared with the residents on Cropston Road so that the residents would have access to the land, with a raised bed at the bottom of their gardens.

The developer has been reluctant to carry out any further works given they intended to retain the hedge. Since residents have moved in, parts of the hedge were then removed by the residents. The developer maintains that the residents were fully appraised of the situation prior to purchase so had the opportunity to pull out of the sale, if they wished.

In general, the plots that have been affected are plots 3-15 and the useable gardens for these plots have been reduced with the worst affected being approximately 1.7 metres shorter in length. There is however no policy regarding minimum garden sizes for dwellings. The Design Supplementary Planning Document 2020 details separation distance between dwellings for privacy and the minimum distance is 21 metres where rear building elevations contain main habitable room windows. The separation distances in this instance fully comply with this guidance. It is unfortunate that the developers have not placed the rear boundary fencing of plots 3-15 on the boundary of the purchased land however the design of the boundary treatment and its location is considered to comply with policy and there are no justifiable reasons to take enforcement action to require the boundary treatment to be moved back to the purchased boundary of each plot

This case is complicated by the civil matters that exist between the residents and the developer. The actual breach of planning control is that the location of the rear boundary fence is not as shown on the approved plans. The conveyancing issues are civil disputes and the planning regulations cannot be used to overcome a civil dispute. For clarity the civil dispute is that the residents feel that they were miss-sold their dwellings and were unaware that their gardens extended past the rear boundary fence. In addition, they do not have easy access to maintain this land. In this instance the planning breach (location of the rear boundary fence) needs to be considered as to whether it causes harm to the environment or residential amenity and in this case it is not considered to have a detrimental impact on the environment or residential amenity.

It is considered that if an application had been submitted for the fence line in its current location, consent would have been forthcoming. The Council fully understand the predicament that the land owners now face but in this instance it is considered not expedient for the local planning authority to take formal action to move the boundary treatment back to the approved location.

Councillors must be reminded that if they choose to take enforcement action, justifiable material planning reasons will need to be provided to support such action. It is considered that whilst the situation is unfortunate and there has been deviation from the approved plans without planning permission, it is not expedient to take any further action in this regard.

#### Movement of dwellings and garages within the designated plots

Following investigations into the location of the boundary at plots 3-15, the developer made the Council aware of alterations to the location of the dwellings and garages at a number of plots on the site. These alterations have been made for a variety of reasons which are outlined in the table at the start of this report. The site plan attached visually shows these changes in purple. No application was made for the deviation from the approved scheme, which is what would normally be expected. No resident has raised concern with regard to these changes; however, the planning authority, once aware of the changes, has a duty to consider whether or not they are acceptable and whether there is a need for any further action to be taken. In this instance the changes that have occurred, even though these have occurred to a number of plots on the site, are not considered to be unacceptable and are not considered to cause any detriment, to the visual amenity of the area, residential amenity, highway safety or ecology and in planning terms are deemed to be acceptable. It is therefore proposed that no further action is pursued in relation to this issue.

#### Installation of solar street lighting bollards

The solar lights installed on the development have not been approved by the Council. When planning permission (P/18/2576/2 amended by P/19/1766/2) was granted, Condition 9 was attached which states:

*“No occupation of any dwelling shall take place until a scheme for external lighting on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these agreed details. REASON: The site adjoins a Local Wildlife Site and it is important to ensure that any outdoor lighting does not have an adverse impact on ecology.”*

This condition was discharged under P/20/1807/2 where the developer advised that there would not be any external lighting within the site. A plan was provided in respect of the relocation of an existing lighting column at the entrance to the site and this was granted as part of the discharge of this condition.

Condition 9 was imposed for ecological reasons. Therefore, as part of this investigation the Council's Ecologist has been consulted on the lights that have been installed. No concerns have been raised regarding the low level solar lights and it has been confirmed that they will not have any detrimental impact upon the local ecology.

As Condition 9 has been discharged and no lighting was proposed, the Council does not have any enforcement powers to require lighting to be installed. Whilst the lighting that has been installed does not have planning permission it is not considered they cause any detriment to residential amenity or ecology on the site therefore no action is proposed to secure their removal.

The County Council Highway Authority have been consulted and advise that they would not support the lighting installed but as the roads on the site are not being adopted by them they cannot require any improvements to the lighting currently installed within the site.

The only course of action for the council in terms of enforcement would be to secure removal of the solar lighting; however, taking into account the above it is not considered expedient to pursue this matter any further.

## **Conclusion**

Councillors are reminded it is the Local Planning Authorities (LPA) role to identify whether there is a breach of planning control and if there is, consider whether the development that has been undertaken is acceptable. In this instance the developer has provided the planning authority with a list and plans detailing the changes that have occurred during the construction of the site and it is confirmed this covers the main issues identified. Most changes would appear to have been undertaken for technical reasons such as the need to ensure compliance with the building regulations or to protect neighbouring tree roots etc. Paragraph 59, of the NPPF advises local planning authorities that taking enforcement action is discretionary and it should be used proportionately. Whether or not the developer has misled the purchasers over the sale of their properties or whether it is right and just, is unfortunately not what the Council is here to consider. The Council must consider the actual breaches, assess whether they comply with policy and whether there are any material planning considerations which indicate the works are unacceptable in planning terms.

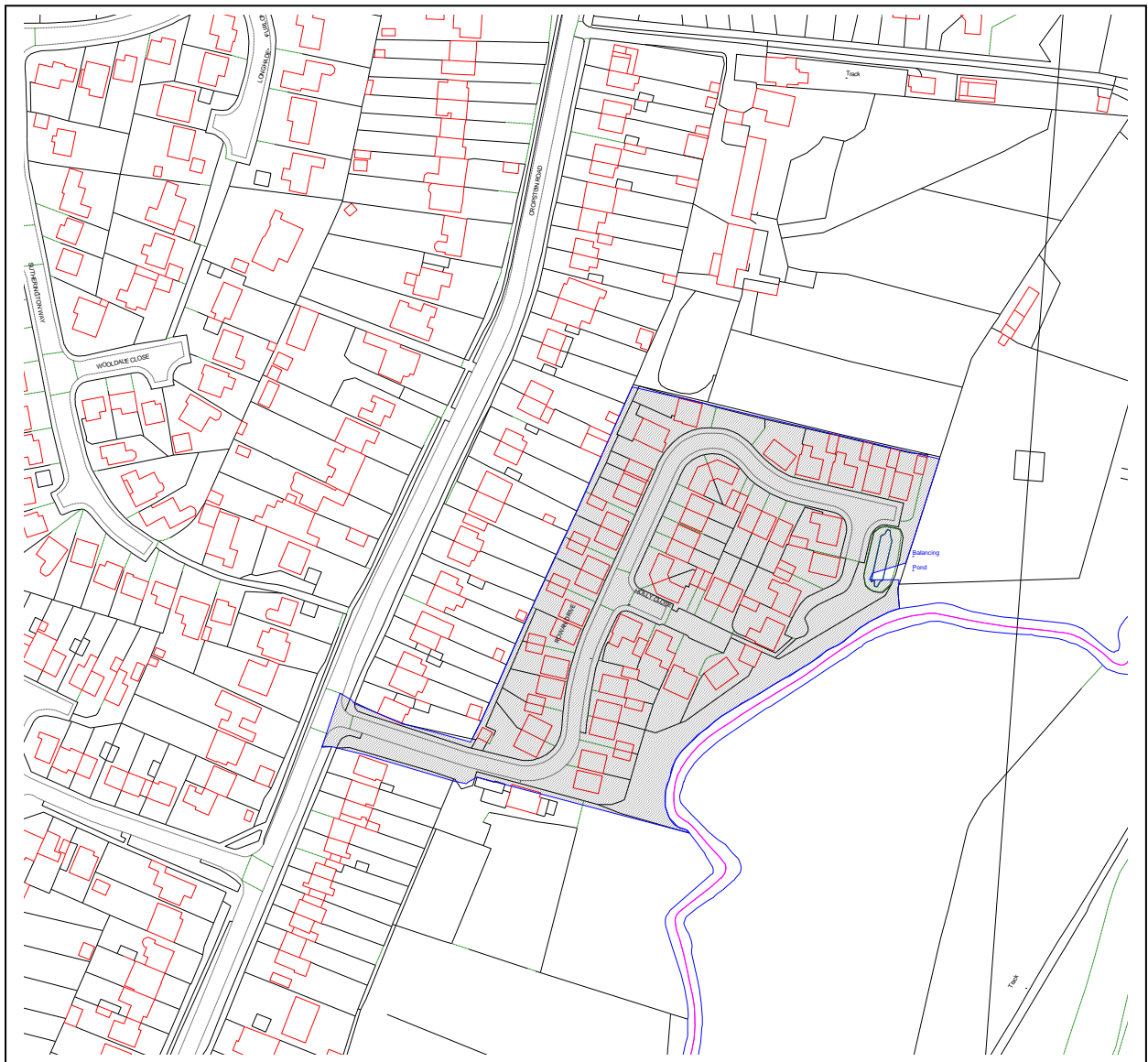
In this case it is important to note that, had an application been submitted for the minor changes to the plots, the relocation of the boundary fence to the rear of plots 3-15 and the retention of the solar lighting bollards it is considered that the development would comply with policies CS1, CS2, CS13 and CS25 of the Core Strategy, EV1, ST2, CT1 and CT2 of the Local Plan, Design Supplementary Planning Document and the National Planning Policy Framework and therefore planning permission would have been granted. Taking this into account, and as the breaches are not considered to be detrimental to residential, highway safety, ecological or visual amenity, it would be disproportionate to take any formal action.

It should be noted that a decision to take no further action does not authorise these breaches of planning control.

## **Recommendation**

Therefore, for the reasons stated above, it is considered that it is not expedient for the local planning authority to take formal action in this instance and it is recommended that no further action be taken.

Land Off Cropston Road, Anstey  
Scale 1:2500



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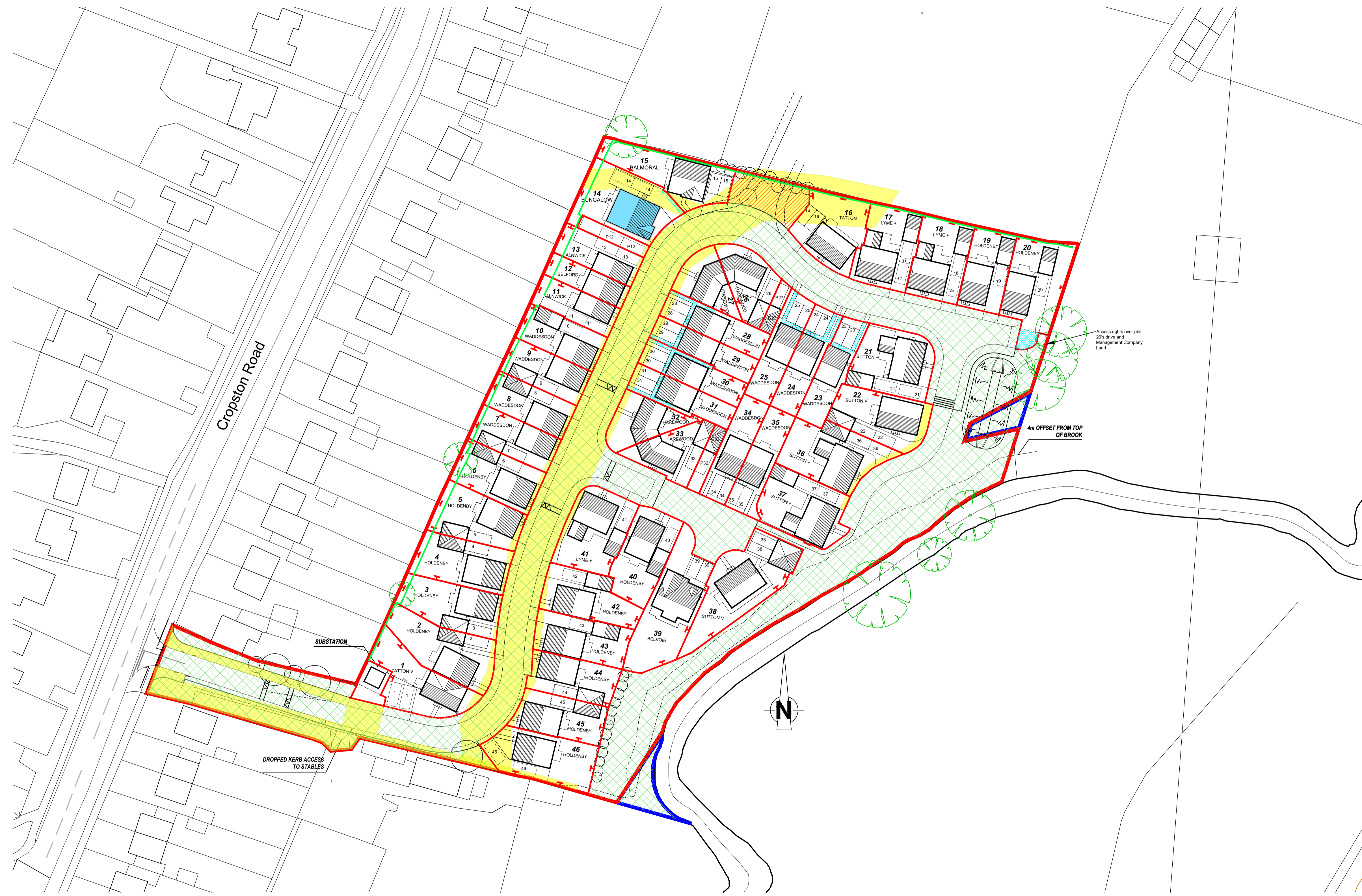


Key:  
Engineering setting out location



Rev.	Description	Date
Development		
Anstey Cropston Rd		
Drawing Title		
Differences bet. Approved Rev AE and Setting Out		
Date	Scale	Drawn
Sept 2021	1:500@A2	
Dwg. Ref.		Rev.





KEY:

- Easement
- Shared access.
- To be conveyed to Residents Management Company
- Developer to retain freehold of the area of land but maintained by Residents Management Company. (Access rights for developer over private road)
- Plot Boundary with T mark
- Site Boundary
- Affordable Unit

Key - for as built features:

- As-built fence line

Rev.	Description	Date
Rev J	Management company and shared access to plot 20 amended. AG	02.07.21
Rev H	Shared access added to plot 29. AG	12.04.21
Rev G	Boundary ownership between plots 32 & 33 amended. AG	08.02.21
Rev F	Service strip easement added to plots 22 & 36. AG	14.08.20
Rev E	Boundary between plots 2 & 3 amended. AG	09.07.20
Rev D	Amended inline with Land Registry Letter 19.06.20: North point added, parking & garage prefix ('P' & 'G') added to plots 12, 27, and 32. Commit to northern boundary removed. AG	19.06.20
Rev C	Shared access rights shown over plot 20's drive and Management Company Land. AG	10.06.20
Rev B	Parking bay & fence shown on plot 11. AG	21.05.20
Rev A	Initial issue. FR	04.03.20

**BARWOOD HOMES**

Grovelands Business Park  
West Haddon Road, East Haddon,  
Northamptonshire NN6 8FB

Development  
**Cropston Road, Anstey**

Drawing title  
**Site Conveyance Plan**

Date	Scale	Drawn
30.01.20	1:500 @ A1	FR
Dwg. Ref.	02976-001	Rev. J



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

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/21/2360/2	Full	Gynsill Court Mews Gynsill Lane Anstey LE7 7AH	Two storey extension to side of existing buildings for new dwelling. Erection of new 2 storey building containing 4 No. self-contained flats and associated works.	GTDCON, Permission be granted subject to the following conditions:	17-Jan-2022	Anstey
P/21/2207/2	Full	31 Staddon Road Anstey LE7 7AY	Conversion of dwellinghouse to 2 apartments, with rear roof extension and hardstanding	GTDCON, Permission be granted subject to the following conditions:	21-Jan-2022	Anstey
P/21/2135/2	Householder	2 Derwent Road Barrow Upon Soar LE12 8QJ	Proposed single storey extension and porch to front, single storey to rear, and two storey extension to side and rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	31-Jan-2022	Barrow & Sileby West
P/21/1598/2	Householder	33 Sileby Road Barrow Upon Soar Leicestershire LE12 8LN	Proposed 2-storey extension to side of existing dwelling.	GTDCON, Permission be granted subject to the following conditions:	01-Feb-2022	Barrow & Sileby West
P/21/1384/2	Householder	52 Thirlmere Road Barrow Upon Soar LE12 8QQ	Conversion of garage to annexe and erection of single storey extension to side of dwelling.	GTDCON, Permission be granted subject to the following conditions:	01-Feb-2022	Barrow & Sileby West
P/21/2252/2	Full	8 Brook Lane Barrow Upon Soar LE12 8PW	Single storey rear extension, access ramp and lighting	GTDCON, Permission be granted subject to the following conditions:	02-Feb-2022	Barrow & Sileby West
P/21/2477/2	Householder	2 Barngate Close Birstall Leicestershire LE4 3GF	Partial retention of porch to front of dwelling.	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2022	Birstall Wanlip

<b>Application number</b>	<b>Application type</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>	<b>Ward</b>
P/21/2669/2	CL (Proposed)	12 Oakfield Avenue Birstall Leicestershire LE4 3DQ	Certificate of lawful (proposed) development for a loft conversion which includes a hip to gable extension, rear flat roofed dormer and two roof lights in front roof slope.	CLDPGRANT, Certificate of Lawful Proposed Development	03-Feb-2022	Birstall Wanlip
P/21/2446/2	Householder	41 Ryegate Crescent Birstall Leicestershire LE4 3HN	Single storey side and rear extensions to dwelling..	GTDCON, Permission be granted subject to the following conditions:	04-Feb-2022	Birstall Wanlip
P/21/2275/2	Householder	22 Moorgate Avenue Birstall Leicestershire LE4 3HH	Extensions and alterations to raise the roof height, dormer extensions to front and both sides to create loft conversion, and Juliette balcony to rear of dwelling.	REF, Permission be refused for the following reasons:	04-Feb-2022	Birstall Wanlip
P/21/2103/2	Householder	9 Castlegate Avenue Birstall LE4 3FD	Conversion of flat roof above 2-storey side extension to hipped roof.	GTDCON, Permission be granted subject to the following conditions:	08-Feb-2022	Birstall Wanlip
P/21/2413/2	Full	The Cedars Academy Wanlip Lane Wanlip Leicestershire LE4 4GH	Erection of single storey teaching building (including 3 classrooms) to south of existing Science block following demolition of existing building.	GTDCON, Permission be granted subject to the following conditions:	07-Feb-2022	Birstall Wanlip Birstall Watermead
P/21/1783/2	Householder	13 Hollytree Avenue Birstall LE4 4LG	Retrospective application - single storey extension to side and rear, roof alterations to porch including canopy to front of dwelling. (revised scheme - P/20/0318/2 refers)	GTDCON, Permission be granted subject to the following conditions:	20-Jan-2022	Birstall Watermead
P/21/1989/2	Householder	50 Paget Avenue Birstall Leicestershire LE4 4HX	Application of timber cladding to front elevation of dwelling (Retrospective)	REF, Permission be refused for the following reasons:	25-Jan-2022	Birstall Watermead



<b>Application number</b>	<b>Application type</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>	<b>Ward</b>
P/21/2264/2	Householder	241 Birstall Road Birstall LE4 4DJ	Proposed first floor front extension, two storey rear extension, single storey rear extension, single storey side extension, single storey side and rear extension and associated works.	GTDCON, Permission be granted subject to the following conditions:	25-Jan-2022	Birstall Watermead
P/21/2391/2	Full	7 Sibson Road Birstall Leicestershire LE4 4DX	Single storey extension to rear to form a new bedroom and shower room to an existing first floor flat (Revised scheme to P/21/0103/2)	GTDCON, Permission be granted subject to the following conditions:	01-Feb-2022	Birstall Watermead
P/21/2456/2	Change of Use Prior Notification	Land at Charley Road Ulverscroft Leicestershire LE12 9XJ	Change of use from agricultural barn to dwelling (Use Class C3) and associated external alterations - Prior Notification	PRIREF, The prior approval of the Council is refused	18-Jan-2022	Forest Bradgate
P/21/1592/2	Householder	271 Forest Road Woodhouse Leicestershire LE12 8TZ	Erection of replacement garden room.	GTDCON, Permission be granted subject to the following conditions:	31-Jan-2022	Forest Bradgate
P/21/2481/2	Householder	2 Paterson Drive Woodhouse Eaves Leicestershire LE12 8RL	Proposed single storey side and rear extension, first floor dormer and material changes with driveway alterations.	GTDCON, Permission be granted subject to the following conditions:	03-Feb-2022	Forest Bradgate
P/21/2432/2	Advert Consent	Newtown Linford Tennis Club Main Street Newtown Linford Leicestershire	Display of 2 No. 12m x 2m non-illuminated privacy screen advertisements to either end of tennis courts.	GTDCON, Permission be granted subject to the following conditions:	07-Feb-2022	Forest Bradgate
P/21/2200/2	Householder	Field Lodge 38 Main Street Newtown Linford LE6 0AD	Erection of single storey extension to rear of house	GTDCON, Permission be granted subject to the following conditions:	08-Feb-2022	Forest Bradgate

<b>Application number</b>	<b>Application type</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>	<b>Ward</b>
P/22/0024/2	Demolition Determination	Whitworth Tower Elvyn Way Rutherford Hall Loughborough LE11 3TH	Demolition of Whitworth Tower Building.	NRQ, The submission of details are not required for consideration.	14-Feb-2022	Loughborough Ashby
P/21/2276/2	Householder	12 Monsarrat Way Loughborough LE11 5YS	Proposed 2x two storey side extensions, porch extension and single storey rear extension.	REF, Permission be refused for the following reasons:	18-Jan-2022	Loughborough Hathern & Dishley
P/21/1391/2	Householder	26 Dovecote Street Hathern LE12 5HS	Demolition of rear conservatory, erection of single storey extension to rear of house	GTDCON, Permission be granted subject to the following conditions:	28-Jan-2022	Loughborough Hathern & Dishley
P/21/1943/2	Full	9 High Meadow Hathern Leicestershire LE12 5HW	Conversion of domestic garage to single dwelling.	GTDCON, Permission be granted subject to the following conditions:	31-Jan-2022	Loughborough Hathern & Dishley
P/21/2180/2	Householder	21 Bottleacre Lane Loughborough LE11 1JE	Erection of single storey extension to front and rear and two storey extension to rear of house.	GTDCON, Permission be granted subject to the following conditions:	28-Jan-2022	Loughborough Lemyngton
P/21/2609/2	Householder Prior Notification	42 Toothill Road Loughborough Leicestershire LE11 1PW	The erection of a single storey rear extension extending beyond the rear wall of the original house by 6m, with a maximum height of 4m, and height to the eaves of 2.4m.	PRIREF, The prior approval of the Council is refused	10-Feb-2022	Loughborough Lemyngton
P/21/2518/2	Full	41 Church Gate Loughborough Leicestershire LE11 1UE	Change of use of premises (Use Class E) to also include a tattoo studio (Sui Generis Use Class).	GTDCON, Permission be granted subject to the following conditions:	11-Feb-2022	Loughborough Lemyngton
P/21/1263/2	Full	Charnwood Service Station Ashby Road Loughborough LE11 3QU	Installation of a substation and forecourt canopy (Revised plan rec'd 9th November 2021 showing revised location of substation).	GTDCON, Permission be granted subject to the following conditions:	20-Jan-2022	Loughborough Nanpantan

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/21/2439/2	Householder	39 Langdale Avenue Loughborough Leicestershire LE11 3RP	Two storey side, and single storey rear extensions	GTDCON, Permission be granted subject to the following conditions:	21-Jan-2022	Loughborough Nanpantan
P/21/2213/2	Householder	83 Loweswater Drive Loughborough LE11 3RR	Proposed two storey side extension and new front porch.	GTDCON, Permission be granted subject to the following conditions:	01-Feb-2022	Loughborough Nanpantan
P/21/1365/2	Householder	38 Highfields Drive, Loughborough, Leicestershire, LE11 3JT	Proposed two storey extension to side and rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	10-Feb-2022	Loughborough Nanpantan
P/21/1156/2	Householder	Moat House Bramcote Road Loughborough LE11 2SA	Insertion of 5 No. roof lights and 2 No.side facing windows to dwelling.	GTDCON, Permission be granted subject to the following conditions:	27-Jan-2022	Loughborough Outwoods
P/21/1945/2	Householder	25 Wilton Avenue Loughborough Leicestershire LE11 2AS	Proposed single storey side extension and construction of residential annex to replace existing wooden outbuilding (revision to scheme approved under appn ref P/20/1003/2) including erection of chimney to southern elevation of extension to replace existing stainless steel flue on eastern elevation of dwelling (Retrospective)	GTDCON, Permission be granted subject to the following conditions:	27-Jan-2022	Loughborough Shelthorpe
P/21/2030/2	Householder	76 Park Road Loughborough LE11 2HH	Erection of single storey extension to rear and side of semi detached dwelling.	GTDCON, Permission be granted subject to the following conditions:	17-Jan-2022	Loughborough Southfields
P/21/2290/2	Householder	2 Bampton Street Loughborough Leicestershire LE11 2DR	Single storey rear extension to existing C4 Dwelling	GTDCON, Permission be granted subject to the following conditions:	20-Jan-2022	Loughborough Southfields

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/21/2165/2	Householder	2 Oliver Road Loughborough LE11 2BZ	Installation of dropped kerb to front of dwelling.	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2022	Loughborough Southfields
P/21/1301/2	Full	29 Granby Street Loughborough LE11 3DU	Change of use of training/meeting centre to a house in multiple occupation (Use Class C4).	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2022	Loughborough Southfields
P/21/1198/2	Full	Loughborough Masonic Centre Ltd Ashby Square Loughborough Leicestershire LE11 5AA	Construction of 3.3m high brick wall to Orchard Street to replace existing steel lattice gate incorporating fire doors, with continuation of adjacent flat roof above.	GTDCON, Permission be granted subject to the following conditions:	25-Jan-2022	Loughborough Southfields
P/21/1582/2	Full	2 Wards End Loughborough Leicestershire LE11 3HA	Change of use to Nail bar (sui generis) and installation of ventilation flue to rear	GTDCON, Permission be granted subject to the following conditions:	31-Jan-2022	Loughborough Southfields
P/21/1109/2	Full	49 Arthur Street Loughborough LE11 3AY	Conversion and extension of garage to form one dwelling	REF, Permission be refused for the following reasons:	31-Jan-2022	Loughborough Southfields
P/21/1461/2	Full	77 Westfield Drive Loughborough LE11 3QJ	Erection of first floor extension to rear of dwelling (variation of condition 2 of P/18/1402 to allow alterations to first floor extension to enable erection of extension across entire width of dwelling) under section 73 of TCPA 1990 (Retrospective).	GTDCON, Permission be granted subject to the following conditions:	03-Feb-2022	Loughborough Southfields
P/21/2403/2	Householder	49 Edelin Road Loughborough Leicestershire LE11 2HW	Single storey side and rear extensions to dwelling	GTDCON, Permission be granted subject to the following conditions:	09-Feb-2022	Loughborough Southfields

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/21/2021/2	Full	20 George Street Loughborough LE11 5DQ	Proposed single storey rear extension, plus internal alterations & associated works to existing dwelling (HMO - C4)	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2022	Loughborough Storer
P/21/2414/2	Householder	39A Rosebery Street Loughborough Leicestershire LE11 5DX	Single storey rear extension and loft conversion including provision of roof lights to existing house in multiple occupation	GTDCON, Permission be granted subject to the following conditions:	04-Feb-2022	Loughborough Storer
P/21/2236/2	Full	75 Leopold Street Loughborough LE11 5DN	Single storey side and rear extension	GTDCON, Permission be granted subject to the following conditions:	07-Feb-2022	Loughborough Storer
P/21/2539/2	CL (Proposed)	21 Ash Grove Mountsorrel Leicestershire LE12 7HJ	Certificate of lawful (proposed) development for conversion of garage into habitable room with associated works and replacement windows and doors.	CLDPGRANT, Certificate of Lawful Proposed Development	18-Jan-2022	Mountsorrel
P/21/2240/2	Householder	3 Barnard Way Mountsorrel LE12 7UE	Proposed single storey extension to side and hairdressing salon (Sui Generis) to the side of dwelling.	GTDCON, Permission be granted subject to the following conditions:	26-Jan-2022	Mountsorrel
P/21/2099/2	Full	6 Johns Avenue Mountsorrel LE12 7DA	Proposed detached chalet bungalow to replace existing semi-detached dwelling.	GTDCON, Permission be granted subject to the following conditions:	11-Feb-2022	Mountsorrel
P/20/2365/2	Full	Barrowcliffe Farm South Croxton Road Queniborough Leicestershire LE7 3RX	Change of use of land and buildings from agriculture to mixed agriculture and equestrian use and siting of groom's mobile home (retrospective application)	GTDCON, Permission be granted subject to the following conditions:	17-Jan-2022	Queniborough
P/21/2321/2	Householder	6 The Ringway Queniborough Leicestershire LE7 3DL	Single storey side and rear extensions	GTDCON, Permission be granted subject to the following conditions:	11-Feb-2022	Queniborough

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/21/2072/2	Full	46 Deeming Drive Quorn LE12 8NF	Change of use from communal green space (Use Class F2(c)) to residential curtilage (Use Class C3) and repositioning of boundary fence by 1.5m to enclose part of grass verge to side of dwelling.	GTDCON, Permission be granted subject to the following conditions:	20-Jan-2022	Quorn & Mountsorrel Castle
P/21/2601/2	Householder	3 Rennocks Close Quorn LE12 8WZ	Single storey rear extension; Variation of condition 3 of P/21/1976/2 to allow different materials	GTDCON, Permission be granted subject to the following conditions:	20-Jan-2022	Quorn & Mountsorrel Castle
P/21/2426/2	Advert Consent	Land off Lodge End Woodthorpe Loughborough Leicestershire	Retention of 9 x flag signs, 4x non-illuminated leader board signs and 1x non-illuminated marketing signs	GTDCON, Permission be granted subject to the following conditions:	28-Jan-2022	Quorn & Mountsorrel Castle
P/21/2217/2	Householder	36 Deeming Drive Quorn LE12 8NF	Erection of single storey extension to side of house	GTDCON, Permission be granted subject to the following conditions:	08-Feb-2022	Quorn & Mountsorrel Castle
P/21/1593/2	Householder	14 Brownhill Crescent Rothley Leicestershire LE7 7LA	Erection of single storey extension to rear of house	GTDCON, Permission be granted subject to the following conditions:	20-Jan-2022	Rothley & Thurcaston
P/21/2126/2	Householder	154 Swithland Lane Rothley LE7 7SF	Proposed single storey extension to rear of detached garage at front of property and single storey extension to side of dwelling.	GTDCON, Permission be granted subject to the following conditions:	20-Jan-2022	Rothley & Thurcaston
P/21/1426/2	Householder	1 Westfield Lane Rothley LE7 7LH	Installation of 1 new roof light to front roof slope and 1 new roof light to side roof slope of house.	GTDCON, Permission be granted subject to the following conditions:	21-Jan-2022	Rothley & Thurcaston

<b>Application number</b>	<b>Application type</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>	<b>Ward</b>
P/21/0356/2	Full	62 Anstey Lane Thurcaston Leicestershire LE7 7JA	Change of use of land to C3 - residential use (garden) together with works to the site including construction of summer house, raised gravel patio with steps and gravel path (Retrospective).	REF, Permission be refused for the following reasons:	25-Jan-2022	Rothley & Thurcaston
P/21/2513/2	Householder	126 Leicester Road Thurcaston Leicestershire LE7 7JJ	Proposed single storey extension to rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	28-Jan-2022	Rothley & Thurcaston
P/21/2366/2	Householder	27 Whatton Oaks Rothley Leicestershire LE7 7QE	Demolition and rebuilding of garden wall in new position	GTDCON, Permission be granted subject to the following conditions:	01-Feb-2022	Rothley & Thurcaston
P/21/1939/2	Householder	26 The Ridgeway Rothley LE7 7LE	Various works to dwelling including demolition of existing single storey side extension and erection of 2 storey side extension, erection of single storey side extension, alterations to windows and application of render.	GTDCON, Permission be granted subject to the following conditions:	01-Feb-2022	Rothley & Thurcaston
P/21/1979/2	Full	175 Main Street Swithland LE12 8TQ	Erection of two storey side extension and detached garage (Variation of condition 2 to application P/21/0134/2 to amend plans).	GTDCON, Permission be granted subject to the following conditions:	04-Feb-2022	Rothley & Thurcaston
P/21/2530/2	Householder	17 Garendon Close Shepshed Leicestershire LE12 9NT	Proposed dormer extension to rear to form loft conversion to dwelling.	GTDCON, Permission be granted subject to the following conditions:	02-Feb-2022	Shepshed East
P/21/2069/2	Full	53 Ashby Road Central Shepshed LE12 9BS	Formation of additional self-contained residential care unit including alterations to elevations (part retrospective)	GTDCON, Permission be granted subject to the following conditions:	07-Feb-2022	Shepshed East

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/21/1705/2	Householder	24 Forest Street Shepshed Leicestershire LE12 9DA	Two storey extension to rear of semi-detached dwelling.	GTDCON, Permission be granted subject to the following conditions:	11-Feb-2022	Shepshed East
P/21/1885/2	Full	Rear of 8 Field Street Shepshed Leicestershire LE12 9AL	Change of use of building to a commercial, business or service use falling within Use Class E(c) , E(e), E(g) or F1(a) of the Town and Country Planning (Use Classes) Order 1987.	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2022	Shepshed West
P/21/2397/2	Householder	5 Thimble Mill Close Shepshed Leicestershire LE12 9GF	Proposed single storey extension to rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	01-Feb-2022	Shepshed West
P/21/1934/2	Full	Mountsorrel Lane Sileby Leicestershire	Excavation of a wildlife/amenity pond.	GTDCON, Permission be granted subject to the following conditions:	19-Jan-2022	Sileby
P/21/1771/2	Full	44 Cossington Road Sileby Leicestershire LE12 7RS	Proposed change of use from C2 to C3.	GTDCON, Permission be granted subject to the following conditions:	27-Jan-2022	Sileby
P/21/2404/2	Householder	6 Pembroke Avenue Syston Leicestershire LE7 2BZ	Proposed single storey extension to rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	18-Jan-2022	Syston East
P/21/2073/2	Full	Albert Street Syston LE7 2JA	Erection of 8 dwellings, formation of car parking and associated landscaping works.  Erection of eight new dwellings	GTDCON, Permission be granted subject to the following conditions:	31-Jan-2022	Syston East



<b>Application number</b>	<b>Application type</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>	<b>Ward</b>
P/21/0053/2	Householder	21 John Frear Drive Syston Leicestershire LE7 2DN	Installation of window to facilitate conversion of garage to bedroom and en-suite wetroom.	GTDCON, Permission be granted subject to the following conditions:	02-Feb-2022	Syston East
P/21/2257/2	Full	1370 Melton Road Syston LE7 2EQ	Erection of single storey vehicle preparation building to rear of site.	GTDCON, Permission be granted subject to the following conditions:	14-Feb-2022	Syston West
P/20/2355/2	Householder	16 Sowters Lane Burton On The Wolds Leicestershire LE12 5AL	Single storey extensions to front and rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	25-Jan-2022	The Wolds
P/21/1917/2	Householder	Hoton House 1 Wymeswold Road Hoton LE12 5SN	Replacement of existing 2 no. rooflights in west elevation of playroom with 2 no dormer windows with York sliders	GTDCON, Permission be granted subject to the following conditions:	26-Jan-2022	The Wolds
P/21/2256/2	Householder	85 Brook Street Wymeswold LE12 6TT	Proposed two storey rear extension and first floor side extension.	GTDCON, Permission be granted subject to the following conditions:	01-Feb-2022	The Wolds
P/20/2351/2	Full	The Common Farm 200 Narrow Lane Wymeswold Leicestershire LE12 6SD	Alterations and change of use of stables and domestic garage building to 2no holiday accommodation units.	GTDCON, Permission be granted subject to the following conditions:	03-Feb-2022	The Wolds
P/21/1913/2	Householder	25 Barrow Road Burton On The Wolds LE12 5TB	Proposed 3-storey extension to side and single storey extension to rear of existing dwelling.	GTDCON, Permission be granted subject to the following conditions:	11-Feb-2022	The Wolds
P/21/2449/2	Householder	Rose Farmhouse 22 Loughborough Road Hoton Leicestershire LE12 5SF	Single storey extension to rear for orangery (Revised scheme - P/21/0407/2 refers)	GTDCON, Permission be granted subject to the following conditions:	14-Feb-2022	The Wolds

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/21/2551/2	Householder	22A Sowters Lane Burton On The Wolds Leicestershire LE12 5AL	Proposed single storey extension to side of dwelling.	GTDCON, Permission be granted subject to the following conditions:	14-Feb-2022	The Wolds
P/21/2374/2	Full	31 Ferndale Road Thurmaston Leicestershire LE4 8JE	Proposed two storey extension to side, single storey extension to rear, canopy to front, and dormer extension to rear of dwelling and change of use of dwelling to 2No. self-contained flats (Use Class C3) (Revised scheme to P/21/1460/2 refers).	GTDCON, Permission be granted subject to the following conditions:	21-Jan-2022	Thurmaston
P/21/1216/2	Full	572 Melton Road Thurmaston LE4 8BB	Change of use to the display and sale of cars, vans, and motorbikes (Sui Generis Use Class) and construction of single storey extension to side for associated repair shop.	GTDCON, Permission be granted subject to the following conditions:	02-Feb-2022	Thurmaston
P/21/2134/2	Householder	50 Southdown Drive Thurmaston LE4 8HX	Proposed single storey front and side extension, single storey side and rear, two storey side and rear extension and associated works.	GTDCON, Permission be granted subject to the following conditions:	08-Feb-2022	Thurmaston
P/21/1992/2	Householder	Christmas Cottage 74 Main Street Cossington LE7 4UW	Two storey and single storey side and rear extensions to dwelling.	GTDCON, Permission be granted subject to the following conditions:	26-Jan-2022	Wreake Villages
P/21/2445/2	Householder	39 Ratcliffe Road Thrussington Leicestershire LE7 4UF	Two and single storey rear extensions	GTDCON, Permission be granted subject to the following conditions:	28-Jan-2022	Wreake Villages

<b>Application number</b>	<b>Application type</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>	<b>Ward</b>
P/20/1888/2	Full	Land to Northwest Old Mill Hoby Road Thrussington LE7 4TJ	Change of use of use to Class B8 Storage and Distribution and siting of 8 storage containers (retrospective application)	REF, Permission be refused for the following reasons:	07-Feb-2022	Wreake Villages
P/21/2395/2	Change of Use Prior Notification	1870 Melton Road Rearsby Leicestershire LE7 4YS	Change of use of agricultural building to dwellinghouse (C3).	PRIGRA, The prior approval of the Council is granted	11-Feb-2022	Wreake Villages