



PLANS COMMITTEE

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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 S. Forrest (Chair), Lennie (Vice-Chair), Charles, Fryer, Lawrence, Lowe, Monk, Northage, O'Neill, Palmer, Snartt, N. Taylor and Worrall
(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 Preston Room, Woodgate Chambers, Woodgate, Loughborough on Thursday, 22nd February 2024 at 5.00 pm for the following business.

Chief Executive

Southfields
Loughborough

14th February 2024

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 25th January 2024.
3. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.
4. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS
5. PLANNING APPLICATIONS 6 - 7

The list of planning applications to be considered at the meeting is appended.
 - (a) P/21/1446/2 - 102 Main Street, Cossington 8 - 78
 - (b) P/23/0379/2 - Land to the West of Hathern Road, Long Whatton 79 - 147
 - (c) P/23/1357/2 - St Michaels Court, Melton Road, Thurmaston 148 - 175
 - (d) P/22/0727/2 - Rawlins Academy, Church Lane, Quorn 176 - 191
 - (e) P/23/1391/2 - McDonald's, Warwick Way, Loughborough 192 - 210
 - (f) P/23/1685/2 - 31 Storer Road, Loughborough 211 - 227
6. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS 228 - 244

A list of applications determined under powers delegated to officers for the period from 17th January 2024 to 12th February 2024 is attached.

WHERE TO FIND WOODGATE CHAMBERS

Woodgate Chambers
70 Woodgate
Loughborough
Leicestershire
LE11 2TZ

PLANS COMMITTEE 25TH JANUARY 2024

PRESENT: The Chair (Councillor S. Forrest)
The Vice Chair (Councillor Lennie)
Councillors Charles, Fryer, Lawrence, Lowe,
Monk, Northage, O'Neill, Palmer, Snartt and
B. Gray

Group Leader Development Management (CT)
Locum Solicitor (SG)
Principal Planning Officer (JW)
Democratic Services Officer (RD)

APOLOGIES: Councillor N. Taylor and Worrall

The Chair stated that the meeting would be live streamed and available via YouTube. 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.

53. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 14th December 2023 were confirmed as a correct record and signed.

54. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

55. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

The following disclosures were made:

- (i) by Councillor Palmer – in respect of planning application P/23/0668/2 (Land at Watermead Business Park, Thurmaston) who had a non-registrable interest in the item and came to the meeting with a closed mind. She left the meeting room for the duration of the item.
- (ii) by Councillor Lowe – in respect of planning application P/23/0668/2 (Land at Watermead Business Park, Thurmaston) who was a member of Thurmaston Parish Council but had not taken part in the debate and confirmed that he came to the meeting with an open mind.
- (iii) by Councillor Snartt – in respect of planning application P/23/0645/2 (Lady Jane Park, Bradgate Road, Newtown Linford) who had called-in the

application and would be speaking on the item. He sat in the public gallery for the duration of the item.

- (iv) by Councillors Charles, B. Gray, Lawrence, Lennie, Lowe, Monk, Northage, O'Neill, Palmer and Snartt – in respect of planning application P/23/0668/2 (Land at Watermead Business Park, Thurmaston) as recipients of e-mail correspondence in relation to this application, but all came to the meeting with open minds.

A query was raised as to whether Councillors needed to declare their interests in the e-mail correspondence in respect of planning application P/23/0668/2 (Land at Watermead Business Park, Thurmaston) due to it containing information that was already in the public domain via the online planning portal.

It was clarified that for transparency it was helpful to declare interests where correspondence had been received.

56. PLANNING APPLICATIONS

Reports of the Head of Planning and Growth, setting out applications P/23/0668/2 and P/23/0645/2 were submitted (item 5 on the agenda filed with these minutes). An Extras Report in respect of both applications was also submitted (also filed with these minutes).

There was a late request to speak from Mr James Lightfoot (objector) in respect of application P/23/0645/2. There was already a registered speaker for the item, Mr Richard Palmer (objector), who had agreed to share his three minutes' speaking time. The Chair and members of the Committee were in agreement for the request to be granted.

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 Steve Lewis-Roberts (on behalf of the agent) in respect of application P/23/0668/2;
- (ii) Mr Richard Palmer and Mr James Lightfoot (objectors) in respect of application P/23/0645/2;
- (iii) Ms Ellie Smith (on behalf of the applicant, William Davis) in respect of application P/23/0645/2;
- (iv) Cllr Rob Haylock (on behalf of Newtown Linford Parish Council) in respect of application P/23/0645/2.

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 Snartt (call-in) in respect of application P/23/0645/2.

a) P/23/0668/2 - LAND AT WATERMEAD BUSINESS PARK, THURMASTON

This item had been previously considered by Plans Committee on 28th September 2023 and had been deferred in order for the applicant to be invited to consider amendments to the scheme. The item had returned to Plans Committee on 14th December 2023, however the Committee was inquorate for the item, with only 8 members of the Plans Committee present who originally considered the application in September. The item was therefore deferred to the January Plans Committee meeting.

A query was made at this meeting with regard to whether the item was now quorate. The Committee was reassured that the agenda report had been newly prepared and therefore did not require the same members as were present at the September meeting. It was therefore confirmed that the item was quorate.

RESOLVED that in respect of application P/23/0668/2 (Land at Watermead Business Park, Thurmaston) planning permission be granted subject to completion of Section 106 planning obligations and planning conditions for the reasons set out in the report of the Head of Planning and Growth and amendments to conditions 3 and 14 as set out in the Extras Report, and that the Head of Planning and Growth be given delegated authority to determine the final detail of the planning conditions in consultation with the Chair of the Plans Committee.

b) P/23/0645/2 – LADY JANE PARK, BRADGATE ROAD, NEWTOWN LINFORD

RESOLVED that in respect of application P/23/0645/2 (Lady Jane Park, Bradgate Road, Newtown Linford) planning permission be granted subject to planning conditions for the reasons set out in the report of the Head of Planning and Growth and amendment to the recommendation as set out in the Extras Report.

57. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

A list of applications determined under powers delegated to officers for the period from 5th December 2023 to 16th January 2024 was submitted (item 6 on the agenda filed with these minutes).

NOTES:

1. No reference may be made to these minutes at the next 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 22 February 2024 Index of Committee Items

Item	Application No	Applicant and Location, Description	Recommendation	Page
1	P/21/1446/2	Spitfire Homes 102 Main Street Cossington LE7 4UX Erection of 57 dwellings, alterations to existing access and associated works.	Grant Conditionally Subject to S106	
2	P/23/0379/2	Endurance Energy Ltd Land to the West of Hathern Road Long Whatton LE12 5LL Solar Farm together with all associated works, equipment and necessary infrastructure	Grant Conditionally	
3	P/23/1357/2	Charnwood Borough Council St Michaels Court Melton Road Thurmaston Leicestershire LE4 8EE Demolition of existing building and construction of 9no. bungalows with associated works to include landscaping, access and parking	Grant Conditionally	
4	P/22/0727/2	Rawlins Academy Rawlins Academy Church Lane Quorn Leicestershire LE12 8DY Construction of gates, fencing, and hardstanding.	Grant Conditionally	

5	P/23/1391/2	<p>McDonald's Restaurants Limited McDonald's Warwick Way Loughborough Leicestershire LE11 4UG</p> <p>Section 73 application to extend the hours of operation as set out in condition 4 of Planning Application ref: P/13/2471/2 (Erection of restaurant and other associated works).</p>	Grant Conditionally
6	P/23/1685/2	<p>Sarah Arnold 31 Storer Road Loughborough Leicestershire LE11 5EQ</p> <p>Change of use from larger HMO (8 Bed) to larger HMO (11 Bed); demolition of garage and outbuildings; erection of single storey rear extension</p>	Grant Conditionally

Plans Committee Report	22 February 2024
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Item No. 5a

Application Reference Number: P/21/1446/2

Application Type: Full **Date Valid:** 07.07.2021

Applicant: Spitfire Homes

Proposal: Erection of 57 dwellings, alterations to existing access, and associated works

Location: 102 Main Street, Cossington, Leicestershire

Parish: Cossington **Ward:** Sileby / Wreake Villages

Case Officer: Mark Pickrell **Tel No:** 07852 720913

1. Background

- 1.1 This application was considered at the meeting of Plans Committee on 20th October 2022 and was resolved to be granted subject to a s106 agreement and several conditions:

“RESOLVED that in respect of application P/21/1446/2 (Spitfire Homes, 102 Main Street, Cossington, Leicestershire) planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Growth and the completion of a Section 106 Agreement.”

- 1.2 The application progressed from the date of that resolution and the required s106 Agreement has been drafted and expected to be completed in February 2024. However, in the interim, on 20th December 2023, a revised version of the NPPF was issued and on 11th January, the Cossington Neighbourhood Plan was formally “made”.
- 1.3 This report provides an updated assessment of the application and other matters that have taken place since the previous resolution to ensure that the application is determined in accordance with the current material considerations.
- 1.4 All other matters are contained in the main report (item 1 of the meeting of 20th October 2022, attached as **Appendix 1**, and associated ‘extras’ report attached as **Appendix 2**).

2. Updated Development Plan Policies

2.1 Cossington Neighbourhood Plan

2.2 Since the time of the October 2022 Committee Report, Cossington Parish Council/Community Advisory Committee have completed preparation of a Neighbourhood Plan which was agreed through a referendum in November 2023. Charnwood subsequently confirmed the adoption of the Neighbourhood Plan on 11th January 2024. The Cossington Neighbourhood Plan now forms part of the Development Plan and is an additional material consideration in the determination of this application compared to what was considered by the Plans Committee in October 2022.

2.3 The Cossington Neighbourhood Plan includes the following policies which are relevant to the consideration of this application and are assessed as part of the planning considerations below. The policies relevant to this application include:

- a. Policy H1 – Residential Site Allocation
- b. Policy H2 – Settlement Boundary
- c. Policy H3 – Housing Mix
- d. Policy H4 - Affordable Housing
- e. Policy H5 – Windfall Sites
- f. Policy H6 – Design
- g. Policy ENV5 – Biodiversity and Habitat Connectivity
- h. Policy ENV9 – Important Views
- i. Policy T1 – Transport and Road Safety
- j. Policy T2 – Pedestrian Footpaths, Pavements and Cycleways

3. Updated Material Considerations

3.1 The Emerging Charnwood Local Plan 2021-37

3.2 The original Committee Report (Appendix 1) referred to the Draft Charnwood Local Plan (2019-37) and recognised that the document was first submitted for examination in December 2021 with initial hearing sessions held in June 2022. However, at the time of the Committee Report the hearing sessions were adjourned for further consideration of Leicester's unmet need and further hearing sessions were yet to be confirmed. As such, limited weight was given to the policies of the emerging Local Plan.

3.3 Since that report, the Inspectors have announced that they will be holding further hearing sessions, to begin on Tuesday 20th February 2024. Limited, focussed discussions will take place over a three day period and will comprise of a re-opening

of Matter 2 (Vision, Objectives, Sustainable Development and the Development Strategy), Matter 7 (Housing Land Supply), Matter 8 (infrastructure and Transport) and Matter 9 (Viability and Monitoring).

- 3.4 Due to the further progress of the emerging Local Plan, and in accordance with the provisions of NPPF paragraph 48, further consideration needs to be given to the weight that can be assigned to the policies contained in the emerging Local Plan with their respective weight defined under paragraph 48 of the NPPF depending on:
- 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).
- 3.5 All policies are at an advanced stage in production, the Local Plan has been submitted and the hearing sessions have concluded for 2023. Further focussed hearing sessions are scheduled for February 2024. All emerging policies are considered to be in accordance with the NPPF. The weight to be given to emerging policies is therefore based upon the extent of unresolved objections during the hearing sessions (in accordance with NPPF paragraph 48).
- 3.6 Despite the progression of the Local Plan, the Inspectors have not revealed adjudication of any of its content, nor should the further Hearings be regarded as indication that the subject policies are ‘weakening’ – the Hearings remain part of the consideration process with adjudication to follow, hopefully in the form of recommended Main Modifications.
- 3.7 National Planning Policy Framework (NPPF) (December 2023)
- 3.8 The Government published a revised version of the NPPF on 20th December 2023. It contained a series of amendments and although most are of limited or no relevance to this application, important amongst them was adjustment to the need to demonstrate a 5 year land supply and as a result the application of the ‘tilted balance’ in favour of sustainable development under NPPF Para 11d.
- 3.9 The revised NPPF states that, in certain circumstances associated with the advancement of a Local Plan, the “tilted balance” would not apply where Local Planning Authorities can demonstrate a 4 year housing land supply (in lieu of 5 years). This change applies with immediate effect, including to applications submitted before the amendments took place.

- 3.10 In light of the revisions to the NPPF released on 20th December 2023 and guidance contained in paragraph 226, along with updates to Planning Practice Guidance published on 5th February, the Council can now demonstrate in excess of a four year housing land supply (4.27 years based on a 4 year supply over a 5 year requirement – 4.49 years if the 5% buffer is not applied). Because the proposal involves the provision of housing, it is necessary to consider whether the policies that are most important to determining the application are considered to be in date and therefore whether paragraph 11d of the NPPF applies for that reason.
- 3.11 Written Ministerial Statement on Affordable Homes Update (24 May 2021)
- 3.12 Since the resolution, the associated s106 has been developed which includes provision for affordable housing. This is on the basis of 20% Affordable Housing for the whole site, comprising Affordable/Social Rent 55% and Shared Ownership 45%.
- 3.13 NPPF paragraph 6 states that the Written Ministerial Statement on Affordable Homes Update (24 May 2021) which contains policy on First Homes is a material consideration and paragraph 65 states that *“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership”*. Within the NPPF Annex 2 Glossary Shared Ownership is recognised as a form of affordable home ownership so this configuration within the s106 meets national policy.
- 3.14 Planning Practice Guidance states that *“A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations”*. This would mean that 3 or 4 of the affordable homes provided on the site should be First Homes (i.e. 25% of total provision of 11). However, The Council’s Housing team has advised that presently there is no identified need for First Homes in Charnwood and no evidence base to support any need. The HENA update June 2022 states in Section 9.38 – ‘The analysis and discussion (above) suggest that there are a number of households likely to fall under the PPG definition of needing affordable home ownership (including First Homes) – i.e. in the gap between renting and buying – but that the potential supply of low-cost housing to buy makes it difficult to fully quantify this need’.
- 3.15 The developer advises that *“whilst happy to provide a policy compliant level of affordable housing as part of the development, and the s106 Agreement reflects that, we would be reluctant to include the provision of First Homes as part of this. Our view is that the needs of those on the Housing Register, and particularly those with needs relating to Cossington, are best served by the Council’s existing Affordable Housing policy requirements”*.

- 3.16 On this basis it is considered that grounds exist to depart from the published Guidance. Such Guidance is a material consideration but carries only limited weight and it is inconsistent with the Development Plan which doesn't have an explicit requirement for First Homes within it. The absence of provision of First Homes within the s106 is considered to be a minor factor in the overall planning balance and is outweighed by a configuration that is tailored to meet identified local needs.

4 Updated consultation responses

- 4.1 Charnwood Borough Council – “The situation with First Homes places us in a difficult position – from a Strategic Housing perspective we can only say that government guidance indicates the product should make up 25% of the affordable housing through the development gain...

In the absence of a Charnwood BC policy, we are not empowered to insist on First Homes and would not”.

- 4.2 NHS – “When the original submission was made the build costs were lower than what they are now, this is an ongoing factor we are having to consider whilst applications go through the council's process. The current build cost now sits at £4,000.00 per m2 of floorspace whereas the original submission was done at the old costings £2,516 per m2 of floorspace.

Please see below the calculation

Insert Number of Dwelling	57
Number of Patients	137.94
Total funding request	£44,140.80

The number of dwellings (57) x 2.4 (assumed average household) x 0.08 (m2 per patient) x £4000.00 (cost per m2 of floorspace)”.

5 Consideration of the Planning Issues

- 5.1 The purpose of this update report is to consider any changes to the material considerations which were weighed in the balance at the time of the October 2022 resolution. It does not revisit those considerations that are unchanged.
- 5.2 The October 2022 Plans Committee report set out that the main planning considerations applicable to this application were considered to be:

- Principle of development
- Housing mix

- Landscape and visual impact
- Impact on Trees
- Design and layout
- Ecology and biodiversity
- Open Space
- Impact on residential amenity
- Land contamination
- Highway matters
- Flooding and drainage
- Planning obligations / S106 contributions

5.3 The following paragraphs provide an update to the Principle of Development, housing mix in relation to first homes and planning obligations / S106 contributions in relation to updated healthcare contributions and consider the weight that can be attributed to emerging Local Plan policy and the made Neighbourhood Plan. Appendices 1 and 2 provide consideration for other matters.

6 Principle of Development

6.1 In light of the revisions to the NPPF released on 20th December 2023 and guidance contained in paragraph 226, further guidance published as part of the Planning Practice Guidance on 5th February, and with advanced stage of preparation of the emerging Local Plan, the Council are now able to demonstrate in excess of a four year housing land supply (4.27 years based on a 4 year supply over a 5 year requirement – 4.49 years if the 5% buffer is not applied)). The Core Strategy and Borough of Charnwood Local Plan are over 5 years old and it is important to take account of changing circumstances affecting the area and relevant changes in national policy (NPPF Dec 2023). On that basis, the ‘tilted balance’ of NPPF paragraph 11d no longer applies for that reason. This is a notable change to the consideration of principles set out in the October 2022 report, which was based upon the ‘tilted balance’ of NPPF paragraph 11 (2021) applying at that time and in the absence of a made Neighbourhood Plan.

6.2 The Cossington Neighbourhood Plan now forms part of the Development Plan, having been ‘made’ in January 2024. It includes provision to address its housing need based on a permission for 130 dwellings (ref. P/20/2393/2) on the site of a draft housing allocation included in emerging Local Plan (HA59) and an allocated residential development site for 12 dwellings at land off Syston Road (Policy H1 of the Neighbourhood Plan). The housing requirement for the parish is 130 dwellings and, based on 124 dwellings provided by the planning permission on land at Derry’s Nursery (P/20/2393/2) and 12 dwellings allocated through the Neighbourhood Plan at land off Syston Road, the Neighbourhood Plan is considered to make adequate provision to meet its housing requirement. However, it should be noted that this is

not a maximum housing requirement. The Cossington Neighbourhood Plan is less than 5 years old and makes provision for its housing requirement.

- 6.3 While the site was assessed on the basis of being in the countryside in relation to the Core Strategy and saved Local Plan policies in October 2022, the Neighbourhood Plan has subsequently been “made” and defines the site as being within the settlement boundary. As the Neighbourhood Plan is the latest plan to be added to the Development Plan, the settlement boundary shown in it takes precedent over the saved policies of the Local Plan and the Core Strategy such that the site is now considered as being within the settlement boundary of an “other settlement”, with the associated policy considerations.
- 6.4 Policy ST/2 of the adopted Local Plan 2004 directs development to allocations and locations within limits to development. This spatial strategy is no longer capable of meeting the Borough’s current housing needs and as such is inconsistent with NPPF Chapter 5, and as such is regarded as out of date, and therefore its weight is reduced to ‘limited’. The proposed development falls within the defined Limits to Development (updated by the Neighbourhood Plan) and as such benefits from this limited weight.
- 6.5 In terms of Planning policies contained in the Core Strategy that relate to the principle of development, Policy CS1 defines a hierarchy of settlements for the Borough. Policy CS1 is concerned primarily with the strategy for the distribution of housing and economic development having regard to its overall environmental impact, with the object of securing a sustainable pattern of development. That is also the purpose of policy DS1 of the emerging Local Plan. However, the strategy of urban concentration focusing on the Principal Urban Area Shephed and Loughborough with limited dispersal to other settlements (Service Centres and ‘Other Settlements’) is broadly unchanged. That indicates the strategy of CS1 remains up-to-date and can therefore be afforded full weight.
- 6.6 Policies CS1 of the Core Strategy and DS1 of the emerging Local Plan are principally concerned with securing a sustainable pattern of development. The pattern promoted by Policy CS1 is broadly the same as that advanced by policy DS1. Since policy DS1 is up to date and CS1 mirrors its purpose and strategy, it follows that CS1 is also up to date. Policy CS1 ensures that growth is directed to the right places in accordance with the principle of urban concentration and be sustainable, and steer away from less sustainable and unsustainable locations. That accords with the ‘golden thread’ of the Framework. CS1 thus retains its utility and accords with the Framework Policy
- 6.7 CS1 of the Core Strategy allocates at least 500 dwellings to be provided within “other settlements”, including Cossington. CS1 also sets out that the local social and economic need for development in other settlements will be met by *“responding positively to small-scale opportunities within defined limits to development”* and *“responding positively to affordable housing development in accordance with CS3”*. It

is noted that the site is proposed to be designated as countryside in the emerging Local Plan, however, that Plan has not been adopted and is given less weight than the “made” Neighbourhood Plan, which is to be afforded full weight.

- 6.8 Whilst this site is not referenced as contributing to the Parish’s housing supply and is not allocated for housing in Policy H1: Residential Site Allocation of the Neighbourhood Plan, Policy H5: Windfall Sites makes provision for infill development comprising individual dwellings or small groups of dwellings within the settlement boundary, subject to specific criteria being met. Similarly, CS1 supports small scale opportunities within settlement boundaries and supports the provision of affordable housing in other settlements. The proposals are for 57 dwellings and therefore not considered to be within a reasonable interpretation of “individual dwellings”, “small groups” or “small scale” such that the proposals are considered to conflict with Core Strategy Policy CS1 and Policy H5 of the Neighbourhood Plan.
- 6.9 On the basis that these proposals are not small scale then the principle of the development is not considered to be supported by the Development Plan or the Neighbourhood Plan and the resultant conflict with Core Strategy Policy CS1 and Neighbourhood Plan Policy H5. is to be considered in the context that the NPPF seeks to significantly boost the supply of housing.
- 6.10 The emerging Local Plan is in an advanced stage and while not forming part of the Development Plan, it is a material consideration in the determination of applications. The emerging Local Plan designates the site as being in the countryside where development would only be permitted in specific circumstances. While the site would be contrary to the principles of the emerging Local Plan, it is noted that the delivery of the site has been included in the housing trajectory, such that it contributes towards Charnwood’s stated current delivery of 4.27 years housing land supply (when calculated in relation to providing 4 years housing land out of a 5 year housing land supply requirement, 4.49 years if the 5% buffer is not applied) and would also be taken into account as part of Charnwood’s ability to demonstrate a 5 year housing land supply should the emerging Local Plan be adopted. This is a relevant material consideration that must be considered in the determination of this application and in the context that the NPPF seeks to significantly boost the supply of housing.
- 6.11 In summary, when compared to the assessment which informed the resolution in October 2022, the proposals are now considered to be in the settlement boundary of an “other settlement” where the principle of development to provide at least 500 dwellings across all “other settlements” is supported, subject to all other provisions of the Development Plan being satisfied, including the provision of CS1 to *“responding positively to small-scale opportunities”* and *“responding positively to affordable housing”*. The Neighbourhood Plan is the newest part of the Development Plan and stipulates that while development in the settlement boundary is supported, it is expected to be provided on those allocated sites or be windfall, with windfall

stated as “*individual dwellings or small groups*”. These proposals are not considered to present a small scale or small group of dwellings and therefore there is a conflict with Core Strategy Policy CS1 and Policy H5 of the Neighbourhood Plan.

7 Emerging Local Plan policy

- 7.1 Further to the assessment provided in the October 2022 reports, it is necessary to consider if the increased weight to relevant emerging policies is a material change that would affect the planning balance. The relevant emerging policies are considered below (summary table of Officer opinion – changes to policy weight that may impact the planning balance are highlighted in bold):

Policy	Policy summary	Weight	Assessment if this impacts the planning balance and if conditions are required
DS1 Development Strategy	Supports dev within limits. Cossington is one of the “other settlements”.	Limited	No change to policy weight since Committee decision.
DS2 Leicester and Leics unmet needs	Local Plan review to be triggered by SoCG for apportionment of unmet needs	Limited	The proposal is not impacted by the proposed apportionment of unmet needs to the Borough.
DS3 Housing Allocations	The site is not allocated for development	Limited to moderate	The proposal site is not allocated for housing development.
DS5 High quality design	Requires high quality design	Moderate	Increased weight to the policy but does not impact the planning balance considered in October 2022.
OS1: Other settlements	Supports small scale development within defined Limits to Development	Moderate	The site is not within the defined Limits to Development proposed by the emerging Local Plan. This is matter does not outweigh the point that the site is within the settlement boundary as defined by the Neighbourhood Plan.

C1 countryside	Protect largely undeveloped character	Moderate	The site is defined as countryside.
H1 Housing Mix	Mix to accord with up to date evidence	Limited	No increased weight. This is a full application, and the housing mix has been assessed as part of the October 2022 resolution.
H2 Housing for Older People and People with Disabilities	Dev to meet building reg standards etc	Limited	No increased weight. This is a full application, and the housing mix has been assessed as part of the October 2022 resolution.
H3 Internal Space Standards	To meet standard	Limited	No increased weight. This is a full application and the space standards have been assessed as part of the October 2022 resolution.
H4 Affordable Housing	30% affordable and mix specified	Limited	40% secured via S106, as per adopted Local Plan requirement. It is noted that the supporting text to this policy includes reference to provision of First Homes as Government's preferred discount market tenure.
T3 Car Parking Standards	Standards	Limited	No increased weight. This is a full application and the parking standards have been assessed as part of the October 2022 resolution.
CC1 Flood Risk Management	Flooding	Limited	Site is flood zone 1 and flood risk was assessed as part of October 2022 resolution.
CC2 Sustainable Drainage Systems	As above	Moderate	As above CC1. The policy is met and has increased weight in the planning balance.
CC4 Sustainable Construction	Encourage measures	Moderate	Increased weight to the policy but does not impact the planning balance.
CC5 Sustainable Transport	Bus services within 400m	Moderate	Yes, within 400m.

			<p>Secured bus stop improvements and bus passes.</p> <p>The policy is met and has increased weight in the planning balance.</p>
EV1 Landscape	Protect landscape character	Moderate	<p>Matters considered in original committee report.</p> <p>The policy is met subject to the conditions in the committee report and has increased weight in the planning balance.</p>
EV2 Green Wedges	Protect areas to fulfil their function	Moderate	The site is not green wedge and general landscape impact was assessed as part of the October 2022 resolution.
EV6 Conserving and Enhancing Biodiversity and Geodiversity	Ecology	Moderate	<p>Net gain and ecological mitigation secured in S106 and by condition. The policy has been met. Increased weight to the policy in the planning balance.</p>
EV7 Tree Planting	Retain trees and new tree planting	Moderate	<p>Matters considered in original committee report.</p> <p>The policy is met subject to the conditions in the committee report and has increased weight in the planning balance.</p>
EV9 Open Spaces, Sport and Recreation	On and off site open space in accordance with standards	Moderate	<p>On-site and off-site provision secured in S106 and via condition. The policy has been met. Increased weight to the policy in the planning balance.</p>
EV10 Indoor Sports Facilities	Seeks indoor sports contributions based upon need and evidence.	Moderate	<p>Indoor sports not secured as request not considered CIL compliant.</p> <p>Increased weight to the policy in the planning balance.</p>

EV11 Air Quality	Support development that does not lead to significant air quality impacts.	Moderate	Condition 15 secures a construction traffic management plan. Increased weight to the policy in the planning balance.
INF1 Infrastructure and Developer Contributions	Mitigate development impacts through S106/S278 agreements.	Limited	S106 secured. No change to weight in the planning balance.
INF2 Local and Strategic Road Network	Mitigate transport impacts of development on local and strategic road network.	Limited	Highways contributions secured in the S106. No change to weight in the planning balance.

8 Housing Mix (Affordable Housing)

- 8.1 Since the resolution at the Plans Committee held in October 2022 the associated S106 has been developed which includes provision for affordable housing. This is based on 40% (23 Homes) affordable housing on the site at a mix of 77% affordable rent and/or social rent (17 units) and 23% (6 units) shared ownership.
- 8.2 NPPF paragraph 65 states that “*Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership*”. Within the NPPF Annex 2 Glossary Shared Ownership is recognised as a form of affordable home ownership so this configuration within the s106 meets national policy.
- 8.3 Planning Practice Guidance states that “*A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations*”. This would mean that 3 of the affordable homes provided on the site should be First Homes (i.e. 25% of total provision of 12 affordable units). However, the HENA update June 2022 states in Section 9.38 – ‘The analysis and discussion (above) suggest that there are a number of households likely to fall under the PPG definition of needing affordable home ownership (including First Homes) – i.e. in the gap between renting and buying – but that the potential supply of low-cost housing to buy makes it difficult to fully quantify this need’.

- 8.4 It is also noted that the supporting text to emerging Local Plan policy H4 states that “First Homes are the Government’s preferred discount market tenure.” While not included in the associated policy wording, this is noted as a material consideration that First Homes will expected be discount market tenure to be provided as part of a mix of affordable housing. Limited weight can be given to this matter in accordance with NPPF (2023) paragraph 48.
- 8.5 The developer agrees that there is not a need for First Homes in the Borough and therefore are content to provide the 40% in the mix as set out above (i.e. affordable rent and shared ownership), to meet the Borough’s needs.
- 8.6 On this basis it is considered that grounds exist to depart from the published Guidance and NPPF paragraph 6. Such Guidance is a material consideration but carries only limited weight and it is inconsistent with the Development Plan. The absence of provision of First Homes within the s106 is considered to be a minor factor in the overall planning balance and is outweighed by a configuration of affordable housing that is tailored to meet identified local needs, in compliance with adopted policy.

9 Healthcare

- 9.1 The general provisions for healthcare were considered as part of the October 2022 reports. The resultant resolution was based on heads of terms including provision of £17,888.31 towards the provision and enhancement of facilities at The High Gate Medical Centre.
- 9.2 Subsequent comments from the Integrated Care Board update the requested contributions and have corrected the formula used when requesting the previous contributions. Based on the updated calculation, a contribution of £44,140.80 is now requested.
- 9.3 The general principle for Section 106 contributions to be secured to increase healthcare provision to accommodate the growth arising from this development remains in accordance with local and national policies, albeit that the recommendation is proposed to be updated to reflect the latest requests and those details which have been developed through drafting of the Section 106. Recommendation A is amended to suit. The applicant has agreed to this contribution.

10 Conclusion

- 10.1 For the reasons set out above, and contrary to the considerations presented to Plans Committee in October 2022, the Council can now demonstrate an adequate housing land supply such that the “tilted balance” of NPPF paragraph 11d no longer applies

to this proposal. The application therefore falls to be determined based on the adopted Development Plan, including policies of the Core Strategy, saved policies of the Local Plan and the recently “made” Cossington Neighbourhood Plan. Some weight can be given to the policies of the emerging Local Plan, subject to the level of outstanding issues related to each draft policy.

- 10.2 The key policies for this development, including CS1, CS3 and CS11 of the Core Strategy, are considered to be up to date and can be given full weight. Core Strategy policy CS1 is read with policies ST/2 and CT/1 which are considered to be out of date and can be given limited weight. Cossington Neighbourhood Plan policies are up to date, and particular consideration is given to Policy H2: Settlement Boundary and Policy H5: Windfall Sites.
- 10.3 The October 2022 reports provided an assessment of the impact of the development on the surrounding area and those considerations relating to design, layout, landscaping and access, for example, are unchanged in light of the current Development Plan policies. However, contrary to the October 2022 reports, the site now falls within the settlement boundary of an “Other Settlement”, as defined by the Cossington Neighbourhood Plan, where the principle of development to provide “at least” 500 dwellings across all “Other Settlements” is accepted, subject to all other policy considerations being met.
- 10.4 While the principle of development within an “Other Settlement” is acceptable, this is subject to other criteria being satisfied, including those set by Core Strategy CS1 and Neighbourhood Plan Policy H5 which restrict development to “small scale”, “individual dwellings” or “small groups”. As a proposal for 57 dwellings this application does not satisfy a reasonable interpretation of “small scale” such that there is a conflict with up-to-date policies of the Development Plan.
- 10.5 It is noted that an underlying principle of the NPPF is to significantly boost housing supply and that the Council’s ability to satisfy NPPF paragraph 226, with its requirement to demonstrate an adequate housing land supply, is in part due to the inclusion of this site as contributing to the supply of housing over the coming 5 years. As such, it is material consideration that the potential refusal of this application would detract from Charnwood’s ability to demonstrate adequate housing supply when considering future applications and could compromise the potential for Charnwood to demonstrate a housing land supply in the future.
- 10.6 The site is within a settlement boundary of an “Other Settlement” and would contribute to provision of “at least” 500 dwellings across all “Other Settlements”, in accordance with CS1. However, while the principle of development within a settlement boundary is acceptable, the proposals are not “small scale” such that there is a conflict with Core Strategy CS1 and Neighbourhood Plan Policy H5. This harm is taken in the context that the NPPF supports the general provision of housing.

- 10.7 The Planning and Compulsory Purchase Act 2004 Section 38(6) requires that a planning application is determined in accordance with the plan unless material considerations indicate otherwise. In this instance, there is conflict with the adopted development plan. However, when considering the relevant material considerations, it is also taken into account that the site makes an important contribution towards Charnwood's ability to demonstrate an adequate supply of housing such that this is a factor that tips the balance in favour of approving the application.

11 RECOMMENDATION

- 11.1 The recommendation therefore comprises reiteration of that conveyed in the main report of October 2022 (Appendix 1), with update in respect of the Heads of Terms for Healthcare and minor amendments to conditions (underlined) as follows:

RECOMMENDATION A

That authority is given to the Head of Planning and Growth and the Head of Democracy and Monitoring Officer 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	<ul style="list-style-type: none">• £291,860.40 to fund the provision or enhancement of primary school facilities at Cossington Primary School to meet the needs of the development.• £158,220.48 to fund the provision or enhancement of facilities at Humphrey Perkins Secondary School.
Libraries	<ul style="list-style-type: none">• £1,660.00 contribution towards the enhancement of Sileby Library.
Open Space	<ul style="list-style-type: none">• An on-site multi-function green space (minimum 0.04ha)• An on-site natural and semi open space (minimum 0.27ha)• An on-site amenity green space (minimum 0.06ha)• An on-site LEAP facility• A £54,377.00 contribution towards young people's provision in Cossington• 0.36ha on-site provision or a £18,801.00 contribution towards off-site outdoor sports facilities• 0.05ha on-site provision or a £6,437.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington

Affordable Housing	<ul style="list-style-type: none"> 40% (23 Homes) affordable housing on the site at a mix 77% (17) affordable rent and/or social rent and 23% (6) shared ownership.
NHS	<ul style="list-style-type: none"> £44,140.80 towards the provision and enhancement of facilities at The High Gate Medical Centre.
Highways	<ul style="list-style-type: none"> Travel pack for the first occupation of each new dwelling to promote sustainable transport choices. Developer can elect whether to provide the Travel Packs or pay a contribution of £52.85 per Dwelling to fund provision by the County.
Waste Services	<ul style="list-style-type: none"> £2,945.00 towards increasing capacity at the existing waste facility in Mountsorrel.
Biodiversity mitigation	<ul style="list-style-type: none"> £128,245.00 towards off-site biodiversity mitigation within the vicinity of the development.
Community facilities	<ul style="list-style-type: none"> £87,500.00 towards the provision of community hall facilities in the village.

RECOMMENDATION B:

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

Conditions

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:

Drawing Title	Drawing Number
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2275-01 Location Plan	2275-01
2275-02 Topographical Survey	2275-02
2275-03 Site Layout	2275-03 Rev 0
2275-03-02 Site Layout	2275-03-02 Rev T
2275-04 Materials Layout	2275-04 <u>Rev F</u>
2275-05 Accommodation Plan	2275-05 <u>Rev E</u>
2275-06 External Surfacing Plan	2275-06
2275-07 Means of Enclosure	2275-07
2275-08 Affordable Housing Plan	2275-08 <u>Rev F</u>
2275-09 Refuse Strategy Plan	2275-09
2275-10 Parking Strategy Plan	2275-10
2275-12 Development Visuals	2275-12 <u>Rev G</u>
2275-16 Sectional Elevations	2275-16 <u>Rev G</u>
2275-DAS Addendum	
2275-765	2275_20 <u>Rev B</u>
2275-875	2275_21 <u>Rev C</u>
2275-928	2275_22 <u>Rev C</u>
2275-928 R	2275_23 <u>Rev B</u>
2275-928-875 Semi	2275/ <u>Rev B</u>
2275-928-875 Special	2275/ <u>Rev B</u>
2275-928 V	2275_24 <u>Rev B</u>
2275-1079	2275_25
2275-1365-SH1	2275_26 <u>Rev A</u>
2275-1365-SH2	2275_27 <u>Rev B</u>
2275-1365 VR-SH1	2275_28
2275-1365 VR-SH2	2275_29
2275-1150	2275/ <u>Rev B</u>
2275-1399-SH1	2275_30 <u>Rev B</u>
2275-1399-SH2	2275_31 <u>Rev B</u>
2275-SH1-Plot 47-50	2275/
2275-SH2-Plot 47-50	2275/
2275-1489-SH1	2275_32 <u>Rev B</u>
2275-1489-SH2	2275_33 <u>Rev C</u>
2275-1489 R-SH1	2275_34 <u>Rev A</u>
2275-1489 R-SH2	2275_35 <u>Rev A</u>
2275-1489 VR-SH1	2275_36
2275-1489 VR-SH2	2275_37
2275-1489 V-SH1	2275_38
2275-1489 V-SH2	2275_39
2275-1531 SH1	2275_40 <u>Rev B</u>
2275-1531-SH2	2275_41 <u>Rev B</u>
2275-1650-SH2	2275/ <u>Rev C</u>

2275-1650-R	2275/ <u>Rev B</u>
2275-2172-Plot 1	2275/ <u>Rev A</u>
2275-2172-Plot 48	2275/ <u>Rev A</u>
2275-1752 Plot 1-SH1	2275_42
2275-1752 Plot 1-SH2	2275_43
2275-1752-SH1	2275_44
2275-1752-SH2	2275-1752-SH2
2275-Substation	2275_55
2275-AH-740-546 Plot 37-38	2275_46
2275-AH-740-546	2275_47 <u>Rev B</u>
2275-AH-755-25-29-38-A	2275/ <u>Rev B</u>
2275-AH-755	2275_48 <u>Rev B</u>
2275-AH-775	2275_49 <u>Rev B</u>
2275-AH-910	2275_50
2275-AH-916-Plots 36 41 56	2275-51 <u>Rev B</u>
2275-AH-916	2275/ <u>Rev B</u>
2275-Garage-01	2275_52
2275-Garage-02	2275_53
2275-Garage-03	2275_55
2275-Garage-04	2275_52
2275-Sales	2275_54

REASON: To define the terms of the planning permission.

- Notwithstanding the submitted details, prior to any part of the development reaching Damp Proof Course level or above, details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development shall be submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory in accordance with policies CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Policy DS5 of the emerging Charnwood Local Plan 2021 -37, Design SPD and the NPPF 2023.

- Notwithstanding the submitted details, within two months of the commencement of development a scheme for the treatment of the application site boundaries and internal plot boundaries shall be submitted in writing to the local planning authority for approval.

REASON: To ensure the satisfactory, overall appearance of the completed development and to preserve residential amenity in accordance with policies CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood

Local Plan (2004), Policy DS5 of the emerging Charnwood Local Plan 2021 -37, Design SPD and the NPPF 2023.

5. No dwelling shall be occupied until such time as the screen walls/fencing on its boundaries approved in accordance with condition 4 above have been completed, in accordance with the design and specification shown on the approved details.

REASON: To provide a satisfactory level of privacy for the occupiers of the new dwellings and to ensure the satisfactory appearance of the completed development in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

6. Prior to the occupation of the final dwelling hereby permitted, the scheme for the treatment of the application site boundaries approved in accordance with condition 4 shall be fully completed in accordance with the approved details and shall thereafter be retained and maintained as such at all times.

REASON: To ensure the satisfactory, overall appearance of the completed development in accordance with CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

7. No development, including site works, shall start on the site until details of existing and proposed levels, including ground levels, finished floor levels of all dwellings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the local planning authority. The development shall thereafter only be carried out fully in accordance with the approved details.

REASON: To make sure that the development is carried out in a way which is in character with its surroundings in accordance with CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

8. Notwithstanding the submitted details, within two months of the commencement of development, a landscaping scheme, to include 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;
 - 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.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed in accordance with CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

9. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011-2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

10. 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, public open spaces/play areas/tree planting areas and other incidental open spaces, 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.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011-2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

11. Notwithstanding the submitted details, no dwelling shall be occupied until such time as details of the way in which the open space, recreational and play facilities are to be laid out and landscaped, including details of any buildings or structures to be erected, have been submitted to and agreed in writing by the local planning authority.

REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity in accordance with policies CS2 and CS11 of the

Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

12. The open space, recreational and play facilities shall be laid out and landscaped in accordance with the details agreed under the above condition, before the first occupation of the last dwelling on the site. The open space, recreational and play facilities shall thereafter be retained and maintained as such at all times.

REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

13. The existing hedges and trees located within the application site boundaries and shown to be retained on the approved layout drawing no. 2275/03/02 rev O shall be retained and maintained at all times. Any part of the hedges and trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants and trees 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, for a period of 5 years from the date the development begins.

REASON: The hedges and trees are an important feature in the area and its retention is necessary to help screen the new development in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

14. 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 and trees shall be protected in the agreed manner for the duration of building operations on the application site.

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 policies CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

15. 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.

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 policies CS2 and TR/18 of the Development Plan and NPPF (2023).

16. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawings Figure 2.1 and Figure 4.1 of the submitted Transport Assessment Ref: P/20-3138/TR03 dated February 2022 have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

17. No part of the development shall be occupied until such time as the offsite works shown on Proposed Access Arrangement drawing number Figures 2.1 and 4.1 of the submitted Transport Assessment Ref: P/20-3138/TR03 dated February 2022 have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

18. No dwelling shall be occupied until such time as its parking and turning facilities have been implemented in accordance with Proposed Site Layout drawing number 2275/03/02 Rev 0. 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 (2023).

19. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried

out in accordance with these approved details and completed prior to first occupation of the development.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policy CS16 of the Core Strategy, Policy CC1 of the Emerging Charnwood Local Plan 2021-2037 and the National Planning Policy Framework (2023).

20. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with policy CS16 of the Core Strategy, Policy CC1 of the Emerging Charnwood Local Plan 2021-2037 and the National Planning Policy Framework (2023).

21. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with policy CS16 of the Core Strategy, Policy CC1 of the Emerging Charnwood Local Plan 2021-2037 and the National Planning Policy Framework (2023).

22. 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.

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 policy CS16 of the Core Strategy, Policy CC1 of the Emerging Charnwood Local Plan 2021-2037 and the National Planning Policy Framework (2023).

23. The development shall only be carried out fully in accordance with the following recommendations for noise mitigation as set out in the submitted M-E-C Acoustic Air (26281-04-NA-01 rev B) Noise Assessment Report:

- Acoustic fencing for the dwellings with garden areas with an unscreened or partial unscreened angle of view to the roads as shown on drawing 26281_04_120_02 in Appendix E
- The provision of appropriate glazing and ventilation in accordance with the design criteria set out in tables 11 and 12 of the noise report to the dwellings within 17m of the carriageway edge of Syston Road and 10m away from the carriageway edge of Main Street.

REASON: To enable internal noise criterion to be met in the interests of preserving residential amenity in accordance with policy CS2 of the Core Strategy and paragraph 185 of the NPPF (2023).

24. Prior to the commencement of development, including site works, a Dust Management Strategy shall be submitted and approved in writing by the local planning authority. The submitted strategy shall make provision for off-site dust to be minimised. The development shall thereafter only be carried out in accordance with the provisions of the approved dust Management strategy.

REASON: To prevent off-site dust becoming an annoyance to existing residents in the interests of preserving residential amenity in accordance with policy CS2 of the Core Strategy and policy DS5 of the Emerging Charnwood Local Plan 2021-2037.

25. No development shall take place until a programme of archaeological work which includes a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and method
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for the publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation.

REASON: To make sure that any heritage assets are appropriately recorded and/or protected to allow compliance with policies CS14, policy EV8 of the Emerging Charnwood Local Plan 2021-2037 and the advice within the NPPF (2023).

Site Plan



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Item No.1

Application Reference Number P/21/1446/2

Application Type:	Full	Date Valid:	07/07/2021
Applicant:	Spitfire Homes		
Proposal:	Erection of 57 dwellings, alterations to existing access, and associated works.		
Location:	102 Main Street, Cossington, Leicestershire		
Parish:	Cossington	Ward:	Sileby/Wreake Villages
Case Officer:	Louise Winson	Tel No:	07864 603398

This further report is presented to the Plans Committee following the resolution to defer the determination of the application until the next available Committee. The discussions at the previous Plans Committee meeting resulted in the following issues being raised:

- The loss of the No.2 bus service to the village
- Whether Cossington is a sustainable village for development

The item was deferred to allow for officers to discuss these issues with the Leicestershire County Council Highway Authority. A copy of the committee report presented to the September committee is reproduced in Appendix A.

The No.2 Bus Service

The Highway Authority have confirmed there are currently no plans to reinstate the service either by the County Council or a private company. At the time of writing this report, discussions regarding public transport options are ongoing with the Highway Authority. The outcome of this will be reported to the Plans Committee via the Extras Report.

Sustainability Matters

Policy CS1 of the Charnwood Core Strategy Sets out a development strategy for the Borough that includes a settlement hierarchy. The purpose of the policy is to sequentially guide development towards the most sustainable settlements. Within the settlement hierarchy, Cossington is identified as an “other settlement” where a limited level of housing growth, which is predominantly small scale and within limits to development, is acceptable. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment.

It is acknowledged that 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, Charnwood cannot currently demonstrate the required 5yrs supply of

housing land with the figure being at just 3.04 years. The Borough's Housing requirement from 1st April 2022 is 1,160 new homes per annum. 200 new homes have been approved since 1st April by the Local Planning Authority, with a further 220 granted by the Planning Inspectorate through the appeals process at Iveshead Road Shepshed and Cossington Road, Sileby. This represents a significant shortfall in the approval of units to provide a five year supply and to meet the housing requirement at this point in the financial year.

Given the current lack of a 5 year supply of housing land, policy CS1 of the Core Strategy must be considered to be out of date, therefore paragraph 11(d) of the National Planning Policy Framework is engaged which sets out the presumption in favour of sustainable development and 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. Recent appeal decisions have been instructive in guiding the Local Planning Authority in making this judgement. When considering the appeals at Shepshed and Cossington Road, the Inspectors identified harm in each case but concluded that the benefits of providing new homes in the Borough at a time of such a shortfall of supply outweighed any identified harms, in line with the provisions of the Framework.

The development of a settlement hierarchy for the Borough is based upon the evidence gathered in Charnwood Settlement Hierarchy (updated October 2020). This assessment identifies the range of services and facilities within individual settlements in the Borough and places them into the hierarchy.

The assessment sets out a number of essential and desirable services and facilities which are considered to be most important to meet people's day to day needs. These are shown in the table below:

Essential	Desirable
Food Shop	Higher Order Services Access
Primary School	Secondary School Access
Employment Access	Doctors Surgery
High Speed Broadband	Range of recreation, leisure and community facilities
	Post Office
	Pharmacy
	Pre-school care provision

The assessment defines 'other settlements' as those which have some of the services and facilities to meet the day to day needs of the community. The requirement for a settlement to fall into this category is clearly set out in the assessment as having at least two essential services and facilities within the settlement. Cossington benefits from a primary school and broadband facilities and therefore meets with the minimum requirements for an 'other settlement'. The loss of the bus service does not assist with the sustainability of the settlement but it does not affect the position of the village in the settlement hierarchy: sustainability (for the purposes of suitability for residential development) does not depend upon the presence or absence of a bus service, nor its quality.

The village also benefits from a number of the desirable criteria in that it is within walking distance to the service centre of Sileby and has a range of recreation, leisure, and community facilities. These facilities include a recreation/sports ground, church and public house.

The policies set out in the main agenda item to control housing supply in the Borough are out of date meaning paragraph 11(d) of the Framework is engaged. An assessment must therefore be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal. This assessment is carried out in the main agenda report, which, whilst some harm is identified, concludes that this does not significantly or demonstrably outweigh the benefits of the proposal. The loss of the bus service to the village does not result in exacerbating the harm to such a level that it outweighs the provision of housing at the time of a critical need in the Borough.

Recommendation:

No change to the officer's recommendation that planning permission should be granted for the development following the completion of a S106 Legal Agreement.

Appendix A: Main Agenda Report

Item No. 1

Application Reference Number P/21/1446/2

Application Type:	Full	Date Valid:	07/07/2021
Applicant:	Spitfire Homes		
Proposal:	Erection of 57 dwellings, alterations to existing access, and associated works.		
Location:	102 Main Street, Cossington, Leicestershire		
Parish:	Cossington	Ward:	Sileby/Wreake Villages
Case Officer:	Louise Winson	Tel No:	07864 603398

Background

This application has been brought to plans committee as it relates to a major housing development, outside current limits to development, is considered a departure from the Development Plan and is recommended for approval. The application has also been called in by Ward Cllr Poland due to concerns regarding the scale of development relative to the size of the village.

Description of the Application Site

The site is situated adjacent to the southern edge of the defined limits to development for Cossington. The site is approximately 2.7 ha in size and is within Flood Zone 1. The greenfield site currently has a mixed use as paddock land to the western side and the existing residential access to The Grove, No.100 Main Street to the eastern side.

The edge of adopted Cossington Conservation Area is adjacent to the northern and eastern boundaries of the site.

The land levels are generally flat with the site having a relatively open aspect and bounded by trees and hedgerows. There is an existing hedgerow through the centre of the site which runs in a north to south direction.

The character of the adjacent surrounding area can be set out as follows:

Boundary	Description
North	Adjacent to the existing edge of the village and the south-western edge of the adopted Cossington Conservation Area. Residential properties and associated curtilage lie to the north of this boundary with Platts Lane situated beyond.
East	Main Street runs along this entire boundary, a section of which is within the adopted Cossington Conservation Area. There is an existing hedgerow and a section of wall along this boundary which is interrupted by the existing vehicular access. Situated beyond Main Street on the eastern side are two residential properties and agricultural land.
South	Syston Road runs along this entire boundary with agricultural land beyond. The boundary is formed of mature trees and hedgerows.
West	This boundary is formed of mature trees and hedgerows with agricultural land beyond.

The site is located within the Soar Valley Landscape Character Area, however there are no specific landscape designations for the site. The site is within an area of archaeological interest and a mineral consultation zone for sand and gravel.

Description of the Proposal

This full planning application seeks permission for the erection of 57 dwellings with associated works to include sustainable drainage features, public open space and areas for play. The main access into the site would be off Main Street via the existing access to the site, improvements to which are proposed at this time. A secondary access off Main Street is also proposed towards the northern edge of the site to provide access to four proposed dwellings fronting the eastern boundary and the existing residential dwelling to the north.

The proposed density of the development would be 32 dwellings per hectare, with 40% affordable housing proposed. The design and layout of the scheme has been amended following negotiations with officers. The amended plan submitted makes provision for the dwellings to be accessed from an internal road network formed of a main access road off Main Street. Parcels of housing would be situated off spurs from this main access road. A number of plots towards the outside edges of the development would be accessed via private drives to lessen the need for more engineered roadways.

The plans show the retention of the existing boundary treatments and hedgerows within the site other than where the new access road would break through the existing hedgerow to the east. This eastern hedgerow would also require trimming works to facilitate the improvements to the existing access to serve the development.

Large areas of open space would be concentrated to the southern and western edge of the development to provide a green edge to the site. A naturalistic timber trim trail play area is proposed to the west. Sustainable drainage features including swales and a balancing pond are proposed adjacent to the western boundary and to the north of the site.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

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

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

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

Policy CS11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Minerals and Waste Local Plan (2019)

Policy M11 Safeguarding of Mineral Resources

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. 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 Needs Assessment (HENA) – 2022

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

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'.

Technical Housing Space Standards (2015)

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

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 2019-37

This document was submitted for examination in December 2021. It sets out the Council's strategic and detailed policies for the plan period 2019-37. A number of hearing sessions have been held on some matters in June 2022. An adjournment of hearing sessions is underway to address the specific matter of Leicester's unmet need. Following the further consideration of this issue by the Council and the Planning Inspectorate it is expected that hearing sessions will resume later this year. At this stage the emerging Local Plan is given limited weight in the assessment of this application.

Planning Guidance for Biodiversity June 2022

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

Consultation Responses

The table below sets out the responses that have been received from consultees with regards to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire Lead Local Flood Authority - LCC	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable. A number of conditions are recommended to be attached to any grant of planning permission.
Housing Strategy & Support CBC	Seeks 40% (23 Homes) affordable housing on the site at an appropriate mix and with 77% for affordable rent and/or social rent and 23% shared ownership.
Leicestershire County Council – Highways	Raises no objections to the proposal subject to a number of conditions to provide the following: <ul style="list-style-type: none">• Construction Management Plan• Access and Visibility• Parking and Turning Facilities The following developer contributions are also sought:

	<ul style="list-style-type: none"> The provision of travel packs for each dwelling to promote sustainable travel options.
Leicestershire County Council - Education	<ul style="list-style-type: none"> Primary School Sector - Confirms that Cossington Primary School has a net capacity of 105 and 159 pupils are projected on the roll should this development proceed; a deficit of 54 pupil places after taking into account the 16 pupils generated by the development. There are currently 39 pupil places at this school being funded by S106 Agreements secured from developments elsewhere. The overall deficit including all schools within a two mile walking distance of the development is 86 pupil places. The 16 pupil places generated by this development cannot therefore be accommodated at nearby schools a claim for an education contribution of 16 pupil places (£291,860.40) in the primary sector is justified. The contribution would be used towards the provision or enhancement of facilities at Cossington Primary School. <p>Secondary School Sector - Confirms that the site falls within the catchment area of Humphrey Perkins School which has a net capacity of 900 and 1042 are projected should this development proceed; a deficit of 142 pupil places. 65 pupil places are included in this forecast from S106 Agreements from other developments in the area and have been deducted, reducing the overall deficit to 77 pupil places. In order to provide the additional secondary school places generated by the development a £158,220.48 contribution is sought. The contribution would be used to improve, remodel or enhance the existing facilities at Humphrey Perkins School.</p> <ul style="list-style-type: none"> Post 16 Sector - It is confirmed that no contributions are required from this sector. Special Needs School Sector - It is confirmed that no contributions are required from this sector.
Leicestershire County Council - Libraries	Seeks a £1,660.00 contribution towards the enhancement of Sileby Library.

Leicestershire County Council - Waste Management	The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be able to be accommodated at the existing waste facility in Mountsorrel. As such a developer contribution of £2,945.00 is required.
CBC Environmental Health	Raises no objection subject to conditions requiring a site dust management plan and noise mitigation measures due to the proximity of the proposed dwellings to Cossington Road and Main Street.
Cossington Parish Council	<p>Objects to the application on the following grounds:</p> <ul style="list-style-type: none"> • The width of the existing footpath from the development into the village is too narrow. Given the development contains family homes this will lead to children being very close to the road especially with no chance of pushchairs etc. passing without going onto the road in certain parts. • The only walking exit from the development requires the crossing of Main Street. This will be dangerous at many times of the day but especially at peak times and night times. • The junction of Main Street and Syston Road floods regularly and is the location of many accidents given the speed traffic exits Syston Road onto Main Street. The development can only increase this risk. • The location of the access is close to the junction of Main Street and Syston Road. Although this is an existing access, it currently only serves 1 dwelling not 57. • The size of the development is out of scale for Cossington. The proposed 57 houses would increase the size of the village by over 30% and change the nature of the historic village and conservation area. • The village does not have the capacity within the school to accommodate the number of children likely to be living on the development. This will increase the traffic through the village because the only other alternative is for children to be taken to other schools outside of the village. • Concerns over the ability of the existing foul water system to cope with the increased flow generated by the development. • Should the development be given approval then this will put even more pressure on infrastructure.

	A S106 contribution of £87,500.00 towards community facilities is requested.
Charnwood Open Spaces	<p>Seeks the following contributions:</p> <ul style="list-style-type: none"> • An on-site multi-function green space (minimum 0.04ha) • An on-site natural and semi open space (minimum 0.27ha) • An on-site amenity green space (minimum 0.06ha) • An on-site LEAP facility • On-site provision or a £54,377.00 contribution towards young people's provision in Cossington • 0.36ha on-site provision or a £18,801.00 contribution towards off-site outdoor sports facilities • 0.05ha on-site provision or a £6,437.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington • An indoor sports contribution to consist of £25,926.00 towards swimming pool facilities, £25,051.00 towards indoor court facilities and £3,699.00 towards indoor bowls rink facilities
NHS CCG	Seeks a contribution of £17,888.31 towards the provision and enhancement of facilities at The High Gate Medical Centre.
Leicestershire Police	Raises no objection. Makes design suggestions to limit opportunities for crime.
Severn Trent	No objections with informative suggested.
Ward Cllr Poland	<p>Objects to the application for the following reasons;</p> <ul style="list-style-type: none"> • Scale of development too large and out of character with the village • Unsustainable development due to lack of services and facilities within the village • Additional pressure of local services • Impact on the Conservation Area • Removal of trees and a wall within the Conservation Area • Impact on the Sewers

Other Comments Received

28 letters of objection in total have been received from local residents. 12 of these letters were received in response to the amended plans. Objections raised are summarised as follows:

- The development is in an unsustainable location
- The loss of the bus service
- Highway safety
- Pedestrian safety
- Unacceptable impact on Heritage
- Traffic congestion
- Pressure on existing infrastructure and services
- Scale and design
- Inappropriate location of swales
- Impact on Cossington Meadows Local Wildlife Site
- Loss of a greenfield site
- Impact on ecology/loss of habitat
- Loss of trees
- There is no need for extra housing in the village
- Impact on the countryside/landscape
- Flooding/drainage
- Lack of services and facilities in the village to accommodate the new residents

Relevant Planning History

There have been no planning applications on the site which are specifically relevant to the current application.

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 Minerals and Waste Local Plan (2019). It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

As the Core Strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.04 years), and as a result,

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

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

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

The main issues are considered to be:

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

The Principle of the Development

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

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

The development is at odds with these housing supply policies as it comprises a large-scale development that is outside the limits to development and does not meet the criteria in policy CT/1. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, it should be recognised the proposal would result in the provision of 57 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 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. This weighs against the proposal. The identified conflict with the Development Plan can however be considered within the overall planning balance for the proposal, and weighed against the benefits.

Housing Mix

Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 57 units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this 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 Leicester & Leicestershire Housing and Economic Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

Affordable rented	
1 bed & 2 bed	60-75%
3 bed	20-30%
4+ bed	upto10%
Market	
1 bed	Up to 10%
2 bed	20-30%
3 bed	45-55%
4+ bed	15-25%

It is acknowledged that the proposed housing mix does not fully comply with the provisions of the HENA. However the provisions of the HENA are for guidance to assist in the judgement of the application and the planning balance, and does not form part of the Development Plan. Conversely, the provision of 23 affordable units is considered to be a significant benefit of the scheme which should be given positive weight within the planning balance. The Borough Council's Housing Strategy and Support Officer has assessed the proposal as submitted and is satisfied with the proposed housing mix.

Landscape and Visual Impact

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

The application is supported by a Landscape and Visual Impact Assessment which concluded that the relatively flat site appears to nestle within the mature landscape setting and is not especially distinctive in landscape terms. There is no public access to the land and it therefore has limited recreational value.

There are no specific landscape designations for the site. The site is located within The Soar Valley Landscape Character Area, an area noted for its flat wide river floodplain with rising valley sides. The river floodplain creates the recognisable character of the Soar Valley, a pastoral landscape of fields and wetlands with recreational facilities and wildlife areas. The valley slopes enclose it and add diversity with their variety of vegetation and land use or settlements and industry. The area to the north, east and south of the site is rural in nature, with the addition of the main midland railway line to the east which breaks up the immediate landscape in this locality. The area has sparse woodland cover. The strength of the landscape character is of moderate quality, and the landscape condition is moderate. The guidelines are to generally conserve and enhance the pastoral landscape of the floodplain and maintain the current balance between the urban and rural character of the valley.

The site lies in open country outside of the settlement limits. Its characteristic as a flat open field is consistent with the character of the Soar Valley landscape area. The site would be readily visible from Syston Road to the south and Main Street to the East. There are dwellings interspersed along Main Street to the east and to the north of the site, meaning the development would not appear as an isolated development separate to the village. The visual impact of the development from public areas would also be lessened to some degree by the existing hedgerows around the site which are to be retained.

It is necessary to consider whether the development would be harmful to the overall purpose, integrity or character of the Soar Valley Landscape Area.

The wider open countryside is situated at a similar landform to the site which affords

limited opportunity for a visual vantage point across the village. Where there are elevated landforms, the existing mature landscape features limits any direct views of the site. The character of the village could be described as being extensively vegetated which gives the village a nestled character when seen from the wider landscape area. This, along with intervening built form generally screens direct views of the site from the village. The field pattern to the west and north of the village is small to medium scale and enclosed by extensive hedging and trees. This results in a layered effect which filters direct views of the site. To the south there are extensive woodland blocks surrounding the water bodies and enclosing the River Wreake Towpath, this further reduces direct views of the site from the wider landscape area.

The submitted layout makes provision for a main and secondary access road onto Main Street. The existing hedge along this boundary would be retained other than where it would need to be trimmed to accommodate the access points. The secondary access point towards the north would also require the removal of a section of wall. Green infrastructure would be mainly be provided to the western side of the site to provide a softer, more rural edge to the development next to the adjacent open countryside. The existing green boundaries to the site will be retained and would be strengthened with additional hedge and tree planting. Given the location of the parcels of housing land would be generally away from the southern and western edges of the site, the existing rural appearance of the village from Syston Road to the south would not be completely lost. The appearance of the development can also be somewhat mitigated through careful landscaping provision along the edges of the site. This could be secured via appropriately worded conditions.

Whilst it is acknowledged that there would be some significant changes to the immediate appearance of the landscape through the development of housing on agricultural land and provision of the access points onto Main Street, it is considered that the resultant effects would be relatively localised and of limited overall landscape impact. This could be mitigated with additional planting to be secured through the recommended conditions.

It is therefore concluded that the overall long term impact on the landscape character of The Soar Valley would not be so significant as to change the overall character of the area or fail to comply with the guidelines of the landscape character appraisal. Whilst it should be acknowledged that there would be some limited landscape impacts at the site level, it is considered that the localised visual impact of the development could be mitigated following appropriate landscaping provision.

Design and Layout

Local concern has been expressed regarding the scale of the development in comparison to the size of the village. This concern has been echoed by the ward councillor for Cossington.

Policies CS2 and EV/1 seek high quality design for new development. Policies CS11 and CT/2 seek to protect landscape character and countryside. 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 submitted layout would provide for the dwellings to be accessed from an internal road network with parcels of housing situated off spurs from this main internal road. A number of plots towards the outside edges of the development would be accessed via private drives. The existing boundary treatments are to be retained other than where works are required to the eastern boundary to facilitate the access points.

Green infrastructure including a the provision of a tree belt, areas of public green space and sustainable drainage features are proposed along the western and southern site frontage. Natural play opportunities are also proposed in these areas. This will provide a green edge to the development where it is adjacent to the open countryside. A landscaped buffer is proposed along the northern boundary to create a green corridor between the open space to the west of the site and the tree lined frontage of Main Street. A circular footpath link within the site is also proposed to provide connectivity between the housing parcels and areas of open space.

The proposed layout is considered to respond appropriately to the existing character of the immediate locality of the properties along the southern end of Main Street. The proposed Main Street frontage to the development would provide properties that are set back from the street, well-spaced and accessed off private drives to reflect the established character of the area.

The proposed dwellings are orientated to provide feature plots on the more visually prominent elements of the development when viewed from the internal roads or footpaths. Dwellings are also proposed to overlook the areas of green space to provide natural surveillance to these areas.

The proposed house types include a range a semi-detached and detached dwellings ranging from 1 to 2 storeys with a mixture of differing house types peppered around the site. The dwellings would be of a generally traditional design and form with contemporary features such as linear window openings and glaze canopy porches. The materials palette proposes a mixture of red brick and render with grey roof tiles. The final details of the materials are however proposed to be secured via the recommended conditions.

With regards to soft landscaping, the proposed layout makes provision for additional planting to the areas of green space along the western and southern boundaries along with new landscaping to compliment the internal layout. Whilst this design approach is considered to be acceptable, the final details regarding the hard and soft landscaping for the site are recommended to be secured via the recommended planning conditions.

Whilst it is acknowledged that the development would result in an increase in the scale of the village, when viewed in the context of the linear pattern of the existing built form of the settlement, it is not considered that the provision of dwellings on this parcel of land would be significantly or demonstrably out of kilter with the scale of the village. The proposed layout has been arranged in negotiation with officers to ensure the development assimilates with the character of the village, reading as an

extension to the existing built form. Conditions are recommended to ensure the final appearance of the completed development is satisfactory.

Accordingly, subject to the recommended conditions, it is considered in design and layout terms the proposal complies with Policies CS2, CT/2 and EV/1 of the Development Plan along with the Design Supplementary Planning Document. This would weigh positively in the planning balance.

Heritage

The edge of adopted Cossington Conservation Area is adjacent to the northern and eastern boundaries of the site and includes the existing properties south of Platts Lane and Main Street itself and a strip of land to the east of Main Street.

When considering a development proposal within a conservation area section 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 that area. Paragraphs 199-204 of the NPPF state that when considering the impact of a proposed development on the significance or setting of a designated or non-designated heritage asset, great weight should be given to the asset's conservation.

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

- *The individuality of architectural styles and wealth of influences from different periods all found along a single street, from medieval remains and Tudor inspired details for the Gothic revival, Georgian terraces, Victorian villas and Arts & Crafts alterations;*
- *The interplay of chimneys with the tones and textures of traditional building materials which creates attractive distinctive roofscapes;*
- *The contribution of the mature trees throughout the street scene which is an uncommon feature of the Soar Valley villages;*
- *The consistency of the front boundary treatments which are often at low level and combined with open frontages ensure that buildings are relatively exposed allowing the architecture to define the streetscene;*
- *The easily discernible historic form and fabric which are not dominated or overwhelmed by infill developments*
- *The character of the area from the crossroads on Main Street with Platts Lane becomes one of more sparse development with larger houses set in larger plots, many of which are set back from the highway;*

The application is supported by a Heritage Statement (June 2021). The statement concludes that the development would not be overly apparent in the context of the Conservation Area and is compliant with the provisions of the Framework in this regard along with Policy CS14 and the Act.

The scheme would be visible from the public areas of the Conservation Area which in this case is from Main Street to the East. Views from the northern point of the

Conservation Area are not within the public domain. The provision of the secondary access point to the north would require the removal of a section of the existing red brick/stone boundary wall along Main Street. This would have some impact on the character of the Conservation Area as a result of the provision of an engineered additional access onto the highway. The provision of 57 new dwellings and associated infrastructure on agricultural land which shares two boundaries with the adopted Conservation Area would also alter the character of the setting of the designated heritage asset due to the loss of the rural landscape adjacent to the Conservation Area site boundaries.

Due to the location of the site adjacent to a Conservation Area an assessment as to the potential impact on the designated heritage assets must be made. With reference to paragraphs 199-204 of the NPPF, it is overall considered that the development would result in less than substantial harm to the significance to the designated heritage asset, that of the Cossington Conservation Area, by development within its setting. In such cases where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework requires the harm to be weighed against the public benefits of the scheme. The harm, albeit less than substantial harm, can be identified as the loss of a section of the existing boundary wall to provide the secondary access and the visual impact of the housing development on previously undeveloped land. With regards to public benefits, the development will provide 57 new dwellings, of which 40% would be affordable dwellings at a time of acute housing need across the Borough. The development also would provide public green spaces and play facilities which provides a social benefit. There would be some contribution to the local economy resulting from the construction of the development and from new residents accessing local goods and services. The provision of biodiversity mitigation and new landscape planting would provide some environmental benefits. The design and layout of the site is considered to respond positively to the immediate context of its surroundings. Details such as the final materials palette and landscaping can also be secured via the recommended conditions to ensure the completed development assimilates with the Conservation Area.

On this basis, it has been assessed that whilst the development would result in less than substantial harm to significance of the designated heritage asset, the harm is outweighed by the identified public benefits to the scheme. The proposal therefore complies with the provisions of CS14 and the NPPF along with the Act in this regard.

Archaeology

The site is situated in an archaeological alert zone. The provisions of the Framework requires development proposals which could have some impact on heritage assets with archaeological interest to be supported by an appropriate desk-based assessment. A condition requiring the completion and submission of a programme of archaeological work is therefore recommended in compliance with the provisions of the Framework.

Open Space

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

The proposed layout provides areas of green space incorporating amenity open space, along with space for a natural play LEAP facility. These areas meet the minimum size requirement of the development identified by the open spaces officer. There is, however, no on-site provision for young people's play areas, outdoor sports or allotments. A committed sum to improve facilities elsewhere within the area will be secured. An indoor sports contribution was requested but this is not sought (see below).

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

Impact on Residential Amenity

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

The development would be visible from the existing housing occupiers to the north and east of the site along Main Street. However, whilst these residents would see the proposed development there are no specific concerns identified as a result of the proposed layout regarding the preservation of existing residential amenity. The development complies with the separation distances contained within the Design SPD (2020) to prevent over-dominance and a loss of light or privacy to existing dwellings. The location of the access points and internal road network would also not result in an unacceptable level of noise and disturbance to existing residents. The areas of green space proposed are also set away from existing properties and would therefore not result in noise and disturbance concerns.

With regards to the amenities of the future occupiers of the development, the position and orientation of the proposed dwellings generally complies with the provisions of the Design Supplementary Planning Document in terms of preserving privacy, outlook and daylight. Each dwelling would benefit from an area of private amenity space along with convenient access to the areas of green space around the site.

The application has been supported by the submission of an Air Quality Assessment and Noise Assessment Report. The Council's Environmental Protection Team have been consulted in connection with the proposal and has suggested planning conditions to require mitigation/remediation measures as necessary to preserve residential amenity in this regard.

With regards to residential amenity it is overall considered that, subject to the recommended conditions, the development complies with the provisions of policies CS2 and EV/1 along with the guidance set out in the Design and Housing Supplementary Planning Documents and paragraph 174 of the Framework.

Highway Matters

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

Paragraph 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. Paragraph 112 of the NPPF seeks to promote sustainable travel choices.

Local concern has been expressed regarding the impact of the development on highway safety.

The Highway Authority has reviewed the submitted Transport Assessment and proposed plans. Their views are set out below;

Site Access

The main access to the site will be provided from Main Street at the point of the existing field access, approximately 60m from the junction of Main Street and Syston Road. A secondary access to serve the existing dwelling at No.102 and plots 7 – 10 is proposed to the north, approximately 75m from the main access point.

Main Site Access

The main access from Main Street will be formed by a simple 5.5m wide priority junction with a 2m wide footway provided to the northern to western side of Main Street to connect to a proposed informal pedestrian crossing on Main Street approximately 15m away. Visibility splays will be provided to both sides of the access which meet the requirements of the Highways Design Guide. Swept path analysis of a refuse vehicle indicates that the site access is appropriate. The LHA is overall satisfied with the arrangements proposed for the main site access.

Secondary Site Access

Following negotiations with officers regarding the design and layout of the site, the scheme was amended in part to provide a 5.5m wide secondary access to the north of the main access point to serve the existing dwelling at No.102 and plots 7 – 10. This access would also provide acceptable visibility splays in accordance with the Highways Design Guide. The LHA is content with the provision of this secondary access.

Transport Sustainability

Whilst there are no designated cycleways in Cossington village, the topography in the local area is considered generally suitable to enable cycle trips.

National Cycle Network route 48 can be accessed around 700 metres west of the site via a traffic free cycle route from Syston Road (Leicester Cycle Network Route 1; opposite Platts Lane). This passes along the River Wreake before connecting to Meadow Lane in Syston. NCN48 continues south towards Leicester City Centre and north towards Hickling. NCN48 passes close to Syston Railway Station, with around a 17 minute cycle ride from the site. Birstall Park and Ride can also be accessed in a 12 minute cycle ride via Syston Road and NCN6; an off road route which runs adjacent to the A6 Loughborough Road.

The closest bus stops to the site are the Royal Oak bus stops located approximately 380 metres walking distance to the north of the centre of the site on Main Street. This distance is within the 400m of the development so no new or enhanced bus facilities/services are required by policy CS17.

Highway Safety

Personal Injury Collision (PIC) data for the period between January 2016 and September 2021 has been submitted and reviewed. Further to this, the LHA considers that it is unlikely that the proposed development would exacerbate any existing road safety issues.

Junction Capacity

The LHA have reviewed the submitted junction capacity assessment for the Main Street/Syston Road priority junction and is content that the modelling is acceptable. The Junction is forecast to operate within capacity under all scenarios assessed.

Trip Generation, Distribution and Assignment

Based on trip generation rates extracted from the TRICS database, the proposed development is predicted to generate 39 and 45 two way vehicle trips in the morning and evening peak hours respectively. The LHA has reviewed the TRICS outputs and trip calculations, and these are acceptable.

The predicted trips have been assigned to the local highway network based on a distribution extracted from 2011 Census Travel to Work data. The LHA has spot checked the proposed distribution and assignment and is content that the trips have been assigned satisfactorily. 88% of development traffic would route to and from the south on Main Street, with the remaining 12% routing to and from the north on Main Street.

Further to the above, traffic associated with planning application reference P/20/2393/2, Land off Humble Lane Cossington, has been included in the submitted transport assessment for the current scheme. The LHA have reviewed the submitted growth rates between 2020 and 2026 and the Humble Lane development traffic and considers them to be acceptable.

Internal Layout

The development comprises 44 dwellings with up to three bedrooms and 13 dwellings with four bedrooms, equating to a parking requirement of 127 spaces for the whole site. A total of 111 car parking spaces and 32 garages are proposed at the site. A further two visitor parking spaces are also proposed along with 57 cycle parking spaces. The LHA are satisfied the parking provision is in accordance with the Highways Design Guide.

The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). In order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide. The LHA have reviewed the submitted (drawing number 2275/03/02 Rev. R Proposed site layout) and is content that any outstanding issues can be addressed as part of the formal S38 appraisal and the site is therefore considered to be to an adoptable standard.

In conclusion the proposal is considered to provide a safe and suitable access for the amount of development proposed. The internal layout and parking facilities for each plot can be provided in accordance with the requirements of the Highway Authority. A number of conditions are recommended to ensure the necessary highway safety measures are secured. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choices for its location. Accordingly the proposal is considered to comply with relevant development plan policies and national guidance, and not to give rise to transport related harm.

Flooding and Drainage

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

Local concern has been expressed regarding the potential impact on flooding in the locality.

In relation to this proposal, the main issue is whether development at this site would exacerbate any current flooding situation and cause additional concerns regarding the control of run-off water.

The majority of the site is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. The application is supported by a Flood Risk Assessment and drainage details which have been reviewed by the Leicestershire Lead Local Flood Authority.

The application site is mostly greenfield totalling 2.73 ha in size with 1.09 ha of the total being impermeable. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a very low risk of surface water flooding. The surface water proposals seek to discharge to an on-site attenuation basin before being discharged at a

QBar discharge rate of 5.3 l/s to a new 225mm gravity sewer which will then discharge to an existing surface water sewer located in Platts Lane to the north of the site. Attenuation calculations are inclusive of climate change and urban creep allowances.

The Leicestershire Lead Local Flood Authority has assessed the submitted information and considers that the scheme is acceptable subject to the imposition of appropriate planning conditions to further define the components of the Sustainable Drainage Scheme. 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 requiring further details.

The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and the Framework, subject to the recommended conditions.

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 Appraisal has been amended to reflect the amended site layout and shows a small net loss for biodiversity on the site. The revisions made to the layout have been made following advice from the Borough Council's Senior Ecologist which has reduced the net biodiversity loss where possible.

The remaining loss will therefore need to be compensated for and a Biodiversity Offsetting Scheme is proposed which makes provision for a financial contribution of £128,557.00. This will be secured via the S106 Agreement. The Council's Senior Ecologist has reviewed the submitted Ecological Appraisal and is satisfied with the provisions of the Biodiversity Offsetting Scheme.

Overall, 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, through the provision of the Biodiversity Offsetting Scheme to be secured via the S106 Agreement, could be made acceptable with regards to biodiversity in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy and the provisions of the Framework.

Minerals

The site is within a consultation zone for Sand and Gravel. Following discussions with the Leicestershire Minerals Authority the applicant is undertaking a minerals assessment for the site to be in compliance with the Minerals and Waste Local Plan. Further information regarding this matter will be provided to members via the extras report.

Section 106 Contributions

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the

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

Education	<ul style="list-style-type: none"> • £291,860.40 to fund the provision or enhancement of primary school facilities at Cossington Primary School to meet the needs of the development. • £158,220.48 to fund the provision or enhancement of facilities at Humphrey Perkins Secondary School.
Libraries	<ul style="list-style-type: none"> • £1,660.00 contribution towards the enhancement of Sileby Library.
Open Space	<ul style="list-style-type: none"> • An on-site multi-function green space (minimum 0.04ha) • An on-site natural and semi open space (minimum 0.27ha) • An on-site amenity green space (minimum 0.06ha) • An on-site LEAP facility • On-site provision or a £54,377.00 contribution towards young people's provision in Cossington • 0.36ha on-site provision or a £18,801.00 contribution towards off-site outdoor sports facilities • 0.05ha on-site provision or a £6,437.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington • An indoor sports contribution to consist of £25,926.00 towards swimming pool facilities, £25,051.00 towards indoor court facilities and £3,699.00 towards indoor bowls rink facilities
Affordable Housing	<ul style="list-style-type: none"> • 40% (23 Homes) to be affordable housing on the site at an appropriate mix and with 77% for affordable rent and/or social rent and 23% shared ownership.
NHS	<ul style="list-style-type: none"> • £17,888.31 towards the provision and enhancement of facilities at The High Gate Medical Centre.
Highways	<ul style="list-style-type: none"> • Travel pack for the first occupation of each new dwelling to promote sustainable transport choices.
Civic Amenity	<ul style="list-style-type: none"> • £2,945.00 towards increasing capacity at the

	existing waste facility in Mountsorrel.
Biodiversity mitigation	<ul style="list-style-type: none"> £128,557.00 towards off-site biodiversity mitigation within the vicinity of the development.
Community facilities	<ul style="list-style-type: none"> £87,500.00 towards the provision of community hall facilities in the village.

Details have been submitted from the Parish Council, who are working with the Church, to justify the need for contributions towards a community hall facilities within the village. This contribution request was accepted at the Humble Lane, Cossington application P/20/2393/2. The information provided satisfies the CIL tests and is considered necessary and reasonable to make the development acceptable in planning terms.

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

Planning Balance and Conclusion

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

As there is currently an insufficient supply of deliverable housing sites (3.04 years), this application would have to be determined on the basis of para 11dii) 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, when assessed against the policies in this Framework taken as a whole, for planning permission to be refused.

In this case the development would provide 57 new units of which 40% would be affordable homes, at a time of acute need. This is a significant benefit of the scheme. These would not be provided in the most sustainable type of settlement in the Borough but nevertheless in one where there are some local facilities and services. There are no technical constraints relating to highways, or drainage that cannot be mitigated. Landscape compensation and the final design detailing can be secured via the recommended planning conditions. Residential amenity can also be preserved.

The small net loss of biodiversity identified can be adequately mitigation through the provision of the proposed biodiversity offsetting scheme. Highway safety can be preserved and adequate parking and turning facilities for each dwelling provided. There would be less than substantial harm to the identified heritage assets but this harm is considered to 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 is the conflict with Development Plan policies which set out the spatial strategy for the Borough. There would be some limited harm to the landscape as set out above.

The test from the Framework is whether the adverse impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing, when assessed against the policies in the Framework taken as a whole. . 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 at a time where the Borough cannot demonstrate the required 5 years supply of housing land. Accordingly, it is recommended planning permission should be granted conditionally subject to a S.106 agreement as set out below

RECOMMENDATION A:

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

Education	<ul style="list-style-type: none">• £291,860.40 to fund the provision or enhancement of primary school facilities at Cossington Primary School to meet the needs of the development.• £158,220.48 to fund the provision or enhancement of facilities at Humphrey Perkins Secondary School.
Libraries	<ul style="list-style-type: none">• £1,660.00 contribution towards the enhancement of Sileby Library.
Open Space	<ul style="list-style-type: none">• An on-site multi-function green space (minimum 0.04ha)• An on-site natural and semi open space (minimum 0.27ha)• An on-site amenity green space (minimum 0.06ha)• An on-site LEAP facility• A £54,377.00 contribution towards young people's provision in Cossington• 0.36ha on-site provision or a £18,801.00 contribution towards off-site outdoor sports facilities• 0.05ha on-site provision or a £6,437.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington

Affordable Housing	<ul style="list-style-type: none"> 40% (23 Homes) affordable housing on the site at a mix 77% affordable rent and/or social rent and 23% shared ownership.
NHS	<ul style="list-style-type: none"> £17,888.31 towards the provision and enhancement of facilities at The High Gate Medical Centre.
Highways	<ul style="list-style-type: none"> Travel pack for the first occupation of each new dwelling to promote sustainable transport choices.
Civic Amenity	<ul style="list-style-type: none"> £2,945.00 towards increasing capacity at the existing waste facility in Mountsorrel.
Biodiversity mitigation	<ul style="list-style-type: none"> £128,557.00 towards off-site biodiversity mitigation within the vicinity of the development.
Community facilities	<ul style="list-style-type: none"> £87,500.00 towards the provision of community hall facilities in the village.

RECOMMENDATION B:

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

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</p> <p>REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>																						
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Drawing Title</th><th>Drawing Number</th></tr> </thead> <tbody> <tr> <td>2275-01 Location Plan</td><td>2275-01</td></tr> <tr> <td>2275-02 Topographical Survey</td><td>2275-02</td></tr> <tr> <td>2275-03 Site Layout</td><td>2275-03 Rev 0</td></tr> <tr> <td>2275-03-02 Site Layout</td><td>2275-03-02 Rev T</td></tr> <tr> <td>2275-04 Materials Layout</td><td>2275-04</td></tr> <tr> <td>2275-05 Accommodation Plan</td><td>2275-05</td></tr> <tr> <td>2275-06 External Surfacing Plan</td><td>2275-06</td></tr> <tr> <td>2275-07 Means of Enclosure</td><td>2275-07</td></tr> <tr> <td>2275-08 Affordable Housing Plan</td><td>2275-08</td></tr> <tr> <td>2275-09 Refuse Strategy Plan</td><td>2275-09</td></tr> </tbody> </table>	Drawing Title	Drawing Number	2275-01 Location Plan	2275-01	2275-02 Topographical Survey	2275-02	2275-03 Site Layout	2275-03 Rev 0	2275-03-02 Site Layout	2275-03-02 Rev T	2275-04 Materials Layout	2275-04	2275-05 Accommodation Plan	2275-05	2275-06 External Surfacing Plan	2275-06	2275-07 Means of Enclosure	2275-07	2275-08 Affordable Housing Plan	2275-08	2275-09 Refuse Strategy Plan	2275-09
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2275-1365-SH2	2275_27
2275-1365 VR-SH1	2275_28
2275-1365 VR-SH2	2275_29
2275-1150	2275/
2275-1399-SH1	2275_30
2275-1399-SH2	2275_31
2275-SH1-Plot 47-50	2275/
2275-SH2-Plot 47-50	2275/
2275-1489-SH1	2275_32
2275-1489-SH2	2275_33
2275-1489 R-SH1	2275_34
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2275-1489 V-SH2	2275_39
2275-1531 SH1	2275_40
2275-1531-SH2	2275_41
2275-1650-SH2	2275/
2275-1650-R	2275/
2275-2172-Plot 1	2275/
2275-2172-Plot 48	2275/
2275-1752 Plot 1-SH1	2275_42
2275-1752 Plot 1-SH2	2275_43
2275-1752-SH1	2275_44
2275-1752-SH2	2275-1752-SH2
2275-Substation	2275_55
2275-AH-740-546 Plot 37-38	2275_
2275-AH-740-546	2275_
2275-AH-755-25-29-38-A	2275/
2275-AH-755	2275_
2275-AH-775	2275_
2275-AH-910	2275_
2275-AH-916-Plots 36 41 56	2275-51
2275-AH-916	2275/

	2275-Garage-01	2275_52	
	2275-Garage-02	2275_53	
	2275-Garage-03	2275_55	
	2275-Garage-04	2275_52	
	2275-Sales	2275_54	
	REASON: To define the terms of the planning permission.		
3.	<p>Notwithstanding the submitted details, prior to any part of the development reaching DampProofCourse level or above, details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development shall be submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory in accordance with policies CS2 of the Core Strategy.</p>		
4.	<p>Notwithstanding the submitted details, within two months of the commencement of development a scheme for the treatment of the application site boundaries and internal plot boundaries shall be submitted in writing to the local planning authority for approval.</p> <p>REASON: To ensure the satisfactory, overall appearance of the completed development and to preserve residential amenity in accordance with policy CS2 of the Core Strategy.</p>		
5.	<p>No dwelling shall be occupied until such time as the screen walls/fencing on its boundaries approved in accordance with condition 4 above have been completed, in accordance with the design and specification shown on the approved details.</p> <p>REASON: To provide a satisfactory level of privacy for the occupiers of the new dwellings and to ensure the satisfactory appearance of the completed development in accordance with policy CS2 of the Core Strategy.</p>		
6.	<p>Prior to the occupation of the final dwelling hereby permitted, the scheme for the treatment of the application site boundaries approved in accordance with condition 4 shall be fully completed in accordance with the approved details and shall thereafter be retained and maintained as such at all times</p> <p>REASON: To ensure the satisfactory, overall appearance of the completed development in accordance with policy CS2 of the Core Strategy.</p>		
7.	<p>No development, including site works, shall start on the site until details of existing and proposed levels, including ground levels, finished floor levels of all dwellings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been</p>		

	<p>submitted to and agreed in writing by the local planning authority. The development shall thereafter only be carried out fully in accordance with the approved details.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings in accordance with policy CS2 of the Development Plan.</p>
8.	<p>Notwithstanding the submitted details, within two months of the commencement of development, a landscaping scheme, to include those details specified below, shall be submitted in writing to the local planning authority for approval:</p> <ul style="list-style-type: none"> i) the treatment proposed for all ground surfaces, including hard areas; ii) full details of tree planting; 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. <p>REASON: To make sure that a satisfactory landscaping scheme for the development is agreed in accordance with policies CS2 and CS11 of the Core Strategy.</p>
9.	<p>The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with policies CS2 and CS11 of the Core Strategy.</p>
10.	<p>No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, public open spaces/play areas/tree planting areas and other incidental open spaces, other than domestic gardens, has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with policies CS2 and CS11 of the Core Strategy.</p>

11.	<p>Notwithstanding the submitted details, no dwelling shall be occupied until such time as details of the way in which the open space, recreational and play facilities are to be laid out and landscaped, including details of any buildings or structures to be erected, have been submitted to and agreed in writing by the local planning authority.</p> <p>REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity in accordance with policies CS2, CS11 and CS15 of the Core Strategy.</p>
12.	<p>The open space, recreational and play facilities shall be laid out and landscaped in accordance with the details agreed under the above condition, before the first occupation of the last dwelling on the site. The open space, recreational and play facilities shall thereafter be retained and maintained as such at all times.</p> <p>REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity in accordance with policies CS2, CS11 and CS15 of the Core Strategy.</p>
13.	<p>The existing hedges and trees located within the application site boundaries and shown to be retained on the approved layout drawing no. 2275/03/02 rev O shall be retained and maintained at all times. Any part of the hedges and trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants and trees 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, for a period of 5 years from the date the development begins.</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 in accordance with policies CS2 and CS11 of the Core Strategy.</p>
14.	<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 and trees 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 policies CS2 and CS11 of the Core Strategy.</p>
15	<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</p>

	<p>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 policies CS2 and TR/18 of the Development Plan.</p>
16.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawings Figure 2.1 and Figure 4.1 of the submitted Transport Assessment Ref: P/20-3138/TR03 dated February 2022 have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>
17.	<p>No part of the development shall be occupied until such time as the offsite works shown on Proposed Access Arrangement drawing number Figures 2.1 and 4.1 of the submitted Transport Assessment Ref: P/20-3138/TR03 dated February 2022 have been implemented in full.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).</p>
18.	<p>No dwelling shall be occupied until such time as its parking and turning facilities have been implemented in accordance with Proposed Site Layout drawing number 2275/03/02 Rev 0. Thereafter the onsite parking provision shall be so maintained in perpetuity.</p> <p>REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).</p>
19.	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these</p>

	<p>approved details and completed prior to first occupation of the development.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policy CS16 of the Core Strategy and the National Planning Policy Framework.</p>
20.	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with policy CS16 of the Core Strategy and the National Planning Policy Framework.</p>
21.	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.</p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with policy CS16 of the Core Strategy and the National Planning Policy Framework.</p>
22.	<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 policy CS16 of the Core Strategy and the National Planning Policy Framework.</p>
23.	<p>The development shall only be carried out fully in accordance with the following recommendations for noise mitigation as set out in the submitted M-E-C Acoustic Air (26281-04-NA-01 rev B) Noise Assessment Report:</p> <ul style="list-style-type: none"> - Acoustic fencing for the dwellings with garden areas with an unscreened or partial unscreened angle of view to the roads as

	<p>shown on drawing 26281_04_120_02 in Appendix E</p> <ul style="list-style-type: none"> - The provision of appropriate glazing and ventilation in accordance with the design criteria set out in tables 11 and 12 of the noise report to the dwellings within 17m of the carriageway edge of Syston Road and 10m away from the carriageway edge of Main Street. <p>REASON: To enable internal noise criterion to be met in the interests of preserving residential amenity in accordance with policy CS2 of the Core Strategy and paragraph 185 of the NPPF.</p>
24.	<p>Prior to the commencement of development, including site works, a Dust Management Strategy shall be submitted and approved in writing by the local planning authority. The submitted strategy shall make provision for off-site dust to be minimised. The development shall thereafter only be carried out in accordance with the provisions of the approved dust Management strategy.</p> <p>REASON: To prevent off-site dust becoming an annoyance to existing residents in the interests of preserving residential amenity in accordance with policy CS2 of the Core Strategy.</p>
25.	<p>No development shall take place until a programme of archaeological work which includes a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> • The programme and methodology of site investigation and method • The programme for post investigation assessment • Provision to be made for analysis of the site investigation and recording • Provision to be made for the publication and dissemination of the analysis and records of the site investigation • Provision to be made for archive deposition of the analysis and records of the site investigation • Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. <p>All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation.</p> <p>REASON: To make sure that any heritage assets are appropriately recorded and/or protected to allow compliance with policies CS14 of the Development Plan and the advice within 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, TR/18 and M11, 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.
1. 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.
2. 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>
3. 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 in the first instance.

4. 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.
5. 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.
6. Severn Trent Water advise that although statutory sewer records do not show any public sewers within the area specified in the proposal 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 the applicant is advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
7. 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.
8. 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.
9. 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.
10. 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. Where infiltration is deemed viable, proposed infiltration

structures must be designed in accordance with CIRIA C753 “The SuDS Manual” or any superseding version of this guidance.

11. 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>
12. 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.
13. This consent does not consider local watercourse bylaws. It is the responsibility of the applicant to check if the local borough or district council has their own bylaws which the proposals will also need to consider.
14. 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.
15. 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. Additional information and guidance is available here:
<https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/>



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Appendix B: Extras Report

For Plans Committee – 22nd September 2022

Additional items received since the report was drafted

Site Address: 102 Main Street, Cossington

Item No.1

P.A. No. P/21/1446/2

Minerals

Since the publication of the committee report, a minerals assessment has been submitted with the application and consulted upon with Leicestershire Minerals Authority. The submitted minerals assessments concludes that the proposed development would not sterilise a potentially valuable mineral resource. The Minerals Authority has reviewed the contents of the assessment and has confirmed there are no objections to the proposal.

Education Provision

It has been noted that the obligations for financial contributions towards education provision set out in Recommendation A omits provision for the primary and secondary school contributions to be spent at any other school in the locality of the development or towards the construction of a new school.

Officer Response:

Minerals

The submitted minerals assessment and comments from the Minerals Authority are satisfactory for the purposes of ensuring the development will not result in the loss of potentially valuable mineral on compliance with policy M11 of the Minerals and Waste Local Plan (2019).

Education Provision

The contributions have been assessed and they are considered to comply with the CIL regulations and the additional wording suggested would allow flexibility in the provision of the necessary infrastructure to be provided to mitigate the impact of the development to comply with the provisions of policy CS24. The additional text should therefore be added to the recommendation A.

Recommendation:

No change to the officer's overall recommendation. However, the following amendment is proposed to Recommendation A;

Recommendation A:

Education:

- £291,860.40 to fund the provision or enhancement of facilities at Cossington primary school or any other school in the locality of development or towards the construction of a new school to meet the needs of the development.
- £158,220.48 to fund the provision or enhancement of facilities at Humphrey Perkins Secondary School or any other school in the locality of development or towards the construction of a new school to meet the needs of the development.

EXTRAS REPORT

For Plans Committee – 20th October 2022

Additional items received since the reports were drafted.

Pages 7 - 49

**Site Address: 102 Main Street, Cossington,
Leicestershire**

Item No. 2

P.A. No. P/21/1446/2

Since the publication of Plans Committee report, there has been further correspondence with the Highway Authority in relation to the provision of sustainable transport options, as requested by Members at the meeting.

In response, the Local Highway Authority has provided further information about Demand Responsive Transport and additional scheduled bus services.

Issue 1: Demand Responsive Transport

The Highway Authority explain that this type of service would need to be provided under contract to Leicestershire County Council, based on the needs of the development and in line with a financial contribution secured by a S106 legal agreement. Demand Responsive Transport services are usually operated by a local taxi company and the service needs to be booked prior to travel and will not operate if no bookings have been made. Invoices are sent on a monthly basis by the firm, based on evidence of usage. Residents would need to pay to use it, but fares are set on a similar basis to bus fares and concessionary passes would be accepted. Any outstanding funds from the contribution would be refunded to the developers at the end of the 5 year period.

The Local Highway Authority suggests a service could potentially operate Monday to Saturday offering one return journey to Rothley, allowing onward connections to other destinations (currently via the Arriva 127). They advise this would cost in the region of £50k+ per year for a 5 year period. However, the Local Highway Authority remains steadfast in its view that a contribution towards Demand Responsive Transport is not necessary to make the development acceptable in highway terms and they will not support a reason for refusal based on its absence.

Officer response to issue 1:

Responsibility for deciding whether contributions satisfy the Community Infrastructure Levy Regulations lies with the Local Planning Authority. Planning Obligations ('developer contributions') can only be sought if they meet the statutory tests laid out by Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the policy tests in the National Planning Policy Framework. They must be:

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.

As set out in the Plans Committee report, application of the Council's methodology for assessing the sustainability of settlements in terms of suitability for residential development results in Cossington being regarded as sustainable, due to the range and proximity of facilities in the locality (See agenda pages 7 and 8). In the Council's own evidence, the sustainability of Cossington is not dependent upon the presence or availability of a bus service. Therefore, the provision of Demand Responsive Transport cannot be said to be required in order to make the development acceptable in planning terms and the first statutory test of Regulation 122 of 'necessity' is not met. It is notable that the Local Highway Authority share the view the service is not necessary.

Issue 2: Bus Service Enhancement

The Local Highway Authority advise that extending the Kinchbus No.2 service would require adding another bus in to the timetable, which would cost in the region of £200,000 per annum. They suggest that this is neither reasonable nor related in scale to the proposed development and they will not support a reason for refusal based on its absence.

Officer response to issue 2:

It is considered that the same shortcoming regarding compliance with the first test of Regulation 122 is applicable to that addressed under 'issue 1' above, for the same reasons.

In addition, the scale of the contribution is such that it is considered neither fairly or reasonably related in scale to the development and it therefore, additionally, fails the third test of the CIL Regulations.

Issue 3 – new information provided by Applicant

Alternative Bus Service Option

The Local Planning Authority has been made aware of an alternative bus service for residents of Cossington to use. The Centrebus service No.27 operates between Loughborough and Thurmaston and runs along Syston Road, with the nearest stop located outside of Goscote Nurseries to the west of the site. The service operates each weekday to facilitate a return journey to Loughborough for commuters. The bus stop is an approximately 10 minute walk from the site and is within the 400m distance set out in policy CS17 of the Core Strategy. The service is operated by Centrebus on behalf of Leicestershire County Council and there are currently no plans to change or remove it.

Other Sustainable Travel Options

Further correspondence has been received from the applicant to confirm that the location of the site is within proximity to the pedestrian/cycle Route 1. This route

provides access to Syston and Thurmaston and could encourage cycle usage to the principal urban area, as the majority of the route is separated from the Highway.

Officer Response to Issue 3

It is considered that the availability of Service No.27 for the residents of the development and wider village is a benefit as it provides an alternative albeit limited transport option. The location of the bus stop in relation to the site also ensures compliance with the relevant part of policy CS17. The proximity to a safe cycle route to the Syston and Thurmaston PUA is also considered to be a benefit to the residents and will encourage alternative sustainable transport options. These transport options are considered to have some limited positive weight in the planning balance.

Recommendation:

No change to the recommendation as set out in the agenda report.

Plans Committee Date:	22 February 2024
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Item No: 5b

Application Reference Number: P/23/0379/2

Application Type: Full **Date Valid:** 27/02/2023

Applicant: Endurance Energy Oakley Ltd

Proposal: Solar Farm together with all associated works, equipment and necessary infrastructure

Location: Land to the West of Hathern Road
Long Whatton
LE12 5LL

Parish: Hathern **Ward:** Dishley, Hathern & Thorpe Acre

Case Officer: Jim Worley **Tel No:** 07591 947043

1. Background

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation, being a major development raising issues of strategic interest.
- 1.2 Part of the application site is in North West Leicestershire (their reference: [23/00211/FULM](#)). This determination only applies to the part of the site which is in Charnwood Borough.

2. Context and Description of the application site

- 2.1 The site is located in the far west of the Borough on a farm adjoining the M1 south approximately 240m south west of Hathern Village, between it and the northern edge of Shepshed and to the west of Garendon Park (both the Registered Park and Gardens and the Sustainable Urban Extension under construction). Shepshed is located approximately 400m to the southwest of the Site and Loughborough is approximately 1.5km to the southeast.
- 2.2 At its north boundary the site abuts the south extremity of the settlement of Long Whatton and to the east it comes within approximately 200m from the western edge of Hathern. However, there are also a number of scattered residences in the area:
 - Shepshed Watermill a little to the south of the site;
 - Oakley Farm Cottage off the north-west side of Shepshed Rd, Hathern, approximately 800 m north-east of Shepshed;

- Oakley Grange Farm, due west of Hathern and which is entirely enveloped by the site; and
 - Mitchell Springs Farm, close to the west boundary of the site (within North West Leicestershire District).
- 2.3 The area of the application is 97.10 Ha. The west section of the site, west of Oakley Wood, part of the site (comprising approximately 20% of its total area) is in North West Leicestershire.
- 2.4 Historically the land fell within the Garendon Park estate and includes two estate farms and a former Gamekeepers cottage (Oakley Farm Cottage) (excluded from the red line area).
- 2.5 The topography of the Site is gently sloping in character, with shallow undulations in the northern extent of the site. The land rises as it extends southwards from Ashby Road for a short distance of approximately 200m before descending gradually to the southeast towards Shepshed Road. The site is currently used for a mix of arable and pasture farming on rotation. Oakley Grange Farm is located centrally, adjacent to the site but outside of the red line area. 132kV overhead cables cross the eastern most parts of the site on a northeast-southwest alignment.
- 2.6 The site contains a patchwork of arable fields which are typically divided by mature, well maintained hedgerow and 'wraps around' Oakley Wood, which is described below
- 2.7 The site is located broadly on an elevated plateau directly east of the M1 Motorway on the western edge of the valley between Black Brook, which in this location runs east to west and forms the south boundary of the application site and the Long Whatton Brook catchment which flows north of Long Whatton village to the north into the River Soar at (and is some distance from the site itself).
- 2.8 The red line area is situated adjacent to the Oakley Wood SSSI which is also classified as Ancient Woodland. The part of the site between this wood and the M1 is within North West Leicestershire. A proposed cable route to connect the western and eastern parts of the site, also within the red line area, follows an existing track through Oakley Wood, although the cable itself will be installed by directional drilling beneath the tree roots. The track is currently used to access the western fields, as part of the day to day operation of Oakley Grange Farm.
- 2.9 No Public Rights of Way cross the site. Right of Way L55/2 runs alongside the western boundary of the site from Ashby Road to where it meets and crosses the M1 Motorway to join Public Right of Way L55/1.
- 2.10 There are a number of heritage assets in the immediate and wider vicinity:
- Conservation Areas with both Hathern and Long Whatton;
 - Various listed buildings also within these settlements such as their churches;
 - Oakley Wood Cottage, between Oakley Wood and the southern part of the site;
 - Shepshed Mill and Farmhouse, c.150m south of the site;

- a milestone c.235m north-east of the northern boundary of the western half of the site; an
- Long Whatton Mill with Bridge and Mill House with Cottage and Stables, c.460m north of the site;
- Long Whatton House some 1.4kmTo the north; and
- The Registered Parks and Gardens of Garendon Park to the east and Long Whatton House to the north.

2.11 The site is within the Black Brook local wildlife site consultation area, consultation zone for overhead lines, within the M1 widening corridor consultation zone, in flood zones 2 and 3 and in an area of historic industry and historic ponds, and a mineral consultation area for sand and gravel.

3. Screening Opinion

- 3.1 Screening Opinions have been issued separately by Charnwood Borough Council on 1st July 2022 and North-West Leicestershire District Council on 7th July 2022. These confirmed that the proposed development is considered to fall within the criteria and thresholds of Class 3a 'Industrial installations for the production of electricity' of Schedule 2 of the 2017 Town and Country Planning Environmental Impact Regulations.
- 3.2 Both screening opinions, confirmed that the Local Planning Authorities are of the opinion that the proposed development is not considered to be EIA development and that an Environmental Statement is therefore not required to support this proposal.

Figure 1: Site location plan



4. Description of the Proposal

- 4.1 The proposed development has an export capacity of 49.9MW, just below the 50mw threshold where the national development consent regime applies. For reference (according to the planning statement) this is enough electricity to power more than 16,580 homes (around twice the population of Shepshed) and could save the emission of 11,210 tonnes of carbon dioxide annually, or 448,400 tonnes of carbon dioxide over the operational lifetime of the solar farm. The application has been reduced in scale to omit the southern extremity close to Shepshed but its export capacities are not affected.
- 4.2 The application is for a temporary period of 40 years from the date of first exportation of electricity from the site.
- 4.3 The proposal comprises:
- Photovoltaic (PV) modules. Panels would be laid in west - east rows with spacing between each row to allow access for maintenance, sheep grazing and to avoid shading. The solar panels would be tilted at 25° to the horizontal and mounted on a metal framework supported in part by pile driven foundations, or concrete ballast foundations to minimise ground disturbance if required. Each array of panels within the field will be mounted on a fixed mounting structure, which will be a simple metal framework mounted on piles driven into the ground avoiding the need for substantive foundations. Such supporting systems are designed to avoid the use of concrete foundations and are reversible. Where features of archaeological potential are identified, ballast systems can be used to avoid below surface works in these areas. The panels will have a maximum height of 3.0 m above ground level with a front height of 0.8m across the Site as shown on the Site Layout Plan.
 - Ancillary Electricity Generation Infrastructure (energy storage containers, inverters and transformers);
 - DNO Sub-station; The DNO substation would be approximately 57m x 45m with busbars of c.6.0m high Above Ground Level (AGL) enclosed by a 2.4m high palisade fence set on a porous substrate. The associated DNO control room would be outside of the palisade fence; the DNO control room would be a masonry structure on a solid base measuring approximately 5.6 x 4.3m x 3.5m AGL.
 - The client substation would be housed in a steel 'shipping' container on a compacted but permeable substrate at the southeast corner of the DNO substation. The client substation would be approximately 10.0m (l) x 3.5m (w) x 3.5m (h) with a height of c.3.95m AGL. 3.30. The client substation, storage containers, and other ancillary infrastructure would be proprietary elements with colours agreed with the borough and district councils.
 - Groups of solar arrays will be connected to inverters distributed throughout the site, as shown on the proposed layout plan
 - Perimeter fencing. c.2.5m high perimeter deer fencing and c.3.0m high pole-mounted CCTV system
 - Use of and improvement of existing site accesses at Oakley Grange Farm on Shepshed Road and Ashby Road at the north west corner of the site, some distance west of Long Whatton;
 - Installation of underground cabling within the Site; and

- Landscaping including biodiversity enhancements (including additional tree and hedge planting, creation of new ponds, wildflower meadow and woodland planting, as well as bat boxes and reptile hibernacula).

Figure 2: Original proposed site layout:

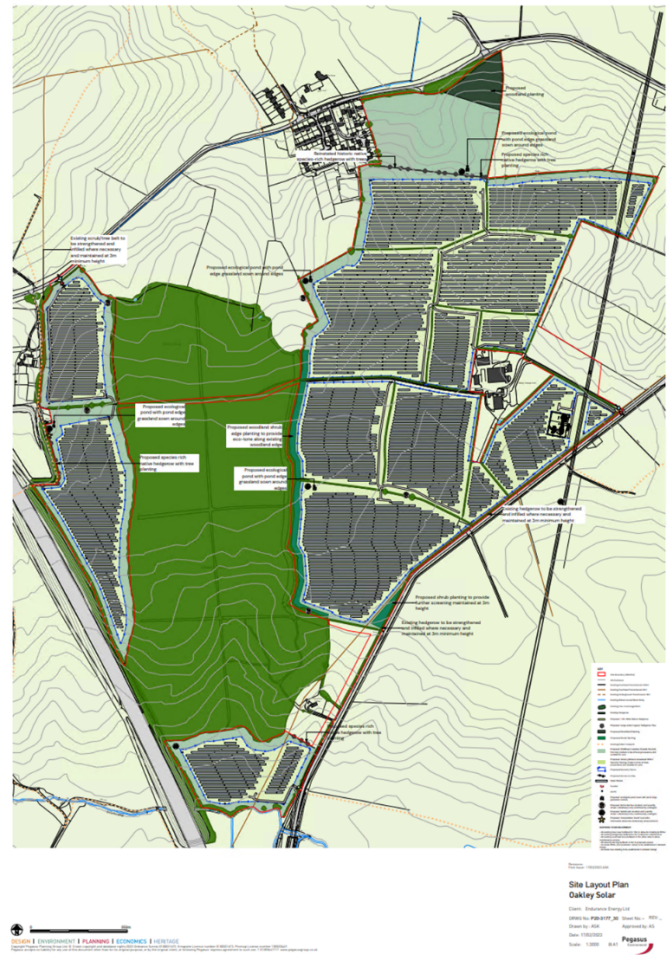
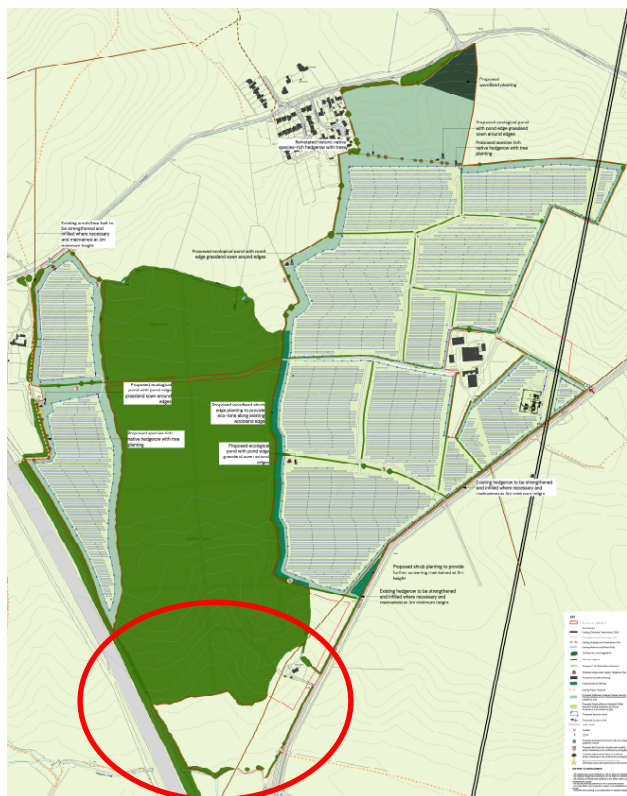


Figure 3: Amended proposed site layout (with area south of Oakley Wood removed):



4.4 Energy

- 4.4.1 The development will also include equipment for a grid connection to a high voltage 132kV overhead cables cross the site cross the eastern most parts of the site on a northeast-southwest alignment on the way to the nearby Barrow-on-Soar Power Station.
- 4.4.2 The solar farm would consist of solar PV panels placed on steel and aluminum frames, arranged in rows to face south at angles of 10 to 20 degrees to maximise efficiency. The uppermost part of the solar arrays will be no more than 3m in height from ground level. The PV panels will be 'fixed' meaning that the orientation of the panels will not change during the day to track the course of the sun.
- 4.4.3 The PV panels are expected to be of 'bifacial' design which allows the underside of the panels to capture reflected light, making them more efficient than traditional panels and generate more renewable electricity from the same project footprint.
- 4.4.4 The proposal includes energy storage capacity which enables the electricity generated by the solar arrays to be delivered to the grid when it is needed. The main location for the energy storage units will be to the south east of the Oakley Grange Farm adjacent to the 132kV substation. The units will include containerised battery units, inverters, DC-AC converter boxes and ancillary equipment.

4.5 Cabling and Grid Connection

- 4.5.1 Underground cabling will be placed around the site connecting the photovoltaic panels to the energy storage units and then on to the onsite 132kV sub-station for direct export to the grid.

4.6 Means of Access

- 4.6.1 It is proposed that the main access for construction, operation and maintenance utilises the existing access to Oakley Grange Farm, off the Shepshed Road
- 4.6.2 Deliveries of equipment and construction materials will arrive at the site via HGV and will be delivered to the temporary construction compound adjacent to the Shepshed Road. The equipment and construction materials will then be loaded onto trailers and towed by tractor to where needed within the site.
- 4.6.3 A new access will also be created off Ashby Road to serve the land to the west of Oakley Wood (n.b. this is located within North West Leicestershire District). A third proposed point of access on Shepshed Rd, Hathern has been removed and shall not form part of the application.

4.7 Landscaping

- 4.7.1 The landscape treatment for the proposed solar farm is intended to mitigate potential visual effects.
- 4.7.2 The application planning statement states that the proposed development has been designed to ensure that there will be minimal works to existing trees and hedgerows within the site.
- 4.7.3 Where required, gaps in hedgerows would be repaired with appropriate native hedgerow species supplemented with native tree planting to reflect the local landscape character.
- 4.7.4 The land in the immediate area of the solar arrays would be planted with species-rich grassland with the remaining field margins and areas beneath the panels planted with a suitable grazing grassland mixture.

4.8 Construction and Operation

- 4.8.1 From experience of solar farm developments elsewhere in the UK, it is anticipated that the proposed development will take approximately three to six months to complete. This includes the preparation of the site, erection of security fencing, assembly and erection of the PV strings, installation of the inverters/transformers/batteries and grid connection.
- 4.8.2 Once installed, the solar farm would require infrequent visits for the purposes of equipment maintenance or cleaning and general site management. Such work typically requires around 20 visits per year. The largest vehicles that are likely to be used during the operational phase is expected to be no larger than a 7.5tonne van or 4x4 vehicles. The facility would be unmanned, being remotely operated and monitored.

4.9 Decommissioning

- 4.9.1 At the end of the 40-year operational lifespan of the solar farm, the site would be restored back to full agricultural use with all equipment and below ground connections removed. However, landscape enhancement measures would remain, providing long-term benefits to the local landscape character of the area. It is envisaged that the decommissioning of the solar park would take approximately three to six months.

4.10 Supporting Documents

- 4.10.1 The application was submitted with the following supporting documents:

- Planning Statement Jan 2023
- Design and Access Statement Jan 2023
- Ecological Appraisal Jan 2023
- Arboricultural Impact Assessment (dated January 2023)
- Geophysical Survey (dated October 2022)
- Landscape and Visual Impact Appraisal (February 2023) and update Addendum (November 2023).
- Glint Assessment (dated January 2023) (and updated 29 November 2023)
- Biodiversity Net Gain Assessment and update (July 2023)
- Agricultural Land Sequential Analysis Study (November 2022)
- Statement of Community Involvement
- Road Safety Audits (December 2023)

5. **National Policy Context**

- 5.1 The Government's Net Zero Strategy, October 2021, includes a commitment to updating the Energy National Policy Statements "to provide greater clarity on the need and urgency for low carbon infrastructure" (page 102).

- 5.2 The Government's Net Zero Strategy, October 2021, also includes a commitment to updating the Energy National Policy Statements "to provide greater clarity on the need and urgency for low carbon infrastructure" (page 102). Drafts of the updated National Planning Statements were published for consultation from 6th September 2021 to 29th November 2021.

5.3 National Planning Policy Statement for Energy

- 5.3.1 The Overarching National Planning Policy Statement for Energy (EN-1) NPS EN-1 was published in July 2011 to set out national policy for energy infrastructure in the UK. Its primary purpose is to be applied to decisions for Nationally Significant Infrastructure Projects (NSIPs), but this document can be a material consideration in the determination of planning applications: "In England and Wales this NPS may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis."

- 5.3.2 National Planning Policy Statement for Renewable Energy Infrastructure (EN-3), taken together with the overarching NPS for Energy (EN-1), provides the primary policy for decisions by the Secretary of State on applications they receive for

nationally significant renewable energy infrastructure. It is also confirmed in this document that NPS EN-3 may also be a material consideration on decision making by local planning authorities.

5.3.3 The updated Overarching National Policy Statement for Energy EN-1 took effect in January 2024 and includes a new section with the heading 'The urgency of need for new electricity infrastructure' and reiterates the imperative of bringing forward renewable energy schemes as soon as possible. This is particularly pertinent, given the clear and immediate need to reduce reliance on the importation and use of fossil fuels.

5.3.4 The National Policy Statement for renewable energy infrastructure EN-3 took effect on 17th January 2024 and includes a section on solar photovoltaic generation. Paragraphs 2.10.10 and 2.10.11 state:

2.10.10 Solar also has an important role in delivering the government's goals for greater energy independence. The British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW). It sets out that government is supportive of solar that is "co-located⁸⁰ with other functions (for example, agriculture, onshore wind generation, or storage) to maximise the efficiency of land use".

2.10.11 The Powering Up Britain: Energy Security Plan⁸¹ states that government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. It sets out that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land, and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement.

5.3.5 This confirms that the Government continues to be committed to solar energy development for the foreseeable future.

5.4 Sixth Carbon Budget (2021)

Commits government to fully decarbonize the electricity grid by 2035.

5.5 National Legislation

On 12 June 2019 the Government laid the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 to amend the Climate Change Act 2008 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is otherwise known as a net zero target. The draft order would amend the 2050 greenhouse gas emissions reduction target in the Climate Change Act from at least 80% to at least 100%, thereby constituting a legally binding commitment to end the UK's contribution to climate change.

5.6 Written Ministerial Statement on Solar Energy: Protecting the local and Global Environment (March 2015)

As above, this Written Ministerial Statement is referred to in the NPPG.

Eric Pickles (Secretary of State) in March 2015 made a statement on Solar Energy and protection of the global and local environments. In respect of the use of agricultural land, Mr Pickles stated that compelling evidence needed to be provided for solar on Best and Most Versatile Agricultural Land.

5.7 Energy White Paper (December 2020)

The Government published the Energy White Paper in December 2020. The Energy White Paper provides further clarity on the Prime Minister's '10 Point Plan' and puts in place a strategy for the wider energy system which: - "Transforms energy, building a cleaner, greener future for our country, our people and our planet." - "Supports a green recovery, growing our economy, supporting thousands of green jobs across the country in new green industries and leveraging new green export opportunities." - "Creates a fair deal for consumers, protecting the fuel poor, providing opportunities to save money on bills, giving us warmer, more comfortable homes and balancing investment against bill impacts."

5.8 National Planning Policy Framework 2023 (NPPF)

The National Planning Policy Framework (NPPF) updated in December 2023 sets out the Government's approach to planning and achieving sustainable development. Of particular relevance to the proposed solar array is Chapter 14: Meeting the challenge of climate change, flooding and coastal change.

5.8.1 Paragraph 157 of the NPPF states that the planning system should support transition to a low carbon future in a changing climate and should support renewable and low carbon energy and associated infrastructure.

5.8.2 Paragraph 163 details that: "When determining planning applications for renewable and low carbon development, Local Planning Authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable ..." Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas;National Planning Practice Guidance

- 5.8.3 NPPG section 'Renewable and Low Carbon Energy' contains guidance relevant to the consideration of the application. The introduction to this section of the NPPG highlights that: "Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable." (Paragraph 001 Reference ID: 5-001-20140306)
- 5.8.4 Reference ID: 5-013-20150327 is entitled 'What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic arrays?' and lists the specific considerations for this type of development. These include:
- "where a proposal involves greenfield land, whether
- (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
 - (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays".

6. Development Plan Policies

The Development Plan for this site comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), and the Leicestershire Minerals Local Plan (2019).

The policies applicable to this application are as follows:

6.1 The Charnwood Local Plan 2011 to 2028 Core Strategy (adopted November 2015)

The Charnwood Local Plan 2011 to 2028 Core Strategy (CLPCS) was adopted on 9th November 2015 and is the primary document for the determination of planning applications in the area. The Charnwood Local Plan provides a strategy for delivering growth up to 2028. It will be replaced by the emerging local plan, once adopted.

Chapter 2 includes, in relation to the challenges facing the Borough, recognition that the local authority has a local role in the global issue of climate change. Chapter 3 includes the vision and objectives for the plan. The Vision for Charnwood includes the statement that: "Charnwood will be well prepared for the impacts of climate change and will be playing its part in reducing greenhouse gas emissions."

6.2 Under the Strategic Objectives for the 'Places and Environment Matter' heading, Strategic Objective SO7 seeks to: "reduce contributions to climate change and to promote prudent use of resources through patterns of development, design, transport measures, reducing the use of minerals, energy and water and minimising waste and encouraging recycling in support of achieving a carbon neutral Borough."

6.3 It is considered that the following key strategic policies within the Core Strategy are relevant to the development proposals:

- Policy CS2 – High Quality Design
- Policy CS11- Landscape and Countryside
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS14 – Heritage
- Policy CS16 - Sustainable Construction and Energy
- Policy CS 24 - Delivering Infrastructure
- Policy CS25 - Presumption in favour of sustainable development

6.4 [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 CT/1 - General Principles for areas of countryside
- Policy CT/2 – Development in the Countryside
- Policy EV/1 – Design

6.5 [Minerals and Waste Local Plan \(2019\).](#)

- Policy M11 Minerals Safeguarding

It is estimated that the southernmost part of the site intersects an area identified in the Leicestershire Minerals and Waste Local Plan as a Sand and Gravel Minerals Safeguarding Area by, at most, approximately 5-10 metres. However, the proposal to include solar panels from this area was removed in the amended plans.

7. **Other material considerations**

7.1 [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.

7.2 [National Design Guide](#)

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

7.3 [The Planning \(Listed Buildings and Conservation Areas\) Act 1990.](#)

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

7.4 [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.

7.5 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.

7.6 The Draft Charnwood Local Plan 2021-37

7.6.1 This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. Further hearings are to be held in February 2024 on limited matters following on from the consultation on the post hearing submissions which closed on 8th November 2023. Following the further hearings, it is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2024.

7.6.2 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).

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

- Policy DS5: High Quality Design
- Policy EV1: Landscape
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7: Tree Planting
- Policy CC3: Renewable and Low Carbon Energy Installations

7.6 Planning Guidance for Biodiversity June 2022

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

8 Relevant Planning History

8.1 There is no specific planning history for the fields in question.

9. Responses of Consultees & Other Comments Received

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

Consultee	Response
Leicestershire Lead Local Flood Authority – Llfa	<p>Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 99ha greenfield site is primarily located within Flood Zone 1 being at low risk of fluvial flooding with a small part of the site within Flood Zone 2 and 3 due to be being adjacent to the Black Brook main river.</p> <p>The Flood Risk Assessment explains that tracked paths will be formed from permeable mown grass paths, grass reinforcement and gravel and storage and substations are to be raised off ground level, effectively replicating the current existing greenfield scenario for surface water. However, the expansive site straddles the catchments for the Black Brook and Long Whatton Brook both of which are of interest to the LLFA due to existing flood risk concerns. No infrastructure is to be located in the area of the site in Flood Zones 2 & 3.</p> <p>Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise the following [included] planning conditions be attached to any permission granted.</p>
Natural England	<p>No Objection.</p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Oakley Wood Site of Special Scientific Interest (SSSI) and has no objection.</p> <p><u>Oakley Wood Site of Special Scientific Interest</u></p> <p>The site represents a unique example in Leicestershire of the transition from mixed oakwood, developed on free-draining acid soil, to ash-hazel</p>

	<p>woodland characteristic of the heavy clays of Eastern Central England. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.</p> <p><u>Best and Most Versatile Agricultural Land</u></p> <p>Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system), where this is not in accordance with an approved plan. From the description of the development this application is likely to affect 27.8ha of BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of which 0ha is BMV agricultural land.</p> <p>However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.</p>
East Midlands Airport	<p>The Safeguarding Authority for East Midlands Airport originally submitted a holding objection and required technical amendments to the glint and glare report.</p> <p>A revised report was submitted (December 2023) and the Authority now advises:</p>

	<p>No Objection subject to conditions:</p> <ul style="list-style-type: none"> Any future lighting installations at this site must be subject to prior approval with the LPA in consultation with the aerodrome safeguarding authority for East Midlands Airport. <p>Notes: It is not anticipated that the proposed development will cause an ocular hazard to pilots through Glint and Glare, but in the interests of aviation safety, should we receive any reports of damaging glare, the Authority will expect the developer / site owner to take measures to mitigate the hazard.</p> <p>At this location dust and smoke may create a hazard to aviation. Care should be taken to ensure that dust and smoke emissions from the site are limited as to not impact aviation receptors.</p>
National Highways	No objection.
Environment Agency	No objection and propose a condition that measures in submitted flood risk assessment are implemented.
Leicestershire County Council – Highways (LHA)	<p><u>Site Access</u></p> <p>Following the carrying out of speed surveys and a Road Safety Audit the Local Highways Authority is satisfied with site access (at Oakley Grange Farm) and 'Access A' on Ashby Rd.</p> <p>Access C - Existing Field Access to the South of the Site- now removed.</p> <p><u>Highway Safety</u></p> <p>Having further reviewed all the collision details available for each of the above noted accidents. the Local Highways Authority consider the above accidents to be isolated incidents with no common causation factor recorded.</p> <p>The Local Highways Authority therefore do not believe the proposed development if permitted would increase the likelihood of further such incidents occurring.</p> <p><u>Trip Generation</u></p>

	<p>The LHA understand that the majority of trips to the site will be during the build-out phase. Post construction, the LHA understand that security and maintenance staff will undertake infrequent movements to the site. The submitted CTMP states that it is anticipated that once the site is operational, there will be 20 visits per year. The LHA do not consider that the post-construction trip generation of the solar field will therefore have a significant impact upon the highway.</p> <p><u>Public Right of Way (PROW)</u> The Local Highways Authority note that Public Footpath L55 has been clearly identified with the submitted site plan which runs along the north-western site boundary. The Local Highways Authority is satisfied that the use and enjoyment of the Public Footpath will not be significantly affected by the proposals.</p> <p><u>Construction</u> Further clarification is required from the Applicant as to whether a wheel wash facility would be provided at each access point.</p> <p><u>No objection subject to conditions:</u></p> <ul style="list-style-type: none"> • Implementation of access details prior to construction • Access on to Ashby Rd to be locked until decommissioning stage • The development shall not be occupied until such time as off-street car and/or HGV parking provision (with turning facilities) has been provided • The development shall not be occupied until such time as details of the proposed boundary treatment of the site • Provision of a revised construction traffic management plan, including as a minimum: details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, condition survey, banksmen and a timetable for their provision
Leicestershire County Council - Minerals and Waste	<p>The County Council has considered the application, having regard to the Development Plan, National Planning Policy Guidance and other relevant material considerations. In this particular instance, the County Council, as Minerals and Waste Planning Authority, comments as follows;</p>

	<p>A modest section of the southern end of the development site is located within a minerals safeguarding area for sand and gravel. However, given the nature, scale and location of the proposal it does not raise significant mineral safeguarding concern. Thus, the MPA does not require a Minerals Assessment for this application and has <u>no objections</u>.</p>
Morph Ecological Consultants (acting on behalf of Leicestershire County Council Ecology)	<p>Raised various technical questions re surveys (to NW Leicestershire not Charnwood) following submission of further information no objection and recommended conditions.</p>
Charnwood Borough Council Environmental Health	<p>No Objection.</p>
Charnwood Landscape	<p>The principle of development is not in question, but comments made regarding landscape character, landscape features and landscape sensitivity</p> <p>Landscape character</p> <p>It is noted that NWLDC does not have its own local level landscape character assessment. Borough of Charnwood Landscape Character Assessment: The majority of the site falls within the Langley Lowlands landscape type. Within the assessment It is noted that the 'varied and distinct landscape character' within the area is diminished by large settlements and communications infrastructure that are of direct relevance to the Site. Therefore, the introduction of the proposed solar farm can be said to be in keeping with the existing character of the site. The proposed solar farm would deliver several new landscape elements and biodiversity mitigation and enhancements, including:</p> <ul style="list-style-type: none"> • A new 20m buffer between the solar development and Oakley Wood SSSI, and 15m buffers adjoining the LWS and Black Brook. Elsewhere, 10m buffer strips will be retained to existing and proposed hedgerows east of Paddock Close and to the north and south of Oakley Cottage. • Four new ponds will be created around the Site, which will respond to the historical character of the

	<p>site</p> <ul style="list-style-type: none"> • Species rich wildflower mix will be planted extending to c.22.53ha within the parcels excluded from solar development, and the periphery of the Site outside of the security fencing. • A grazing grassland mix is proposed for the areas under the panels (c.72.32ha.) • A new woodland extending to c.1.14ha (c.2,850 native trees) would be planted within the northern parts of the site to enhance biodiversity. • A new hedgerow with trees would be planted along the northern edge of the Eastern Area to screen and soften views from Paddock Close and Cawdell Drive properties. Secondly, a new hedgerow would also be established to the south of Oakley Cottage to enhance screening of potential southward views. Thirdly, a new hedgerow would be planted between PROW L55/2 and the Western Area southern parcel. Overall c.650m of new hedgerows with 14no. 'legacy' trees. <p>These are all positive landscape elements which enhance the landscape and biodiversity of the site.</p> <p>Water features:</p> <p>Historic mapping indicates ponds formerly occurring within the Site that have subsequently been lost. The proposed development includes the creation of four new ponds broadly within the vicinity of some of the former pond locations.</p> <p>The value of ponds as a landscape element is considered high. The creation of four new ponds would represent a positive landscape impact of the introduction of the proposed solar farm.</p> <p>Trees, scrub and hedgerows:</p> <p>The loss of localised short sections of hedgerow would therefore be more than offset by proposed woodland, proposed hedgerows and tree planting, gapping-up, and hedgerow management across the site as a whole.</p> <p>Overall, this would lead to a positive change in the landscape, once the vegetation is established.</p> <p>Wind and Solar PV Energy Landscape Sensitivity Assessment:</p>
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	<p>The Wind and Solar PV Energy Landscape Sensitivity Assessment (the 'Landscape Sensitivity Assessment') was prepared by LUC for Charnwood Borough Council in March 2019.</p> <p>This document generally supports the introduction of a solar farm to the proposed site.</p> <p>The report states criteria for landform: "A flat or gently undulating lowland landscape or extensive plateau is likely to be less sensitive to solar PV development than a landscape with prominent landforms and visible slopes, including coastal headlands. This is because arrays of solar PV panels will be less easily perceived in a flat landscape than on a slope, especially higher slopes." The proposed site gently undulates and is therefore deemed suitable for solar panels.</p> <p>In conclusion, whilst the Site does not fall within an area identified at the macro-level by Wind and Solar PV Energy Landscape Sensitivity Assessment as being suitable for this type of land use (save for areas of the Eastern Area included within the thumbnail plans within the CBC Solar assessment....), the Oakley Solar farm as proposed has been assessed at a micro-level on its individual merits against the same Landscape Sensitivity Assessment criteria and is proven to be suitable in this location.</p> <p>Following initial construction activity, the proposed operational solar farm would be largely passive with only occasional low-key maintenance visits. No emissions to air, waste, or land would be generated, and no noise would be perceptible at or beyond the boundaries of the proposed site.</p> <p>Concerns regarding the southern field of solar panels close to Shepshed Watermill. Is this field of panels necessary – if so, can it be mitigated with planting? The landscape strategy does not clearly define the difference between existing tree cover/vegetation and proposed shrub planting – this needs to be made clear on the landscape strategy plan.</p> <p>(n.b. this section of the proposal now removed)</p> <p>Conditions:</p> <p>The plant schedule needs to have numbers of trees/shrubs, an area and number per m² is not acceptable.</p>
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	<p>Additional comments on the 2 additional viewpoints have been provided:</p> <p>Viewpoint 1 – Temple of Venus The visual assessment concludes there would be a negligible magnitude of change in the view experienced from the Temple of Venus arising from the proposed development leading, to a negligible effect.</p> <p>Viewpoint 2 – Whatton House, 2nd floor Whatton House is not accessible to the public. The visual assessment was taken whilst the deciduous vegetation was still in leaf, however it is considered that during the winter months intervening tree canopies would still continue to fragment and filter views to the site.</p> <p>Satisfied that the 2 additional viewpoints discussed above, together with the Landscape and Visual Impact Assessment 15 February 23 by Pegasus provide a comprehensive visual assessment of the proposed Oakley Solar Farm.</p>
Charnwood Conservation Officer	No response received.
NW Leicestershire Conservation Officer	<p>Requested several additional viewpoints from conservation assets – including Whatton House and Sutton Bonnington Conservation Area are added to the LVIA before passing comment. The applicant issued a heritage addendum to address these issues.</p> <p>Both parties (the applicants and NWLDC) agree that there would be less than substantial harm to the listed building and its parkland (that is Whatton Park). It is agreed that the harm to the listed building would be “at the low end of the spectrum” not agreed that the same may be said about the Parkland.</p> <p>Instead ‘less than substantial harm’ is identified, toward the midpoint of the spectrum.</p>
Charnwood Biodiversity	<p><i>General</i></p> <p>It is not clear why ecotone buffering has been proposed for the eastern edge of the woodland but neither the western or southern edges.</p>

	<p>The commitment to provide a minimum 15m buffer to Hermitage Brook (referred to as Black Brook) is welcome and should be conditioned.</p> <p>There are some issues with the survey effort (EG: with respect to bats) for this site which is close to an ancient woodland. However, the nature of the development and the likely impact on protected species means that, in this case, we can proceed to determination without the need for further survey.</p> <p>Support of Natural England's requirement for further information with respect to the running of cable through the ancient woodland – though note that its route is along an existing woodland ride. It could not be implemented without consenting development inside the minimum 15m buffer and so is unacceptable in principle. However, we should review this issue once further information about construction methods and maintenance / management requirements have been provided. Once we have these, we should consult again with Natural England.</p> <p>The consultation response from Mill Farm raises a number of additional issues. It mentions that land to the south has been assessed as meeting LWS selection criteria for mesotrophic grassland. However, it has not supported this claim with any evidence and in any case, it is highly likely that the proposed solar farm management would benefit that area and in turn create opportunities for plant species to colonise the solar farm from the area mentioned. Therefore, this does not represent an ecological constraint.</p> <p>(n.b. The positioning of the panels towards the south of the site has been removed following amendment)</p> <p><i>Drilling method statement and Natural England response:</i></p> <p>Following receipt of the Horizontal drilling method statement by CBC on 19th June and a subsequent response from Natural England dated 4th July it can now be accepted that the cable drilling, as proposed can be undertaken with no significant harm to Oakley Wood SSSI.</p> <p><i>Woodland buffering</i></p>
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	<p>NE do not appear to have made comments about the suitability of buffering. However, NE do refer in their consultation response to standing guidance on ancient woodland environmental gains and green infrastructure.</p> <p>A revised BIA appears to be reasonable and is accepted. The level of enhancement proposed is unlikely to be achieved across the whole site. However, even a more balanced projection of the likely habitat change resulting from the development would result in a net gain. Therefore, it is accepted that the development could be implemented without leading to a biodiversity loss, subject to conditions to ensure the landscaping is sufficient to achieve this</p>
The Gardens Trust	<p>(To NW Leicestershire)</p> <p>The proposed solar farm in its disparate areas lies some way to the south of the Grade II Registered Park and Garden (RPG) at Whatton and to the north-west of the grade II RPG of Garendon.</p> <p>Although the panels are quite some distance from both RPGs, we do still have some concerns that the panels may impact upon the southern part of the Whatton RPG. N.b. Lack of public access is irrelevant when considering impacts upon heritage assets: The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3.</p>

Ward Councillor and Town Council Response	
Responses to publicity	
From	Comments
Councillor Roberts and Cllr Popley (Ward Councillors for Shepshed East)	<p>Both Councillors seek to do a joint 'call in'.</p> <p>Amongst the material planning considerations we feel, should be considered, include:-</p> <ul style="list-style-type: none"> • Change to street scene/locality. • Overbearing impact from development/design; and, • Building in the open countryside. <p>Due to the volume of interest these Solar Farm applications have attracted, we feel that these need to be discussed at committee level, rather than be decided by Delegated Decision.</p> <p>(n.b the site does not lie within the Shepshed East Ward and as such call in provisions are not available)</p>
Shepshed Town Council	<p>Submits the following comments on the amended plans (omitting the section of panels closest to Shepshed):</p> <ol style="list-style-type: none"> a) Loss of agricultural land b) Loss of valuable wildlife habitat. <p>(n.b. clarification was sought but not provided)</p>
Hathern Parish Council	<p>Hathern Parish Council has constructively engaged with the applicant and pressed for the maximum biodiversity on the development.</p> <p>The Parish Council notes that the suggestion, made by the local Hathern Wildlife Group to include a number of ponds within the development, has been accepted.</p> <p>The impact of the development on Oakley Wood, which is a SSSI, and particularly the effect an underground cable would have on the tree root and fungal network appears not to be fully covered in the provided documentation. The council is not an expert in these matters and would wish to know the opinion of expert ecologists.</p> <p>The council notes that Natural England, who has responsibility for SSSIs, considers there is insufficient information given in order to form a view on the effect on the SSSI [note now considered information satisfactory].</p>

	<p>Moreover, the council notes the response from Morph Ecological Consultants acting on behalf of Leicestershire County Council. This also queries the effect on Oakley Wood, comments on the detail of the biodiversity metric and suggests that more work needs to be done regarding the breeding birds survey.</p> <p>Until Natural England, and the Leicestershire County Council Ecology team are satisfied with the responses from the applicant on these matters, Hathern Parish Council cannot fully support this application as it stands.</p> <p>[Note: Natural England has reviewed the further information provided by the Applicant and is satisfied that there will be no negative impact upon Oakley Wood.]</p>
Hathern Wildlife Group	<p>Hathern Wildlife Group has engaged with Endurance Energy prior to the planning application. The group has discussed the effect of the development on local wildlife and were encouraged by the site visit. The response from the applicant has been positive, and the group is pleased to see that its suggestion that ponds could be included, has been taken up.</p> <p>The members of the group are not ecologists and note that there has been a request for more information from Natural England and Leicestershire County Council Ecology. If that information is provided, Hathern Wildlife Group has no objection to the application and looks forward to working with the applicant in the future should planning permission be obtained. We are optimistic about finding a way for green energy production and wildlife to co-exist.</p> <p>[Note: The ecological enhancements sought by Hathern Wildlife Group are provided for as part of the application. In addition, further information was provided by the applicant to the satisfaction of Natural England and Leicestershire County Council Ecology).</p>
Two comments received from local residents in Charnwood.	<p>Objections on the grounds:</p> <ul style="list-style-type: none"> • impact on the environment and countryside. Whilst appreciating the need for the supply of green energy, the countryside around the suggested area is currently being denuded by various past and present building projects.

	<ul style="list-style-type: none"> • Insufficient information has been provided in respect of the adjacent Site of Special Scientific Interest (SSSI) namely Oakley Wood SSSI. environmental habitats/species, including those of the Grace Dieu Brook, between two grade II listed properties, one of which (Mill Farm/Shepshed Watermill) will have the solar panels directed towards their property and due to the elevation of the land between Mill Farm/Shepshed Watermill boundary and Oakley Wood SSSI these panels, along with the 3m high perimeter security fencing, will be very overpowering to the setting of this listed building. <p>[Note: Natural England has reviewed the further information provided by the Applicant and is satisfied that there will be no negative impact upon Oakley Wood. Additionally, Leicestershire County Council Ecology has confirmed it is satisfied that environmental impacts are acceptable. Following amendments, all solar panels were removed from the southern land parcel nearest Mill Farm/Shepshed Watermill].</p> <ul style="list-style-type: none"> • There also does not appear to be any form of additional green infrastructure proposed in the form of access. Natural England state that development should be designed to meet Green Infrastructure principals. • The proposed solar farm covers a large area of the Langley lowlands landscape character area and due to the size of the proposal it will link the settlements of Hathern, Shepshed and Long Whatton. This would result in a loss of local separation between these three areas as well as a loss of their individual identity which is against planning policy. • No view has been taken in respect to the effect on the listed property to the south (Mill Farm/Shepshed Watermill) or that of the listed property to the north (Oakley Cottage). • Due to the orientation of the solar panels, glint and glare from the panels will be directed towards the listed property of Mill Farm/Shepshed Watermill.
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	<ul style="list-style-type: none"> • The Heritage statement states that Shepshed Watermill to the south is 19th Century which is incorrect and continues to be incorrectly identified as 19th Century. This has been raised on previous occasions with the Local Authority and more recently Historic England whose records in respect to this have still not been corrected. The reference to the Watermill being 19th Century is therefore factually incorrect and misleading. • The neighbouring grade II listed property Shepshed Mill, (a Watermill having been recorded on this site as far back as the Domesday Book of 1086), should be assessed with facts and information satisfactorily identified. The listing does not just cover the main farmhouse. The additional concern is the appearance the solar panels and the loss of openness it will have on the Watermill's setting when the Mill is opened to the public. (Note: following amendments all solar panels were removed from the southern land parcel nearest Mill Farm/Shepshed Watermill) • The area of land to be covered by solar panels will dramatically change the appearance of the area and the enjoyment of people who live in and ride/walk within the area. There is some concern that the orientation of the solar panels could cause potential glint/glare to vehicles travelling up Hathern Road (towards Hathern), particularly during the winter months when the trees and hedges have lost their leaves. • The southern section of the solar panels would also be located within flood zones 2 and 3. I would therefore question whether the installation of solar panels/electric services in areas at risk to flooding is suitable. • What form would improvements to the southernmost access onto Hathern Road take given it is opposite the entrance to bridlepath K70 where horses will be crossing over the road. • The proposed southern section of the solar farm is located approximately 20m from Mill
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	<p>Farm/Shepshed Watermill boundary and 200m from the main residence which is closer than what many studies consider is within safe limits given the potential risk of increased illness from electromagnetic waves. What will be the noise impact of the solar panels be, given background noise from the motorway will rebound off of the solar panels, which are orientated towards Mill Farm/Shepshed Watermill and this noise will therefore be directed back towards the Mill property. A noise impact assessment therefore needs to be undertaken to determine the effect on Mill Farm/Shepshed Watermill/Mill Farm Liveries if one has not already been carried out.</p> <p>Comments on amended plans (November 2023) omitting the area closest to Mill Farm and Shepshed Watermill:</p> <ul style="list-style-type: none"> • What benefits do local towns residents like Hathern and Shepshed receive? i.e. subsidised energy rates. 16,000 house's energy will be generated, that can make Shepshed and Hathern 90% renewable energy and set an outstanding example to wider councils, regions and economy projects. • The amended plan (14.11.2023) is much more acceptable as it not only removes the impact of the solar farm on the two grade II listed properties Mill Farm/Shepshed Watermill and Oakley Cottage immediately adjacent it but also reduces the impact on Oakley Wood SSSI and Grace Dieu Brook. • Service access to the Western section of the solar farm is through the Oakley Wood SSSI, as it would have a detrimental impact on the biodiversity of the SSSI and cause damage to tree roots etc. <p>[Note: service access will not be through Oakley Wood].</p> <ul style="list-style-type: none"> • It is also noted that the permissive path from Shepshed Road, Hathern to Ashby Road, Long Whatton via Oakley Grange has been lost. Would it be possible to include a public right of way, in the form of bridlepath that everyone (horses, walkers and cyclists) could use, through/around the perimeter of the proposal.
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	<p>This would provide a useful off road network link for the local community away from the busy A6. A new public right of way within this proposal would be in close proximity to the Community wood at Hathern and could also link across to the existing and proposed public rights of way within the Garendon SUE development, thus improving access within the area and creating a better off road network for local people.</p> <p>[Note: there is no existing Public Right of Way or Permissive Path from Shepshed Road to Ashby Road.]</p>
<p>Four residents' comments were made to NW Leicestershire from residents in NW Leicestershire – lying directly on the Borough Boundary</p>	<p>Shielding does not take into account those behind the hedge line</p> <p>Flooding</p> <p>Studies have suggested that birds, bats and owls (of which we have) can mistake the mirror like glare from solar panels for water, and collide into the panels when trying to land with deadly consequences. In addition, security fencing around the site could become a barrier to the movement of wild mammals and amphibians (deer, foxes, hares and hedgehogs to a name a few) and represent a collision risk for some bird species.</p> <p>Can it be confirmed that the land bordering residents of Ashby Road and Paddock Close (Northern part of the development) will not be subject to further development at least for the duration of the solar farm operation? Proposed solar panels were de-scoped from this area following initial consultations with affected residents. According to the plans it is currently shown that this area will be kept for habitat development (Tree planting, ecological pond etc). [Note: the field adjacent to Paddock Close/Cawdell Drive will contain biodiversity enhancements but no energy infrastructure.]</p> <p>The plans show security fencing ONLY around the solar panels/infrastructure. Can it be confirmed no security fencing will be erected around the aforementioned field, bordering Ashby Road and Paddock Close? The plans do not show any fencing so it is assumed/expected not.</p> <p>Can further detail be provided on how general pollution (Noise, dust etc) will be managed.</p>

	<p>The very large size of the proposed development is totally inappropriate for a site so close to residential properties in the rural village of Long Whatton, particularly those so close on Paddock Close and Cawdell Drive. The visual impact of such a huge industrial solar farm would fundamentally change the rural environment. Solar farms should be appropriately located on already industrialised land, not on productive agricultural land, or in an area which will cause significant visual impact to the residents and those further afield who visit the area.</p> <p>Noise pollution during construction phase.</p> <p>Fire Risk</p> <p>The Public Footpath which leads from Ashby Road to Oakley Grange is not detailed on the Proposed layout of the Solar field, however there is a Public Footpath to this area. Surely you cannot build on a Public Footpath, would this be safe?</p> <p>Loss of agricultural land.</p>
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10. Consideration of the Planning Issues

10.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), Minerals and Waste Local Plan (2019)

10.2 The Core Strategy and Charnwood Local Plan 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.

10.3 The main planning considerations applicable to this application are considered to be:

- Principle of Development
- Contribution to Carbon Free Energy and Carbon Reduction
- Impact on the Best and Most Versatile Agricultural Land
- Design, Layout and site coverage: Landscape and Visual Impact
- Biodiversity Impact/Trees, particularly with reference to Oakley Wood SSI/Ancient Woodland
- Impact on Heritage Assets
- Glint and Glare - Aircraft Safety

- Access
- Flood Risk and Drainage
- Energy Storage Fire Risk
- Minerals Safeguarding
- Other Issues

11. Principle of the Development

- 11.1 Core Strategy Policies CS16 and CS11 are considered to be the principal policies for consideration of the application.
- 11.2 Policy CS16: *“Support[s] commercial, community and domestic scale renewable energy or low carbon energy developments where they contribute towards our target of at least 27.5MWe, having regard to the impact upon the wider landscape, biodiversity, the historic environment, public safety, noise, odour and other amenity considerations”.*
- 11.3 Policy CS16 remains consistent with national policy and supports the aims of mitigating against the impacts of climate change. Some of the standards referred to have been superseded particularly in relation to wind power but this is not sufficient to render the policy out of date and as such it retains full weight.
- 11.4 Core Strategy Policy CS11 relates to all development in the countryside, as defined by the policies map, and seeks to ensure that developments support and protect the character of the landscape. By requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments, to take into account and mitigate its impact on tranquility, to maintain the separate identities of our towns and villages; It supports rural economic development, or residential development which has a strong relationship with the operational requirements of agriculture, horticulture, forestry and community services and facilities that meet proven local needs as identified by a Neighbourhood Plan or other community-led plan or housing development for local needs. The focus of the policy is on the form and type of development rather than the principle of, or spatial strategy for, development in the countryside. The policy is consistent with Chapter 15 of the NPPF which deals with matters relating to the countryside and is therefore up to date and retains full weight.
- 11.5 Because the site lies within the countryside Policy CT/1 of the adopted Local Plan 2004 ‘General Principles for Areas of Countryside, Green Wedge and Local Separation’ is engaged. This policy advises that development within countryside will be strictly controlled with few exceptions made, which do not include renewable energy installations. Policy CT/1 (and the associated CT/2) are very restrictive and pre-date the Policy Guidance of the NPPF on renewable energy, and as such is considerably out of date and carries limited weight on the context of this proposal.
- 11.6 It is also helpful to assess the scheme against the key requirements of national policy and emerging Local Plan Policy CC3. Emerging Policy CC3 is supportive of

such proposals where any adverse impacts, including cumulative impacts have been fully addressed, including impacts on local amenity, the historic environment and the setting of heritage assets, noise and odour, the wider landscape, biodiversity and public safety. Emerging Policy CC3 makes no specification for the location of solar farms nor does its sections relating to the 'areas suitable' identified on the Policies map or for local support apply, as these relate to wind turbine proposals only. Emerging Policy CC3 was discussed at the Examination in June 22 and modifications to the policy agreed. Policy CC3 is consistent with NPPF paras 158 – 160 and is considered to carry moderate weight.

- 11.7 The following sections of this report address in detail the impacts of the scheme and proposed mitigations against these criteria.
- 11.8 The scheme is located at a point where grid connection is unusually quick and easy.
- 11.9 The site, although large, has no public rights of way crossing it, and views from roads and public rights of way outside the site would be very limited. This is because of the unusual topography of the site on an elevated plateau between branches of the River Soar and its tributaries where boundary hedges and woodland block so many views of the site. This distinguishes the site from others considered in recent years in the Borough where rolling hills create opportunities for long distance views.
- 11.10 The development will be essentially static and would not, after construction, generate traffic movements. It is therefore considered to fulfill the objectives of retaining 'tranquility' as expressed in Core Strategy Policy CS11.
- 11.11 Important evidence is provided by the Charnwood Renewable Energy and Low Carbon Study 2018, at the time of its drafting around 77.6.8 MW of solar capacity had been installed or approved in the Borough, primarily in the Wolds and looked for areas suitable for solar energy installations (alongside wind). It excluded areas which were constrained by national policy, which as this report examines does not cover most the site, and areas underneath powerlines, which is not in practice a constraint on Solar.
- 11.12 However, it also excluded 'Slope and aspect – exclude areas with northeast to north-west aspect and inclinations greater than 3 degrees, exclude all areas greater than 15 degrees'. This would exclude most of the north of the site. However, in terms of technology employed currently by the solar industry, where panels are on up to three metres high which means 'self-shading' of one panel by another on north and east facing gentle slopes would not occur.
- 11.13 Therefore, failure to be included in the suitable areas derived from this study should not be considered definitive as to suitability, noting also this matter is a matter of commercial suitability as opposed to suitability in planning terms.

11.14 Also relevant is the Charnwood Wind and Solar PV Energy Landscape Sensitivity Assessment LUC 2019. This site is within the Langley Lowlands Landscape Character area, noting however this is an area of elevated topography within that character area.

11.15 This recommended in this area:

- Locations with steep slopes and/or which are highly visible from the surrounding landscape should be avoided (e.g. slopes associated with the watercourses in the landscape)
- Opportunities to conserve and enhance hedgerows and broadleaved woodland should be considered to provide visual screening and improve habitat networks.
- Avoid siting solar PV development in areas with valued semi-natural landcover including lowland meadow and stream habitats.
- Protect the landscape setting of valued heritage features including the Grade II Registered Park and Garden of Garendon Park.
- Preserve the rural character of the landscape, particularly in areas which are not strongly influenced by existing built form or infrastructure.

11.16 The landscape part of this report assesses whether this advice is met on this site.

11.17 The report contains a table that lists the potential sensitivity of solar farms of different scales. In this case very large scale is classed as 'Medium-High'. This is a measure of potential sensitivity though not of impact. Indeed the report notes 'elevated plateaus' are in general of low landscape sensitivity (page 23).

11.18 It should be noted however that this was transposed into the emerging local plan Table 9 Opportunity Areas for Solar Energy Installations, in terms of '*Scale of solar energy installation that could be accommodated within each landscape character area*'. However, this does not state that larger installations could not be accommodated outside these areas, nor are their locations (in contrast to wind power proposals) guided by the Policy content of emerging Local Plan Policy CC3.

11.19 The following three paras of supporting text of the emerging Local Plan are considered to be relevant.

7.30 We recognise that renewable energy installations are generally large in scale and can have a significant impact on the character and appearance of parts of our Borough, potentially having an impact upon our landscape, biodiversity, heritage assets and the amenity of local residents. We have a positive strategy for renewable energy and low carbon technologies which supports the potential for suitable development whilst ensuring that any adverse impacts are satisfactorily addressed, including cumulative landscape and visual impacts.

7.31. We have identified suitable areas for renewable and low carbon energy sources on our Policies Map. We know that the main technical potential is for wind and solar energy and that identifying opportunity areas, based on low to moderate landscape sensitivity, offers a reasonable balance between landscape harm and increasing renewable energy capacity in our Borough.

7.32. These opportunity areas reflect a combined understanding of the sensitivity of each landscape character area and the likely impacts of different sizes of renewable energy

7.33 Proposals for renewable energy installations will be expected to have regard to our landscape sensitivity evidence and this will inform the scale of installation that will be appropriate in each landscape character area.

7.34. Whilst our evidence tells us these areas have the most potential, any individual proposals for energy installations would need to be supported by robust evidence and detailed site based assessment taking into account other issues such as heritage and flood risk.

- 11.20 Whilst there is some conflict with table 9 of the Emerging Plan and the policies map it is noted that policy in neither the existing nor emerging Local Plans do not preclude larger scale schemes outside opportunity areas as a matter of principle.
- 11.21 NPPG advises “Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable”. This is considered to weigh strongly in favour of the scheme.
- 11.22 There are economies of scale of large solar because of minimising grid connections. However, opportunities for new grid connections are limited so there is little risk of large-scale utility solar extending over large portions of the rural environment. For comparison all solar farms in the UK currently account for 0.08% of total land use. To meet the government’s net zero target, the Climate Change Committee estimates that we will need between 75-90GW of solar by 2050. UK Solar research indicates this would mean solar farms would at most account for approximately 0.4-0.6% of UK land use – less than the current proportion used for golf courses. Also, one large solar farm will have a smaller visual impact than many smaller ones. Scale is not of itself a material planning consideration, rather it is the visual and other impacts of the specific proposal.
- 11.23 In the light of the advantages of this location and the limited impacts identified the principle of a development of this scale at this location is considered acceptable and in line with Core Strategy Policies CS16 and CS11, and emerging Local Plan policy CC3. It is contrary to the somewhat narrowly defined allowances of Local Plan Policy CT/1 but this policy is considered to carry minimal weight and is outweighed and superseded by CS11 and CS16 in this context.
- 11.24 The development is expected to have an export capacity of around 49 MW A solar farm of this size will therefore generate electricity from renewable sources and is expected to achieve a reduction of approximately 11,210 tonnes of carbon dioxide annually, or 448,400 tonnes of carbon dioxide of carbon dioxide over the operational lifetime of the solar farm. This represents a significant contribution to the legally binding national and international requirement and associated targets to increase renewable energy generation and reduce CO² emissions.

12. Impact on the Best and Most Versatile Agricultural Land

12.1 Core Strategy Policy CS16 provides support to development which protects the Best and Most Versatile Agricultural Land, however the emerging Local Plan Policy CC3 does not replicate this. The NPPF (December 2023 edition) requires decisions to protect and enhance soils, recognise soils as a natural capital asset that provide important ecosystem services, consider the economic and other benefits of Best and Most Versatile Agricultural Land, agricultural land, and try to use areas of poorer quality land instead of higher quality land.

12.2 An Agricultural Land Classification (ALC) Report has been prepared to accompany this planning application.

12.3 The ALC Report confirms that the site primarily comprises Grade 3b Agricultural Land, with a small proportion of Grade 3a. The overall composition is:

- Grade 3a: 27.8 Hectares (27%)
- Grade 3b: 72.3 Hectares (70.2%)
- Non-Agricultural 2.9 Hectares (2.8%)

Grade 3a is classified as Best and Most Versatile Agricultural Land (BMV) but Grade 3b is not. BMV land is defined by Natural England's Guide to assessing development proposals on agricultural land (2021) and in the National Planning Policy Framework (2023) as land above (*but not including*) grade 3b.

12.4 Solar farms are temporary in nature and the land would be returned to agricultural use in an enhanced condition having rested from intensive use during the operational phase of the development.

12.5 The proposals also allow for the continued use of the land for grazing. This dual renewable energy/agricultural use has been successfully adopted for numerous solar schemes and allows the land to remain in agricultural production throughout the life of the development.

12.6 Overall, it is estimated that approximately 17 hectares of BMV agricultural land will be occupied for a temporary period of 40 years by the proposed solar development. By comparison 10 times the BMV land utilised in this solar proposal is used by the recently permitted West of Loughborough Sustainable Urban Extension ('Garendon Park').

12.7 27% of the total red line area for the site (17 ha of 97.1ha) is Grade 3a agricultural land but, following amendment, only about 15ha or 15% will be within the area covered by solar panels and associated infrastructure.

12.8 It should be noted that government guidance on renewable energy does not reference Best and Most Versatile Agricultural Land, land specifically but explains:

where a proposal involves greenfield land, whether

- (i) *the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and*

- (ii) *the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*

Paragraph: 013 Reference ID: 5-013-20150327

Revision date: 27 03 2015

- 12.9 In this case an agricultural land sequential assessment has been produced. As a result, land of lower grade and quality than that present at the Application Site, constituting of Grade 3, 4, 5, non-agricultural and urban, has been reviewed as part of the sequential analysis study.
- 12.10 It found that there are no potential alternative sites of any poorer agricultural quality land and subject to any less environmental constraints than the Application Site within the study area. The study area was defined as areas within 1km of the high voltage lines along the M1 and north of Loughborough. Study areas are typically defined as within 1-2 km of such high volt connections. Although the study might be criticized for not including a 2km buffer this then includes large urban areas and part of Charnwood Forest which is considered sufficient in its scope.
- 12.11 It would be possible to amend the scheme to preclude the minority proportion of the site that is grade 3a however 3a inclusion here is considered 'necessary' here as:
- Firstly this is the lowest BMV grade, covering only 15% of the solar panel coverage area
 - The loss of zero carbon energy
 - Its continued use for grazing and biodiversity gain
 - The Site has a proposed point of connection to a 132kV overhead line that passes through the Site therefore the proposed grid connection will not have to cross any main roads or railway lines, thus 38inimizing disruption, and impact.
 - The ability of a site in the West of the Borough to support a grid connection for a large utility scale facility;
 - Appeal precedents on loss of BMV land relate to loss of grade 1 and 2 land: there are no appeal decisions where the loss is confined to grade 3a land.
 - The greatest threat to food security is climate change
 - The opportunity cost of displacing required solar capacity to less suitable sites with less certain grid capacity and finally
 - The site is being promoted, and other sites in the sequential assessment are not so doubts remain over deliverability
- 12.12 The adopted Development Plan does not mention BMV or loss of agricultural land as a policy in its own right but it is included within the criteria of Core Strategy Policy CS16. The emerging Local Plan (Policy CC3) does not refer to loss of agricultural land amongst its criteria for assessment and acceptability.
- 12.13 The development would occupy a small proportion of higher grade agricultural land. The nature of the development would not degrade soil quality and its use for agriculture can continue, around the installations, and is temporary (albeit a long term horizon of 40 years) The Proposal therefore draws support from Core Strategy Policy CS16 by 'protecting' such and, the scheme meets the sequential test requirements

set out in Planning Guidance and the harm to agricultural land is limited, and this weighs slightly against the scheme.

13. Landscape and Visual Impact

Policy CS11 of the Core Strategy is concerned with landscape impact and it is also a matter to be considered under the criteria of CS16. As set out above, both of these policies are considered to carry and maintain substantial weight. Local Plan Policy CT/1 is also concerned with this subject, but its weight is significantly diminished (see Section 10 above).

- 13.1 Emerging Local Plan Policy EV1 presents similar objectives of protecting landscape character and to reinforce sense of place and local distinctiveness and is considered to carry moderate weight. It was considered by the Examination in June 2023 and no further discussion planned for Countryside and it is considered there are no unresolved objections thus far. EV1 is consistent with NPPF paras 20 and 130 of the NPPF. As stated above CC3 also addresses landscape impact as one of its criteria, requiring such impact is 'fully addressed'.
- 13.2 The application has been submitted with a landscape and visual assessment. This adopts the methodology of the Landscape Institute Guidance and the methodology and content has been reviewed by the Council's Landscape advisor who has confirmed acceptance of both methodology and findings.
- 13.3 Apart from the Oakley Wood SSSI/Ancient Woodland, the site is not subject to any statutory landscape, nature conservation or heritage designations, but connected hedgerows within the Western Area are subject to a non-statutory Local Wildlife Site (LWS) designation,
- 13.4 The assessment and its review by the Landscape Officer conclude that most of the proposed development would not be visible and would be set below either the horizon of screening woodland or boundary features.
- 13.5 Solar panels would be visible in higher parts of two fields to the east of Oakley Wood in the foreground to Oakley Grange Farm, and on higher ground in the northernmost parcel to the west of Oakley Wood; the intervening convex landform and hedgerow vegetation obscures lower-lying land within the Site. Land parcels to the north of Oakley Wood would remain open and undeveloped.
- 13.6 Following the examination and review of the LVIA, in response to a landscape and visual appraisal, the extent of the proposed development within the Site has been reduced by omitting solar panels in parcels near Paddock Close/Cawdell Drive, to the north and south of Oakley Cottage, east of Oakley Grange Farm, and north of Oakley Grange Farm access track. In addition, latterly (November 2023) it has been reduced further to omit the southernmost portion of the site in the vicinity of Shepshed Watermill.
- 13.7 The report recommends a number of landscape enhancements and mitigations as follows:
- Refinements to the layout provide a 20m buffer between the solar development and Oakley Wood SSSI, and 15m buffers adjoining the LWS and Black Brook. Elsewhere, 10m buffer strips will be retained to existing

and proposed hedgerows east of Paddock Close and to the north and south of Oakley Cottage.

- Four new ponds will be created around the Site within buffer strips close to the locations of historic defunct ponds to enhance biodiversity and to provide new landscape elements.
- Species rich wildflower mix extending to c.22.53ha within the parcels excluded from solar development, and the periphery of the Site outside of the security fencing.
- A grazing grassland mix is proposed for the areas under the panels (c.72.32ha).
- New woodland extending to c.1.14ha (c.2,850 native trees) would be planted at the northern edge of the Site to enhance biodiversity.
- Firstly, a new hedgerow with trees would be planted along the northern edge of the Eastern Area to screen and soften views from Paddock Close and Cawdell Drive properties. Secondly, a new hedgerow would also be established to the south of Oakley Cottage to enhance screening of potential southward views. Thirdly, a new hedgerow would be planted between PROW L55/2 and the Western Area southern parcel
- Reinforcement and gapping up of all existing boundary and internal hedgerows.
- As recommended by the Ecological Assessment Report, c.1.44ha of shrub planting would be provided along the eastern edge of Oakley Wood, and a further 1,800sq.m. of shrub planting would be established in the south east of the Eastern Area adjacent to Hathern Road.
- An interpretation board would be located to the west of the Site along footpath L55/2 to provide information on the production of solar power and management of the species rich wildflower areas and other habitats and ecology within the solar farm.

13.8 The submitted Landscape and Visual Impact Assessment (LVIA) demonstrates that land use across the developed area of the site would change from arable and improved pasture to solar farm during the operational lifespan of the Proposed Development, but this change would be reversed during decommissioning.

13.9 The LVIA concludes that magnitude of change on land use within the site would be temporary and reversible, but long-term (40-year period) of high magnitude. With medium sensitivity and a high magnitude of change, the significance of effect at years 1 and 15 on land use would be major, temporary but long-term and reversible. This assessment is accepted by Charnwood's Landscape Advisor. However, the key aspect is considered to be the impact of the development from views outside the site.

13.10 The LVIA, commenting on Charnwood 2018 Landscape Sensitivity Assessment for renewables states:

whilst the Site does not fall within an area identified at the macro-level by Wind and Solar PV Energy Landscape Sensitivity Assessment as being suitable for this type of land use (save for areas of the Eastern Area included within the thumbnail plans within the CBC Solar assessment...), the Oakley Solar farm as proposed has been assessed at a micro-level on its individual merits against the same Landscape Sensitivity Assessment criteria and is proven to be suitable in this location

- 13.11 In terms of visual amenity, a series of representative publicly accessible views from the area surrounding the site were identified through desktop and field studies and consultation with the Local Planning Authorities. Two additional viewpoints from Whatton Park and Gardens and within Garendon Park were identified following a request from the Conservation Officer of North West Leicestershire District Council and later added.
- 13.12 These viewpoints were not intended to cover every possible view of the proposed development, but rather they are representative of a range of receptor types at varying distances and orientations to the site.
- 13.13 The LVIA concludes that certain properties were identified as potentially having visibility of part of the installation.
- Oakley Grange Farm;
Oakley Cottage;
Mitchell's Spring Farm;
Some properties at Paddock Close and Cawdell Drive; and
9 Mill Lane.
- 13.14 Properties in Long Whatton to the north of Ashby Road, much of Hathern and Shepshed, and Loughborough, plus isolated properties including Lounds Farm, Bedlam Barn Farm, Shepshed Fields, Woodlands Farm, Highfields Farm, Piper Farm, Rose Hill, The Lodge, 11 Mill Lane, Marylea Farm and Whatton Fields Farm have been identified during site surveys as not being potentially affected by inter-visibility with the Site.
- 13.15 Hedgerows along the eastern boundary of the Eastern and Southern Areas and intervening woodlands combine with landform to restrict views at varying distances to the east and southeast toward the site. Landform, vegetation on the M1 motorway embankments and Piper Wood combine to restrict views from the Public Rights of Way to the west of the motorway toward the Western and Southern Areas.
- 13.16 Public Rights of Way L55/2 to the east of the motorway follows the western boundary of the Western Area, and Public Rights of Way users on this route would gain open views across the southern part of the Western Area or brief views toward the northern part of the Western Area.
- 13.17 The pulling back of the installation area from Ashby Road in the Paddock Close area of Long Whatton, following discussion with affected residents, serves to mitigate the landscape and visual impact here to an acceptable level.
- 13.18 Views from road users from Shepshed Road/Hathern Road and roads within Hathern and Long Whatton in the immediate vicinity of the Site are largely screened by roadside vegetation and/or intervening vegetation, with only brief glimpses gained where breaks occur at field gates or gaps in hedgerows. Views from Ashby Road are largely screened by roadside vegetation and/or intervening vegetation, with only brief glimpses gained where breaks occur at field gates and adjacent to the proposed new access.
- 13.19 These viewpoints have been visited independently by the Council's officers and it is considered that the impact would be minimal.

- 13.20 In conclusion, the assessment is considered to be a fair and robust demonstration that the development could be successfully accommodated within the existing landscape pattern and could be assimilated into the surrounding landscape without causing any permanent harm to the landscape character or visual amenity or serious long term harm. The proposed development would be beneficial in terms of landscape elements comprising trees, scrub, hedgerows, land cover, and ponds.
- 13.21 One residential property (Mitchells Spring Farm in NW Leicestershire) would moderate effects at years 1 and 15 from upper floor windows which are less likely to be occupied during waking or daylight hours. Due to its location, both the property and the part of the development which would affect lie outside the Borough boundary and are a matter for North West Leicestershire District Council to adjudicate.
- 13.22 Major visual effects would be limited to parts of one footpath to the north and initially one to the west of the site, although relatively few Public Rights of Way users would be affected. Overall, the Site and proposed development would be well screened and effects on visual amenity through landscape impact would be limited.
- 13.23 The findings of this assessment and summarised above have been reviewed and is accepted by Charnwood's landscape advisor.
- 13.24 Overall, the scheme is assessed as complying with Core Strategy Policy CS11 and the applicable criteria of CS16, emerging Local Plan policy EV1 and criteria of policy CC3 (in terms of landscape) and national planning policy and guidance on landscape issues.
14. Biodiversity Impact/Trees, particularly with reference to Oakley Wood SSI/Ancient Woodland
- 14.1 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity.
- 14.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given moderate weight until the emerging policy is further progressed towards adoption but its expectation of 10% net gain can only be given limited weight at this time.
- 14.3 Policy EV7 of the Draft Charnwood Local Plan (2021-2037) seeks to protect and enhance our natural environment by increasing the number of trees in Charnwood and supports development that retains existing trees, where appropriate. The emerging Local Plan is 'well advanced' having been subject to Examination and

policies are consistent with the NPPF. Policy EV7 is largely uncontested and can therefore be afforded moderate weight.

- 14.4 An Ecological Appraisal has been prepared by Aspect Ecology. This has been supplemented by Phase 2 surveys for wintering birds, bats, badger and reptiles.
- 14.5 The habitats present within the site include a pond and areas of dense and scattered scrub. A watercourse runs along the southern boundary of the site. Features of ecological importance include the hedgerows, woodland and brook, which are of local to district level value.
- 14.6 The features of ecological importance will be retained and protected under the proposals. The remaining habitats within the site are not considered to form important ecological features and any loss to the proposals is of minor ecological significance.
- 14.7 A Biodiversity Net Gain Assessment has also been undertaken which demonstrates that the proposed development will secure Biodiversity Net Gains of 63%. Clarification has been sought about aspects of the metric however there is no dispute that the additional planting would result in a substantial biodiversity net gain. As advised by the Council's ecological advisor, the precise extent of this will depend upon the composition of the planting and a condition requiring such detail is therefore suggested.
- 14.8 The biodiversity net gain will be achieved through the proposed landscape planting, habitat enhancements and long-term management as set out in the Ecology Report and Detailed Landscape Planting Plan.
- 14.9 With regards to impact on Oakley Wood the installations would be set away by 20m in line with national advice. The proposed method statement for tunneling a cable under tree roots on a path through Oakley Wood is acceptable to Natural England.
- 14.10 In terms of trees a Tree Survey and Tree Constraints Plans have been prepared by Barton Hyett. The Assessment confirms that the standoffs from Oakley Wood and the field margins incorporated into the design of the proposals will ensure that the proposed development would be acceptable in arboricultural terms. The retained trees and hedgerows can be adequately protected during construction activities to sustain their health and longevity.
- 14.11 It is considered that an arboricultural method statement and finalised tree protection details can be agreed and submitted as part of planning conditions.
- 14.12 Black Brook runs forms the south boundary of the site and the southern parts fall within the notification area of it as Local Wildlife Site. However recent amendments removed any solar panels from proximity form this boundary, nor is it close to the proposed accesses, compound, storage or connection infrastructure and such is no longer affected.
- 14.13 With the implementation of appropriate mitigation, compensation and enhancement, as set out in the Ecological Reports, the development would be in conformity with Local Plan policy CS13, Emerging Local Plan policy EV6 and EV7 and national planning policy.
- 14.14 Overall, the planting proposals and biodiversity net gain count substantially in favour of the scheme.

15. Impact on Heritage Assets

- 15.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets a general duty that In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 15.2 Paragraph 203 of the NPPF states that, in determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with the conservation and the desirability of new development in making a positive contribution to local character and distinctiveness.
- 15.3 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of the category and degree of harm.
- 15.4 Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 15.5 Further, paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It calls for a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. Case law establishes that the Council must give considerable importance and weight to preserving or enhancing the character or appearance of a Conservation Area.
- 15.6 Core Strategy Policy CS14 concerns conservation and enhancement of heritage assets, Emerging Local Plan policy EV8 has similar aims.
- 15.7 A Desk-Based Heritage Assessment and Geophysical Survey submitted in support of the planning application provides information regarding the significance of the historic environment and archaeological resource and a detailed review of the historic environment.
- 15.8 There are no known designated or undesignated heritage assets within the site itself.

Conservation Areas and Associated Listed Buildings

- 15.9 Settlement cores of Hathern, Long Whatton and Sutton Bonnington are designated as Conservation Areas; they extend to within c.450m east and c.600m and approx. 1.2km north-west of the site respectively. Each Conservation Area contains a number of Grade II and II* Listed Buildings.
- 15.10 The edge of the site lies c.600m from Long Whatton Conservation Area. It does not obviously feature in any views from the Conservation Area and is not a location from where the Conservation Area as a whole, or any building within it, can be experienced. It is considered that the site makes no contribution through setting to the significance of Long Whatton Conservation Area.

- 15.11 The edge of the site lies c.450m from Hathern Conservation Area, does not feature in any views from the Conservation Area and is not a location from where the Conservation Area as a whole, or any building within it, can be experienced. A glimpse of the church steeple from the north-western part of the site is incidental. It is considered that the site makes no contribution through setting to the significance of Hathern Conservation Area.
- 15.12 The site lies c.1.2km from Sutton Bonnington Conservation Area, does not feature in any views from the Conservation Area and is not a location from where the Conservation Area as a whole, or any building within it, can be experienced. It is considered that the site makes no contribution through setting to the significance of Sutton Bonnington Conservation Area.
- 15.13 The proposal has been assessed as having no impact on these assets and this is accepted by North West Leicestershire's Conservation Officer and therefore raises no objections

Other Listed Buildings

- 15.14 Other Listed Buildings recorded within the study area are all Grade II and comprise Oakley Wood Cottage, between Oakley Wood and the southern part of the site; Shepshed Mill and Farmhouse, c.150m south of the site; a milestone c.235m north-east of the northern boundary of the western half of the site; and Long Whatton Mill with Bridge and Mill House with Cottage and Stables, c.460m north of the site.

Oakley Wood Cottage (Grade II)

- 15.15 Oakley Wood Cottage was built in the 18th century as a gamekeeper's cottage for the Garendon Park Estate. It is of one-and-a-half storeys, and is constructed from brick on a granite base with a thatched roof in the Picturesque style. The asset has undergone some 19th- and 20th-century alterations.
- 15.16 Today, Oakley Wood Cottage is accessed by a private track from Hathern Road. It occupies a small plot containing trees, separated from the road by a pasture field.
- 15.17 At pre-application stage the solar panel installation was pushed back one field south of this building. Recent amendments have removed in their entirety panels from the fields south of the site.
- 15.18 As such the proposal is considered to have no impact on the setting of this building.

Shepshed Mill Grade II

- 15.19 The heritage assessment does not consider the impact on Shepshed Mill and Farmhouse, though these buildings are 175m south of the site their curtilage extends to the site boundary.
- 15.20 The list entry states:

Watermill and house adjoining to east, early/mid C19. Brick with Swithland slate roofs. House: 2-storeys, 3 window range. Three-light windows beneath cambered heads. Central round-headed doorway. Six-panel door with fanlight above. Brick dentil cornice. End stacks. Mill: 2-storeys. Central access flanked by 2-light windows to both ground and upper levels. Brick dentil cornice. Iron wheel with wooden vanes. Unusual mill gearing.

- 15.21 It is believed to be only one of two working watermills within Leicestershire. It may have been on the site of a medieval mill and from site inspection aspects of the millrace and other associated features may be older than 19C and this is the view of the owner who restored the mill. Again, from site inspection the mill race, farm buildings and paddocks to the north are clearly part of the curtilage of the listed building.
- 15.22 The setting of the building has clearly been harmed by the construction of M1 and will be affected by the construction of Garendon Park to the East. However, apart from the audible intrusion, the mill enjoys a surprisingly rural atmosphere with a view northwards to Oakley Wood.
- 15.23 The degree of harm here was judged as 'less than substantial' in terms of the NPPF. However, the amended plans (November 2023) removed the part of the solar farm closest to these buildings such that they and their settings would be separated from the panels (and associated infrastructure) by substantial distance and by intervening features, including Oakley Wood itself. The amendments have had the effect of negating this concern in its entirety.

Milestone on Ashby Road Grade II

- 15.24 This was not assessed in the submitted heritage Study. However, its setting is confined to the immediate road and there will be no impact.

Long Whatton Mill with Bridge and Mill House with Cottage and Stables Grade II

- 15.25 Beside Long Whatton Brook, c.525m north of the site, is a late 18th-century watermill; it is believed to have superseded mills referenced in records of the mid 15th, 17th and 18th centuries.
- 15.26 There is considered to be no assessed impact on the setting of this asset.

Other non-designated Historic Assets

- 15.27 Oakley Grange Farm is not recorded by the HER but may still be considered a non-designated heritage asset. The first available cartographic depiction of it is the first edition Ordnance Survey map of 1883, which labels the buildings as Rectory Farm. The farmhouse adjoins the north-western corner of a courtyard of outbuildings, with another outbuilding situated to its north.
- 15.28 It is considered that two small fields in the centre of the site contribute through setting to the significance of Oakley Grange Farmhouse, and as such, that the proposed development may result in a small degree of harm to its significance through change to the surrounding landscape character as experienced in views from and towards the asset.
- 15.29 Mitchell's Spring Farm is not recorded by the HER but may still be considered a non-designated heritage asset. The first available cartographic depiction of it is the first edition Ordnance Survey map of 1883. The farmhouse adjoins the outer south-western corner of a courtyard of outbuildings. The complex lies between Pipers Wood to the west and Oakley Wood to the east.
- 15.30 No historical association is known between Mitchell's Spring Farm and the site. Despite some intervisibility between the east-facing side elevation of the asset and

the northern field of the western parcel of the site, it is considered that the site does not contribute through setting to the significance of Mitchell's Spring Farmhouse.

Whatton House and attached Stables (Grade II) and Associated Gardens and Buildings

- 15.31 The Grade II Registered Park and Garden of Whatton House is c.640m north of the site at its closest point. It contains 19 Grade II Listed Buildings, including Grade II listed Whatton House, all of which are located outside the study area.
- 15.32 Whatton House Registered Park and Garden is a designed landscape associated with the early-19th century house and its late-19th century rebuild following a fire. The designed landscape includes a kitchen garden, formal gardens and pleasure grounds closely surrounding the house, an arboretum, and outlying parkland.
- 15.33 The landscape park was established in the early-19th century for the original house. The pleasure grounds, which include a Chinese Garden, were created for the present house in the late-19th century; a small lake was added on the west side in the 1930s. Some of the trees of the arboretum appear to have been planted in the early 19th century but the majority were introduced in the second half of the 20th century.
- 15.34 As a Grade II Registered Park and Garden, Whatton House is a designated non-statutory heritage asset. Its heritage significance is principally derived from the artistic and historic interests of the designed spaces contained within the designation. Elements of its setting contribute to that significance, albeit to a lesser degree.
- 15.35 An agricultural landscape of enclosed pasture and arable fields and small plantations outlies the Registered Park and Garden to the north, west and south.
- 15.36 The List Entry for the Registered Park and Garden notes that from the gravelled forecourt at the east front of Whatton House there are “*extensive views east, over the park and the Soar Valley beyond*”; while from the terraced garden along the south front of the House, “*there are views over its balusters and across the falling and rolling parkland towards Long Whatton*”.
- 15.37 The original setting assessment in the Heritage Desk-Based Assessment concluded:
- “It is considered that the following elements contribute through setting to the significance of Whatton House:*
- Its topographical position, focussed around a point of high ground that descends east and south into the valleys of the River Soar and its tributary the Long Whatton Brook respectively;*
 - The main entrance drive culminating in the forecourt at the east front, which is how the House is typically approached and from where its built form and features of special architectural and historic interest can be experienced;*
 - Its associated designed landscape, in particular the terrace/lawn, Broad Walk and rose garden to the south and south-west, from where the House is experienced and across which there are designed views towards the outlying parkland; and*
 - Components of the outlying agricultural landscape, such as the floodplain of the River Soar to the east and the fields either side of Long Whatton Brook to the*

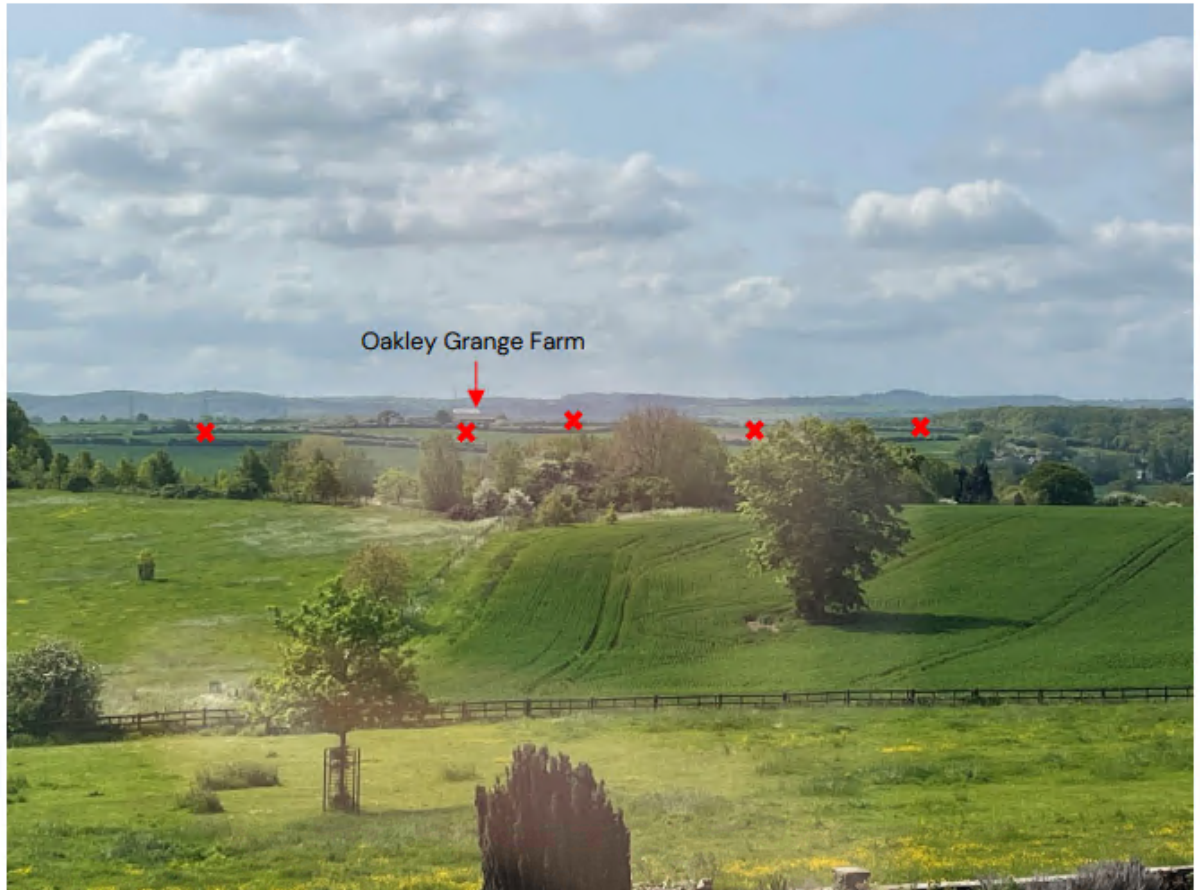
south, which are visible at mid- to long-range in designed views from the east and south fronts.

There is no known historical association between the site and Whatton House and the fields of the site are not contiguous with the designed landscape surrounding the House. However, the northern fields of the site will be visible in the midground of designed views from the south front of the House. The extent of visibility of the site is expected to be greater than from the grounds, due to the height afforded by the first- and second-floor windows. The site is part of the wider historic agricultural landscape, which elsewhere has been eroded by large-scale modern infrastructure. It is considered that the site makes a small contribution through setting to the significance of the Listed Building, and as such, that the proposed development may result in a small degree of harm to its significance through change to the wider historic landscape character as experienced in designed views from the asset.

As part of the a site visit undertaken in May 2023 at the request of the NW Leicestershire Conservation Officer, access was gained to one first-floor room and three second-floor rooms that present a southerly aspect towards the site. It was confirmed that from these rooms there is some visibility of the barns of Oakley Grange Farm (excluded from the site boundary) and the fields to the north of the farm (within and outlying the site).

Those fields lie in the midground of the panoramic and long-ranging view, which includes, in the foreground, the formal terrace and historic parkland of Whatton House. Around two thirds of the historic parkland visible from the south front retains a parkland character (i.e. pasture dotted with mature specimen trees; lying to the south-east and continuing beyond visibility range to the east and north of the house). However the remaining third of the historic parkland visible from the south front (lying to the south and south-west) is arable land with around five mature specimen trees. Visible behind Oakley Grange Farm is the flue of the Newhurst Energy Recovery Facility, and two telecommunications masts. 1.8. The proposed solar arrays will be visible in the views from the first- and second-floor rooms on the south front of Whatton House. This will slightly erode the historic agricultural landscape character beyond the parkland of Whatton House, but will not remove any element of the designed landscape itself, which makes the most significant contribution through setting to the significance of the house.

It remains our opinion that the site (specifically, the fields to the north of Oakley Grange Farm, which are visible in southerly views from first- and second-floor rooms of Whatton House) make a small contribution through setting to the significance of Whatton House; and as such, the proposed development could result in a small degree of harm to the asset's significance. The harm would be less than substantial, at the low end of the spectrum.



View from Whatton Park – site identified by red crosses

15.38 In response the Conservation Officer stated:

Both parties agree that there would be less than substantial harm to the listed building and its parkland [That is Whatton Park]. Based on my own site inspection I agree that the harm to the listed building would be “at the low end of the spectrum” but I do not agree that the same may be said about the parkland. Instead I would identify less than substantial harm toward the midpoint of the spectrum.

15.39 The area of intervisibility being those parts of the site north of Oakley Grange Farm, generally north of the point the site plateaus north of the 65m contour, where the site drops around 20m to Whatton Road.

15.40 The visible area of the site occupies in part, about a third of this view, beyond the foreground parkland. From this northern aspect, the rear of the panels would be viewed and would appear dark in appearance. This dark appearance blends with the dark bands of woodland and hedgerows that characterise the landscape to the south of the Whatton House Parkland. The impact for residents of Whatton House, would result in moderate effects at most.

15.41 The issue is the view from the house and the impact on the setting of the listed building, which gains its significance from the view across the Registered Park and Gardens and landscape beyond. In terms of the setting of Whatton House, it is considered that the distance of the panels from the House (circa 1.6km at the closest point) and the limited available first floor (private) view, and that the land concerned

is located outside that historically and perceptually associated with Long Whatton House does not significantly impact upon its setting.

Garendon Park and Associated listed buildings and Scheduled Monument.

- 15.42 The Grade II Registered Park and Garden of Garendon lies c.1.4km south-east of the site at its closest point. It contains one Scheduled Monument (the earthwork and buried remains of a medieval abbey and a post-medieval mansion); and one Grade I Listed Building, one Grade II* Listed Building, and 11 Grade II Listed Buildings (comprising two lodges, two ranges of outbuildings, boundary walling and ornamental features). Garendon Hall, for which the park and garden was designed, was demolished in 1964.
- 15.43 No estate map survives although it is known that the site formerly comprised part of the agricultural estate of Garendon House.
- 15.44 The site is not contiguous with the designed landscape: it lies more than c.1.4km to the north-west, separated by intervening fields, and a sewage works.
- 15.45 The List Entry for the Registered Park and Garden notes that the designed landscape is now sandwiched between the M1 motorway and the town of Loughborough; and that while some 18th-century ornamental woodland, canals and structures survive, Garendon Hall and its kitchen gardens do not and the former parkland in the south-west has comprised arable land since 1943.
- 15.46 In 2016, Charnwood Borough Council granted planning permission for the West of Loughborough Sustainable Urban Extension within the northern, central and western parts of the Registered Park and Garden. The development scheme includes for the retention and restoration of the Listed structures.
- 15.47 The former Hall was south-facing and avenues, canals and focal structures occupied the southern part of the designed landscape. The northern part includes the site of a medieval abbey, various outbuildings of medieval origin, plantations and a lake. There is no mention in the List Entry of any designed vistas from the Hall or Park across the outlying agricultural landscape to the north.
- 15.48 The grade II* Temple of Venus, and one assessed viewpoint in the far east of the site are the only parts of Garendon Park within the assessed area of theoretical visibility. Given field boundaries, the distance (more than 3km), the fact the view is over a sewage works, the principal view from the Temple towards the site of the former house and the south of the site is gently sloping, it is considered any view from these points would be almost entirely screened and there would be no impact on the setting of the Registered Park and Garden of the Temple Of Venus within it. The setting will be radically altered by the Garendon Park urban extension.
- 15.49 In conclusion the site is considered to make no contribution through setting to the significance of the Registered Park and Garden or any of its associated Listed Buildings, or the Scheduled Monument of the earlier monastic site.

Scheduled Monuments

- 15.50 Two Scheduled Monuments are located within the study area: a village cross at Hathern, c.720m east of the site, and a moated site with a fishpond at Long Whatton, c.920m northwest of the site. There is no visual impact on either.

Archaeology

- 15.51 Significant parts of the site have been subject to field walking over the years.
- 15.52 Much evidence of prehistoric and Roman activity is recorded on land either side of Black Brook within the southern and south-western parts of the study area.
- 15.53 No extant ridge and furrow earthworks were observed within these or any other locations within the site during the walkover survey; but some are perhaps faintly discernible on 1m resolution digital terrain model LiDAR imagery produced in 2020.
- 15.54 Prehistoric and Roman activity within the study area is attested to by numerous find scatters and cropmark and excavated features. Worked flint and Roman pottery sherds have been recovered from the southernmost part of the site, raising potential for associated features like enclosures, field systems and roundhouses in the vicinity. Such remains would be of some significance as derived from their archaeological and historic interest, but would not usually be so significant as to preclude development.
- 15.55 There are no discernible above-ground remains of the short linear earthwork marked within the north-western boundary of the eastern parcel of the site on historic Ordnance Survey maps, but there may be buried remains.
- 15.56 From the early medieval period onwards, it would seem that the site comprised farmland outlying and associated with the settlements of Hathern and Long Whatton. The boundary banks of Oakley Wood do not extend into the site. There is potential for buried archaeological evidence of historic land use, for instance, plough furrows and former field boundaries. Such remains would typically be of insufficient significance to warrant their identification as non-designated heritage assets.
- 15.57 Although there is as yet no consultation response from Leicestershire Archaeology it is considered that the archaeological potential of the field north of Black Brook, and two earthworks shown on the 1884 Ordnance Survey merit a pre commencement archaeological investigation condition. With such a condition the scheme would comply with the NPPF in Archaeological terms.

Conclusion on Heritage Matters

- 15.58 Following a review of all designated heritage assets within 1km of the site, the desk based assessment and subsequent site visits and addendums, finds the northern fields of the site (to the north of Oakley Grange Farm) make a very small contribution through setting to the significance of the Registered Park and Garden and the smallest contribution through setting to the significance of the Grade II Listed Building of Whatton House.
- 15.59 It is considered that the impact on the setting of Whatton Park is higher – mid range but remaining within the ‘less than substantial’ description.
- 15.60 The two fields in the centre of the site, on the south side of the track to Oakley Wood, contribute through setting to the significance of the non-designated asset of Oakley Grange Farmhouse; but that the site does not contribute through setting to the significance of Mitchell’s Spring Farmhouse.

- 15.61 The study also considers it does not contribute through setting to the Registered Park and Garden and Listed Buildings of Garendon Park, the Conservation Areas and Listed Buildings of Hathern and Long Whatton.
- 15.62 The study does not consider there would be harm to the setting of Shepshed Mill and Mill Farm. This was the subject of disagreement however has been fully overcome by the amendments to the scheme removing the relevant section of the proposal.
- 15.63 Overall, assessing impact individually and cumulatively, there would be less than substantial harm, considered to be mid-range for Whatton Park.
- 15.64 Under the NPPF (paragraph 208) in such cases the harm needs to be assessed against public benefits. It is considered that there would be very substantial public benefits from carbon emissions savings, renewable energy generation, biodiversity gains and to a limited extent from economic benefits. It is considered that this would outweigh the less than substantial harm referred to above.
- 15.65 Nonetheless great weight needs to be given to any harm and this harm would weigh against the scheme in the planning balance. Furthermore, the harm is reduced by the landscaping proposals included within the scheme: improved screening landscaping (replacing hedgerows where lost and provision of additional hedgerow planting) as proposed in the landscaping scheme, would either remove the impact or mitigate it short term (approximately 15 years) whilst screening features grow.
- 15.66 With these proposed mitigations the residual less than substantial harm on Whatton House would be very low, and although this would weigh against the scheme in the planning balance this would comply with the NPPF and Development Plan policy CS16 and emerging Local Plan policy EV8.
16. Glint and Glare - Aircraft Safety
- 16.1 The site is outside the East Midlands Airport Safeguarding Area referred to in emerging Local Plan policy CC3, however the reference there to aircraft safety and operation is applicable.
- 16.2 Panels are partially reflective which can give rise to a risk of glint and glare. Noting however that this is much reduced with modern panels designed to absorb light (as reflected light is lost energy) being very nearly black and partially translucent. Today's panels reflect as little as 2% of the incoming sunlight, and their reflective properties are lower than glass and still water.
- 16.3 An assessment of the proposals has been undertaken to consider the effects of glint arising from the proposed panel layout on the receptors around the site. Particular attention is paid to receptors considered to be more sensitive to glint, such as pilots on final approach to landing at East Midlands Airport, motorists on main roads travelling at speed and train drivers.
- 16.4 The Glint and Glare report accompanying the planning application notes that solar arrays have lower reflective properties than glass or still water and concludes that the overall potential for glint at receptors within the vicinity of the site is low. Accounting for existing and proposed screening, the glint is not expected to have a material impact on the properties surrounding the site. Any glimpses of glint would be no worse than viewing a sunlight reflection from window glass similar to those used in glasshouses or still water.

- 16.5 From the perspective of a motorist using these roads, any glimpses of glint would be very low intensity and pass very quickly, having no material impact. Although glint could be visible to overflying aircraft, any effect would not be sustained for extended durations and would be much less intense than glint possible from large waterbodies.
- 16.6 Further technical work was requested by East Midlands Airport. Revisions to the Glint and Glare Assessment proposed a revised panel type along with the removal of some southern panels has removed the yellow glint/glare component for the site. This has met with the satisfaction of the Safeguarding Authority who now lodge no objection and recommend a condition (and notes as informative). This can be included in any permission granted.
17. Access
- 17.1 Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new developments. These policies generally accord 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 them.
- 17.2 Paragraph 115 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.
- 17.3 A Public Right of Way runs along the western boundary of the site from Ashby Road to Mitchell's Spring Farm but will not be affected by the proposals.
- 17.4 The site will utilise the existing Oakley Grange Farm access off Shepshed Road with the majority of the distribution of the equipment undertaken internally by tractor and trailer. Some equipment will be delivered to the western parcel via a new construction access created off the Ashby Road. Traffic would be routed so as to minimise disruption to the local highway network. The level of traffic associated with the construction phase will be relatively low and, as such, is not considered likely to have a detrimental impact on the safety or operation of the local or strategic highway network.
- 17.5 Once operational the site would only require occasional visits associated with the routine maintenance of equipment on site. The largest vehicle likely to be used during the operation phase is expected to be no larger than a 7.5t van. The operational phase is anticipated to result in minimal impact to the surrounding local network.
- 17.6 The Local Highway Authority has requested further information and details regarding the three entrances, including a speed survey on Ashby Road to determine the correct dimensions of visibility displays. As a result a survey was undertaken and revised access proposals submitted along with a Road Safety Audit and the deletion of 'access C' on Shepshed Road, south of Oakley Farm.
- 17.7 The Local Highway Authority is satisfied with these assessments and now recommends conditions to secure their provision, maintenance and ultimately removal after the solar farm is decommissioned. These can be included as conditions to any permission granted.

18. Flood risk and drainage

- 18.1 Policy CS16 of the Core Strategy and the NPPF direct vulnerable development away from areas at highest risk of flooding. This is also reflected in emerging Local Plan Policy CC1, which can attract moderate weight.
- 18.2 The Environment Agency flood map shows the site as lying within Flood Zone 1 (1:1000 year probability of flooding). A small portion in the south side of the site is shown to be in Flood Zone 2 (1 in 1000 to 1 in 100 year probability of flooding) and Flood Zone 3 (>1:100 year probability of flooding). The risk of flooding from other sources is low.
- 18.3 The NPPF technical guidance states that essential infrastructure is appropriate in flood zones 1 and 2 but in flood zone 3 an exception test is needed.
- 18.4 The solar panels were proposed to sit above the flood water level and no infrastructure will be placed within Flood Zone 2 and Flood Zone 3. However recent amendments, designed to address the setting of Shepshed Watermill at the south extremity of the site, also have the effect of removing the panels (and any infrastructure) from the parts of the site with Flood Zones 2 and 3 altogether.
- 18.5 The proposed development would not increase impermeable area on site. The proposed access tracks will be a combination of mown grass paths, grass reinforcement and gravel. All three are permeable in nature and do not alter the existing drainage characteristics of the site.
- 18.6 The proposal is considered to accord with the requirements of the National Planning Policy Framework (NPPF), Policy CS16 of the Core Strategy and emerging Local Plan policy CC1 with residual risk to the site fully mitigated, and as such considered low risk.

19. Energy Storage Fire Risk

- 19.1 The proposal includes an Energy Storage (battery area) between Oakley Grange Farm and the Ashby Road site entrance.
- 19.2 There is a risk, like with most lithium based batteries, of fire though there has only ever been one case on a solar farm in the UK.

New government [guidance](#) on this matter states:

Where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, applicants are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access can be considered before an application is made.

Applicants are also encouraged to consider [guidance produced by the National Fire Chiefs Council](#) (PDF, 488 KB) when preparing the application.

The location of such sites are of particular interest to fire and rescue services; who will seek to obtain details of the design, and firefighting access and facilities at

these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004.

19.3 The application contains plans for storage, and although the location is not indicated on the site layout it is understood this would be at the main substation close to Ashby Road and away from any property, giving clear and easy access to fire tenders.

19.4 The Fire and Rescue Service has not responded to consultation. However, based on experience elsewhere and from appeal decisions, it is considered appropriate to impose a condition ensuring access to the battery compound is adequate and unimpeded in the worst case scenario of a fire.

20. Minerals Safeguarding

20.1 Policy M11 of the Minerals Local Plan requires mineral statements to be submitted in safeguarded areas.

20.2 The Minerals Planning Authority has advised that a modest section of the southern end of the development site is located within a minerals safeguarding area for sand and gravel. However, given the nature, scale and location of the proposal it does not raise significant mineral safeguarding concern. Thus, the Authority does not require a Minerals Assessment for this application and has no objections.

20.3 In any event no installations are proposed in this area, and it was subsequently removed in the amendments to the application made in November 2023.

20.4 The scheme therefore complies with the Minerals and Waste Local Plan policy M11.

21. Other Issues

21.1 Noise from substation and battery array is proposed to be assessed through a pre commencement condition as the exact equipment is not known at this stage.

21.2 There have been no requests for section 106 contributions. The biodiversity net gain is incorporated into the proposals and can be secured by means of a condition.

21.3 The applicants have offered to contribute to a community energy scheme however no national scheme for implementing these are in place and it cannot be required by a s106 as this would not be compliant with regulation 122 of the Community Infrastructure Levy Regulations as it is not necessary to allow the development to proceed.

22. **Conclusion**

22.1 As discussed in section 9 above, the most important policies relating to the development are considered to be up to date. These are Policies CS16 and CS11 of the Charnwood Core Strategy, and CS14 in respect of heritage assets. The proposal is contrary to Policy CT/1 of the adopted Local Plan 2004, but this is considered to be severely out of date in the context of proposals for renewable energy and carries much reduced weight. Under paragraph 11 c) of the NPPF, Local Planning Authorities should approve development proposals that accord with an up-to-date Development Plan without delay. The most important policies in the determination of this application are considered to be up to date.

- 22.2 The scheme is also in accordance with the most relevant emerging Local Plan Policies, CC3 directly related to renewable energy, C1 and EV1 regarding the countryside and landscape impact, and EV8 regarding heritage assets.
- 22.3 Overall, the scheme has been assessed to have major positive benefits to production of zero carbon energy and biodiversity, and moderate economic benefits.
- 22.4 Solar farms are one of cheapest forms of electricity generation. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and at no extra cost to the consumer.
- 22.5 The ability of the scheme to offer approximately 49 MW of zero carbon power generation, enough electricity to power more than 16,580 homes and could save the emission of 11,210 tonnes of carbon dioxide annually, or 448,400 tonnes of carbon dioxide over the operational lifetime of the solar farm. The benefits of renewable energy is a material consideration that weighs strongly in favour of the proposal.
- 22.6 These benefits are recognised in the Council's local policies and guidance and national policy in accordance with the Climate Change Act of 2008. It is also clearly identified, in Section 14 of the NPPF, where it seeks to increase the use and supply of renewable and low-cost energy and to maximise the potential for such development. The delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate.
- 22.7 Also, a solar farm requires grid capacity and a viable connection to operate. As such, this requirement places a locational restriction on site selection that limits the number of appropriate sites for such a facility. The Applicant explains that the national grid suffers capacity difficulties and limits suitable points of connection. The Applicant proposes to connect to the high voltage electrical pylons running through the site placing the site in an advantageous location satisfying the connection constraints that exist. The grid connection has been agreed leading to the benefit of early connection.
- 22.8 The Applicant has therefore demonstrated that a rational approach was taken to site selection lending support for the selected site. The location is adjudged acceptable against the Development Plan and national planning policy and guidance and the emerging Local Plan.
- 22.9 The scheme has less than significant harm on the setting of a Heritage asset (Long Whatton Registered Park and Garden)(with other adverse impacts having been removed by amendments) and this remaining issue is considered to be modest, and to be outweighed by public benefits by some margin. Additionally, proposed landscaping would mitigate the residual harm.

- 22.10 The scheme has been assessed as complying with national guidance on the loss of Best and Most Valuable land. Only 15% of the array installation is proposed on land graded 3a (i.e. the proportion within the 'Best and Most Valuable' category – the remainder being category 3b land of lesser quality and a small amount of non agricultural land) and as such is not in breach of national policy or the criteria within Policy CS16 of the Cote Strategy.
- 22.11 Solar Farms are temporary in nature and, unlike other forms of development such as residential or employment uses, do not result in the permanent removal of land from agricultural use nor contribute significantly to its degradation. In this case, the land will also continue to be grazed by sheep and cut for a hay crop, meaning that agricultural use can continue whilst the solar farm is operational.
- 22.12 Renewable energy schemes are essential to provide a sustainable and affordable source of clean, green energy supply and the availability of suitable locations to achieve this in Charnwood Borough are limited.
- 22.13 The proposed site is considered to be well chosen at a site on an elevated plateau where visual impact is low (and reduced further by proposed landscaping). The application has been subject to pre-application discussion with the Parish, local wildlife group and local residents and this is reflected in the unusually low volume of public response.
- 22.14 The access proposals are considered acceptable following review by the Local Highway Authority, refinement of design and deletion of 'access C' on Shepshed Rd.
- 22.15 The directional drilling measures have been assessed as having no impact on Oakley Woods SSSI/Ancient woodlands and this is accepted by Natural England.
- 22.16 Fire safety concerns can be met through the application of a condition.
- 22.17 The residual air safety risk is considered very low and has now been accepted by the Aviation Safeguarding Authority following additional investigation. A condition can be imposed to establish how the developers would respond should there be an occurrence of glare issues that have not been anticipated.
- 22.18 Subject to the amendments submitted and the mitigation proposed by conditions, the scheme is considered to meet national policy, existing Local Plan policy and emerging Local Plan policy. Overall, material considerations that weigh against the proposal are very limited and capable of mitigation by condition to reduce their impact further and are not considered to amount to reason to depart from the Development Plan.

23. Recommendation

- 23.1 It is recommended the application is approved, subject to the following conditions and reasons and that the Head of Planning and Growth be given delegated authority

to determine the final detail of these planning conditions, in consultation with the Chair of the Plans Committee:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development, hereby permitted, shall be carried out in accordance with the following approved plans and details:

- P20-3177_05 Revision C (Aerial and Site Location Plan), received by the Local Authority on the 24th February 2023;
- P20-3177 30 Revision A (Site Layout Plan), received by the Local Authority on the 14th November 2023;
- PL.004 (Technical Details – Mounting Structure), received by the Local Authority on the 24th February 2023;
- PL.005 (Technical Details – MV Power Station), received by the Local Authority on the 24th February 2023;
- PL.006a (Technical Details – Customer Substation), received by the Local Authority on the 24th February 2023;
- PL.007 (Technical Details – Storage Container), received by the Local Authority on the 24th February 2023;
- PL.008 (Technical Details 1 – Gate, Fence, Construction Road, Camera and Satellite Dish), received by the Local Authority on the 24th February 2023;
- PL.009 (Technical Details – Energy Storage Container), received by the Local Authority on the 24th February 2023;
- GCS0020-2 Revision 2 (Proposed Site Layout & WPD Control Room Details), received by the Local Authority on the 24th February 2023;
- P20-3177-PEG-XX-XX-DR-C-0001 Revision P3 (Ecological Ponds), received by the Local Authority on the 24th February 2023;
- P20-3177 Figure 3.1 Revision D (Proposed Access Arrangement – Shepshed Road), received by the Local Authority on the 6th December 2023; and
- P20-3177 Figure 3.2 Revision D (Temporary Construction Access), received by the Local Authority on the 6th December 2023.

Unless otherwise required by another condition of this permission.

Reason: For the avoidance of doubt and to determine the scope of the permission.

3. The applicant/developer shall notify the Local Planning Authority in writing within 10 working days of electricity generated from the development being first exported to the National Grid.

Reason: To provide certainty and define the start date of the temporary permission and to ensure a record is kept of all operational solar panels.

4. The planning permission, hereby granted, shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period, the development shall be removed (excluding the approved landscaping and biodiversity works) and the land restored to its previous agricultural use in accordance with details first submitted to and approved by the Local Planning Authority in accordance with Condition **5** of this permission.

Reason: To ensure proper decommissioning and restoration of the land in the interests of visual and residential amenities and to safeguard the mineral resource of part of the site.

5. No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by the development, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall first be submitted to and approved in writing by the Local Planning Authority. Such a scheme of works shall include the following:

- A programme of works;
- A method statement for the decommissioning and dismantling of all equipment and surfacing on the site;
- Details of any items to be retained on site;
- A method statement for restoring the land to agriculture;
- Timescale for the decommissioning, removal and reinstatement of the land; and
- A method statement for the disposal/recycling of redundant equipment/structures.

The scheme of works shall then be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.

Reason: To ensure proper decommissioning and restoration of the land in the interests of visual and residential amenities and to safeguard the mineral resource of part of the site.

6. If the development (or part) ceases to export electricity to the grid for a continuous period of twelve months, a scheme of restoration (which shall adhere to the requirements outlined in Condition **5** of this permission) shall first be submitted to the Local Planning Authority for its written approval within three months from the end of the twelve month period for the removal of the development (or part) and the restoration of the site (or part of the site) to agricultural use. The approved scheme of restoration shall then be fully implemented within nine months of the written approval being given by the Local Planning Authority.

Reason: To ensure proper decommissioning and restoration of the land in the interests of visual and residential amenities and to safeguard the mineral resource of part of the site.

7. Notwithstanding the submitted plans, nor Condition 2 above, prior to installation full details of the final location, design and materials of construction (including colour finish) to be used for the:

- Solar panel arrays and stands;
- Transformers;
- Inverters;
- Battery storage;
- Substations;
- MV power station;
- Close Circuit Television (CCTV) cameras;
- Control room;
- Fencing and gates; and
- Any other auxiliary buildings.

Shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and permanently maintained for the lifetime of the development in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide certainty and define the terms of the permission in the interests of visual and residential amenity.

8. No construction or decommissioning works shall take place except between the following hours: 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No construction or decommissioning works shall take place at any time on Sundays or a Public Holiday.

Reason: In the interests of the preservation of local residential amenities.

9. Notwithstanding the details shown on drawing number P20-3177_27 Revision 0 (Landscape Strategy), received by the Local Authority on the 5th October 2023, prior to the commencement of the development, a landscaping scheme containing details of both hard and soft landscape works shall first be submitted to and approved in writing by the Local Planning Authority. Subsequently the works shall be carried out as approved prior to the first exportation of electricity to the National Grid, or in the first available planting season following such exportation of electricity to the National Grid, and permanently retained (in relation to soft landscaping works) or maintained for the lifetime of the development (in relation to hard landscaping works) as approved. The details to be submitted shall include:

- Hard surfacing including pathways and driveways, other hard landscape features and materials;
- Existing trees, hedges or other soft features to be retained;
- Planting plans, including specification of species, sizes, planting centres, number and percentage mix;
- Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; and
- The continuation of unobstructed movement of species within the site.

Reason: To ensure a satisfactory soft and hard landscaping scheme is provided within a reasonable period in the interests of visual amenity and the significance of the setting of identified heritage assets.

10. Notwithstanding the approved plans, nor Conditions **7, 9** and **31** of this permission, the development, hereby permitted, shall not be brought into use until such time as details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates, or other means of enclose, shall first been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to perimeter boundary treatments and shall be informed by a revised Glint and Glare Assessment (if required) ensuring no glint and glare impacts occur to motorists on the highway network adopted by Leicestershire County Council.

Reason: In the interests of highway safety.

11. The works for the biodiversity enhancement measures on the site shall be undertaken and delivered in full in accordance with the Biodiversity Net Gain (BNG) Assessment by Aspect Ecology (ref: ECO6261 dated: 21/07/2023), received by the Local Authority on the 21st July 2023, and associated Biodiversity Metric 3.1 Calculations, received by the Local Authority on the 26th July 2023, prior to the first exportation of electricity from the solar farm to the National Grid. The above applies unless an alternative implementation programme is first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of delivering a net biodiversity gain in association with the development.

12. The development, hereby permitted, shall be implemented in accordance with the measures stated within the Landscape & Ecological Management Plan (LEMP) by Pegasus Group (ref: P20_3177_31B dated June 2023), received by the Local Authority on the 19th June 2023, unless otherwise agreed in writing by the Local Planning Authority. A monitoring visit shall be undertaken by a qualified ecologist 12 months after the completion of the development and a report setting out the results of the monitoring visit shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of the monitoring visit. Should the monitoring visit identify any additional measures are required, these shall be set out in the report within an updated LEMP, along with a timescale for their implementation and review.

Reason: To ensure that the soft landscaping is retained and enhanced in the interests of visual amenity as well as to promote opportunities for the nature conservation value of the site to be enhanced.

13. The existing trees within the site as indicated on the Tree Survey/Constraints Plans (drawing numbers BHA_4366_01 Sheets 1 to 4) and Combined Tree Retention/Removal and Protection Plans (drawing numbers BHA_4366_01 Sheets 1 to 4) in the Arboricultural Impact Assessment (AIA) by Barton Hyett Associates (ref: 4366 dated: January 2023), received by the Local Authority on the 24th February

2023, shall be retained and protected, and shall not be felled, lopped, topped or uprooted. Any of the existing trees which are removed, die, are severely damaged or become seriously diseased shall be replaced with trees of a size and species approved in writing by the Local Planning Authority within one year of the date of any such loss, for a period of 5 years from the date development begins.

Notwithstanding the information shown on the Combined Tree Retention/Removal & Protection Plans (drawing numbers BHA_4366_01 Sheets 1 to 4) within the AIA by Barton Hyett Associates (ref: 4366 dated: January 2023), received by the Local Authority on the 24th February 2023, no development, including any site works, shall begin until each tree to be retained has been protected in a manner which shall first have been submitted to and approved in writing by the Local Planning Authority. Each tree shall be protected in the approved manner for the duration of construction operations on the site. Within the areas approved to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored on it. If any trenches for services are required in the protected areas, they shall be excavated and backfilled by hand and any tree roots encountered within a diameter of 5 centimetres or more shall be left unsevered.

Reason: To ensure that existing trees to be retained are incorporated into the development in the interests of the visual amenities of the rural environment.

14. No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has first been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following details:

- Identification of potentially damaging construction activities;
- Identification of biodiversity protection zones;
- Practical measures and sensitive working practices to avoid or reduce impacts during construction;
- Timing of works to avoid harm to nesting birds;
- Responsible persons for overseeing sensitive works; and
- Use of protective fencing where required.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction phase of the development in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out as approved prior to the first exportation to the National Grid and permanently retained and maintained in accordance with the approved form subject to any such variation that has previously been approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and the preservation of protected species as well as the promotion of biodiversity.

15. No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by the development, whichever is the sooner, a restoration management plan (RMP) for the site shall first be submitted

to and approved in writing by the Local Planning Authority. The management plan shall include:

- A site assessment, including review of the existing natural interest on site and an assessment of restoration options, including the natural regeneration options, as appropriate;
- The aims and objectives for each habitat type to be created, both within the 5 year aftercare period and beyond;
- The means of restoring the land to its current agricultural land classification (ALC) grade;
- Habitat creation methodologies, including details of how each area is to be restored, with reference to restoration timing/phasing, site preparation/cultivation, planting/sowing methodologies, species mixes and proportions and establishment management methodologies;
- Management prescriptions, including details of those actions required to achieve the aims and objectives identified;
- Details of monitoring proposals, which shall include a review of management at the end of the 5 year aftercare period; and
- Work programme for works, which shall illustrate what management activities are proposed in what month of each year, for the 5 year aftercare period.

The RMP shall then be implemented as approved and adhered to throughout the aftercare period in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and the preservation of protected species as well as the promotion of biodiversity.

16. Notwithstanding the submitted details, no development shall commence on site until such time as precise details of all works in respect of the protection of existing soils (and including a timetable for implementation) has first been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and timetable for implementation unless in accordance with any alternative measures first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the appropriate protection of the site's soil resource.

17. All tunnelling through Oakley Wood Site of Special Scientific Interest (SSSI) and Ancient Woodland shall be carried out in accordance with the Horizontal Directional Drilling Method Statement by G.B. Directional Drilling Services Ltd (ref: Revision 9), received by the Local Authority on the 19th June 2023.

Reason: In the interests of the protection of Oakley Wood which is of national importance given that it comprises a Site of Special Scientific Interest (SSSI) and Ancient Woodland.

18. Prior to the installation of any electrical equipment or battery unit an Emergency Response Plan (ERP) shall first be submitted to and approved in writing by the Local

Planning Authority. The ERP should include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of a loss of control incident, containment of fire water run-off, handling and responsibility for disposal of damaged batteries, and establishment of regular onsite training activities. The development, hereby permitted, shall then be completed and operated in all respects in accordance with the ERP for the lifetime of the development.

Reason: In the interests of fire safety and the management of the site by the emergency services.

19. The development shall be carried out in accordance with the Flood Risk Assessment (FRA) and Surface Water Drainage Strategy (SWDS) by Pegasus Group (ref: P20-3177 dated: January 2023), received by the Local Authority on the 24th February 2023, including that no part of any installation shall be located within Flood Zones 2 and 3, and the following mitigation measures it details:

- (a) The perimeter fencing shall be designed to allow water to flow through with no obstruction; and
- (b) An 8 metre easement shall be maintained between the top of the bank of the watercourse and the development.

Reason: To reduce the risk of flood waters being diverted elsewhere and to allow for access for maintenance and monitoring of the watercourse.

20. No development, hereby permitted, shall commence 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 surface water drainage element, has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the surface water drainage strategy.

21. No development (except any site clearance), hereby permitted, shall commence on site until such time as a surface water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall then be provided in full in accordance with the approved details before first export of electricity from the proposed solar farm to the National Grid.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

22. No development, hereby permitted, shall commence on site until such time as details in relation to the management of surface water on site during the construction phase of the development have first been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme during the construction phase of the development, hereby permitted, shall then be provided in accordance

with the approved details prior to the commencement of the development on the site and subsequently maintained throughout the construction phase.

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 through the entire development construction phase.

23. The development, hereby permitted, shall not be brought into use until such time as details in relation to the long-term management and maintenance of the surface water drainage scheme(s) within the development have first been submitted to and approved in writing by the Local Planning Authority. Once the approved surface water drainage scheme(s) has been provided in accordance with that approved under Condition **21** it shall subsequently be managed and maintained for the lifetime of the development in accordance with the details approved under this Condition.

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 sustainable drainage system within the proposed development.

24. The development, hereby permitted, shall not be brought into use until such time as the access arrangements shown on drawing numbers P20-3177 Figure 3.1 Revision D and P20-3177 Figure 3.2 Revision D, both received by the Local Authority on the 6th December 2023, 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.

25. Following the completion of the construction phase of the development, hereby permitted, the access onto Ashby Road, as identified on drawing number P20-3177 30 Revision A, received by the Local Authority on the 14th November 2023, shall be gated and locked and not used at any time unless otherwise first approved in writing by the Local Planning Authority. Prior to the commencement of the decommissioning phase, a timetable outlining the duration the access onto Ashby Road shall be utilised for the decommissioning phase shall first be submitted to and approved in writing by the Local Planning Authority and the decommissioning phase of the development shall then be undertaken in accordance with the approved timetable.

Reason: In the interests of general highway safety.

26. The development, hereby permitted, shall not be brought into use until such time as off-street parking and/or heavy goods vehicle (HGV) parking provision (with turning facilities) has been provided and surfaced in accordance with details first submitted to and approved in writing by the Local Planning Authority. Thereafter the onsite parking (and turning) provision shall be kept available for such use for the lifetime of the development.

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.

27. Notwithstanding the details outlined within the Construction Traffic Management Plan (CTMP) by Pegasus Group (ref: P20-3177 TR01 dated: January 2023), received by the Local Authority on the 24th February 2023, no development, hereby permitted, shall commence (including any ground works) until a revised CTMP has first been submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be adhered to throughout the entirety of the construction phase of the development.

The CTMP shall provide for:

- Suitable construction vehicle routes for all construction vehicles;
- Construction vehicles travelling outside of the peak hours of 08:00 to 09:00 and 17:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays;
- A highway condition survey;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials to be used in the construction of the development;
- Wheel and underbody washing facilities;
- The location of the construction compound; and
- Construction signage and traffic management measures (including how banksmen would be utilised).

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 the interests of highway safety.

28. No development, hereby permitted, shall take place within the whole site until a programme of archaeological work has been secured and implemented, in accordance with a Written Scheme of Investigation (WSI) which has first been submitted to and approved in writing by the Local Planning Authority, based on the areas within the site identified for further work in the Heritage Desk Based Assessment (HDBA) by Pegasus Group (ref: P20-3177 Version 1 dated: 25/08/2022), received by the Local Authority on the 24th February 2023. The scheme of investigation shall include an assessment of significance and research questions, and:

- The programme and methodology of site investigation and recording;
- The programme for post investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site; and

- Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

The site investigation shall be completed prior to the development, or in such other phased arrangement, as first submitted to and approved in writing by the Local Planning Authority.

The solar farm, hereby permitted, shall not be brought into operation until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the WSI, and the provision made for analysis, publication and dissemination of results and archive deposition.

Prior to the commencement of the development, hereby permitted, a detailed site plan including Archaeological Exclusion Zones will be submitted to and approved in writing by the Local Planning Authority. Following the approval and completion of the archaeological evaluation referred to above, and prior to the commencement of the development, a final detailed site layout plan with full details of the final locations, design and materials to be used for the solar panel arrays, inverters, customer switchgear, substations, close circuit television (CCTV) cameras, fencing, foundations and cabling will be submitted to the Local Planning Authority for approval.

Should the archaeological evaluation identify any significant archaeological deposits, the final detailed site layout plan will define Archaeological Exclusion Zones within which below and above ground development will be excluded or provide sufficient design mitigation including but not limited to the use of the above ground cables, concrete shoes or other means to avoid any impact on archaeological deposits if required. The final detailed site layout plan shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall be carried out in accordance with the approved details. If there are archaeological areas to be preserved in situ, a management plan will be produced for any archaeological areas to be preserved in situ, setting out the methodology to secure the ongoing protection of these areas during construction, operation and decommissioning of the solar farm. Such a management plan shall be adhered to for the lifetime of the development.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving.

- 29, No infrastructure which has the potential to generate noise shall be provided on site in accordance with the development, hereby permitted, until such time as an Acoustic Noise Impact Assessment (ACNI) has first been submitted to and approved in writing by the Local Planning Authority. The ACNI shall be undertaken in accordance with the current version of British Standard 4142, or any subsequent replacement or updated equivalent standard, and for any measured exceedances of the predicted daytime and/or night-time noise levels measured, a scheme of mitigation shall be included within the ACNI. The relevant infrastructure shall then be installed in accordance with the approved details and so maintained for the lifetime of the development.

Reason: In the absence of any precise details and in the interests of the preservation of residential amenities.

30. No external lighting, including any lighting for the construction and decommissioning phases of the development, shall be installed on the site unless a lighting strategy (designed for the protection of biodiversity and residential amenity and including a timetable for implementation) has first been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:

- Include elevation information of the lighting to be installed as well as illumination levels to ensure there is no light spill to existing residential receptors;
- Identify those areas/features on the site that are particularly sensitive to ecological species;
- Show how and where external lighting will be installed so that it can be clearly demonstrated (through the provision of a lighting contour plans and technical specifications) that areas to be lit will not disturb ecological species using the site.

The external lighting shall then be installed in accordance with the approved details set out in the lighting strategy and timetable for provision and once provided shall thereafter be so maintained for the lifetime of the development. Under no circumstances should any other external lighting be installed without details first being submitted to and approved in writing by the Local Planning Authority.

Reason: In the absence of any precise details and in the interests of aviation safety, nature conservation and the preservation of protected species, as well as to preserve the amenities of the locality.

31. The development, hereby permitted, shall be carried out in full accordance with the Glint Addendum by Waddell Armstrong (job no. BR10176 Report No. 2 Version 2.0 dated: 21st November 2023), received by the Local Authority on the 29th November 2023.

Reason: To ensure sufficient safeguards from glint and glare in the interests of aviation and highway safety.

32. The development, hereby permitted, shall not be brought into use until a method statement for reporting glint and glare complaints and a programme for mitigation to reduce any complaints of glint and glare that are substantiated has first been submitted to and approved in writing by the Local Planning Authority. Any substantiated complaints of glint and glare shall then be responded to in accordance with the approved method statement which shall be adhered to for the lifetime of the development.

Reason: To ensure that sufficient safeguards from glint and glare are in place in the interests of aviation and highway safety as well as residential amenity.

33. With the exception of the cable referred to in Condition **17** of this permission, there shall be no fencing or other development within 20 metres of the Oakley Wood Site of Special Scientific Interest (SSSI) and Ancient Woodland.

Reason: For the avoidance of doubt and to comply with national policy and guidance in respect of buffer distances from Ancient Woodlands.

34. The development, hereby permitted, shall not be brought into use until such time as an Information Board Strategy (IBS) has first been submitted to and approved in writing by the Local Planning Authority. The IBS shall set out the details and the location, content and timing of the delivery of the information boards with the boards displaying information on the principles of renewable energy generation and nature conservation that relate to the proposed development. The IBS shall then be implemented in accordance with the approved details and retained as such for the lifetime of the development.

Reason: In the interests of educating the public on solar farm development.

35. Other than where cables are attached to the solar panel frames all cables within the development shall be laid underground unless required to be above ground for the purposes of compliance with Condition **28** of this permission.

Reason: To ensure the development takes the form envisaged by the Local Planning Authority in the interests of visual amenity.

36. Any alarm system to be installed shall be silent at all times.

Reason: In the interests of the preservation of residential amenities.

37. The solar panels, hereby approved, shall not be sited higher than 2.9 metres above ground level.

Reason: For the avoidance of doubt and in the interests of visual amenity.

Plans Committee Report	22 February 2024
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Item No. 5c

Application Reference Number: P/23/1357/2

Application Type:	FULL	Date Valid:	26 th July 2023
Applicant:	Charnwood Borough Council		
Proposal:	Demolition of existing building and construction of 9no. bungalows with associated works to include landscaping, access and parking.		
Location:	St Michaels Court, Melton Road, Thurmaston, Leicestershire, LE4 8EE		
Parish:	Thurmaston		
Case Officer:	Lewis Marshall	Contact No:	

1.0 Background

- 1.1 This application is referred to Plans Committee as the application is submitted by or on behalf of the Council for its own development and is development of significant scale and impact.

2.0 Description of the application site

- 2.1 The site measures 0.23 hectares and is situated to the east of Melton Road located within the settlement limits of Thurmaston, which forms part of the Principal Urban Area of Leicester.
- 2.2 The existing site is occupied by a large, two storey, flat roof building likely constructed in the 1960's. The building is currently vacant but was formally used as sheltered housing accommodating 23 units. The existing building fronts Melton Road, but vehicular access is to the rear from Garden Street.
- 2.3 Residential properties lay to the north of the site boundary with a mix of residential, commercial and retail uses elsewhere along Melton Road.
- 2.4 The site is not in a designated Conservation Area, however, a grade II* Listed building, the church of St Michael and All Angels is located south of the application site. The site also falls within an area of archaeological interest.
- 2.5 The site is located approximately 130m east of the River Soar. The majority of the site is situated in flood zone 1 (low risk), although a small area measuring less than four square metres to the south west corner of the site falls within flood zone 3 (high risk).
- 2.6 The site contains a number of trees fronting Melton Road as well as a larger group of trees to the rear of the building which can be seen from Garden Street.

3.0 Description of the proposal

- 3.1 This full planning application proposes the construction of 9 no. bungalows to be used as affordable housing. The applicant intends to let the units on a social rent to persons over 60 or to those who are physically disabled or have a need for accessible accommodation. The development will follow the demolition of the existing building which comprises a two-storey block of flats.
- 3.2 The proposed buildings are single storey in scale and laid out in a terraced courtyard arrangement with open and shared garden areas to the sides and rear. A single detached unit (plot 9) is located to the rear and accessed independently from Garden Street. Proposed materials consist of red brick, render and reconstituted stone with concrete roof tiles. Ten parking spaces are proposed including two disabled bays. Refuse storage areas are proposed
- 3.3 The access as proposed will be taken from Melton Road with the formation of a new vehicular and pedestrian access. The existing vehicular access taken from Garden Street will be retained. Formation of the access will result in the removal of one tree and a section of hedgerow fronting Melton Road.

The application has been subject to amended documents and plans as the application has progressed. The application is supported by the following documents:

- Noise Survey
- Transport Statement
- Ground Condition Report
- Utility Assessment
- Heritage Statement
- Flood Risk Assessment and Drainage Strategy
- Biodiversity Net Gain Assessment
- Preliminary Ecological Appraisal
- Landscape and Ecological Management Plan
- Arboricultural Impact Assessment
- Archaeological Desk-Based Assessment and Heritage Statement
- Statement of Community Engagement

Full consultation with local residents and consultees was carried out on the 8th August 2023. A site notice was displayed at the site on 24th August 2023 and advertised in the local press on 16th August 2023.

4.0 Development Plan Policies

- 4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), and the Minerals and Waste Local Plan (2019).
- 4.2 The policies applicable to this application are as follows:

4.3 [Charnwood Local Plan Core Strategy \(2015\)](#)

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 – Strategic Housing Needs
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS14 – Heritage
- Policy CS16 – Sustainable Construction and Energy
- Policy CS17 – Sustainable Transport
- Policy CS24 – Delivering Infrastructure
- Policy CS25 – Presumption in Favour of Sustainable Development

4.4 [Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)

4.5 Where they have not been superseded by Core Strategy Policies previous Local Plan Policies remain part of the Development Plan. In relation to this proposal, the relevant ones are:

- Policy ST/2 - Limits to Development
- Policy EV/1 – Design
- Policy TR/18 - Parking Provision in New Development

5.0 **Other material considerations**

5.1 [The National Planning Policy Framework \(NPPF 2023\)](#)

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

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed and beautiful places.
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5.2 [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.

5.3 National Design Guide

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

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

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

5.5 Design Supplementary Planning Document (SPD) (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.

5.6 Leicestershire Highways Design Guide

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 expected to be provided in new housing development and advice regarding the design of parking courts and waste collection.

5.7 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.

5.8 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.

5.9 The Draft Charnwood Local Plan 2021-37

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. Further hearings are to be held in February 2024 on limited matters following on from the consultation on the post hearing submissions which closed on 8th November 2023. Following the further hearings, it is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2024

5.10 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 policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS1 - Development Strategy
- Policy DS5 - High Quality Design
- Policy EV6 - Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7 - Tree Planting
- Policy EV8 - Heritage
- Policy T3 - Parking Standards
- Policy CC1 - Flood Risk Management
- Policy CC2 - Sustainable Drainage Systems
- Policy CC4 - Sustainable Construction
- Policy CC5 - Sustainable Transport
- Policy INF2 - Local and Strategic Network

5.11 Planning Guidance for Biodiversity June 2022

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

6.0 Relevant Planning History

- 6.1 There is no recent or relevant planning history recorded for the site, although the past land use is for Council owned and managed sheltered housing.

7.0 Responses of Consultees & Other Comments Received

- 7.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire County Council – Highways (LHA)	No objection – the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Conditions are recommended in respect of the access, visibility splays, parking, and the removal of permitted development rights for gates.
Leicestershire County Council – Lead Local Flood Authority (LLFA)	No comment – The proposals are not considered to be major development and therefore the LLFA is not a statutory consultee. It is confirmed that the site is located within Flood Zone 1 being at low risk of fluvial flooding with a small part of the site being in Flood Zone 3 being at a high risk of fluvial flooding. The site is at low risk of surface water flooding.
Historic England	No comment – advice should be sought from the Council's specialist conservation and archaeological advisers.
Environment Agency	No objection – Although a very small part of the southwest corner of the site falls within flood zone 3, all construction, hard standing and accommodation falls within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site.
Charnwood Borough Council Design and Conservation Team	<p>No objection:</p> <p>The proposed development will have no impact on the heritage significance of the listed church building itself. The significance of the setting is derived from the open and verdant characteristics of the churchyard which contrasts markedly with the surrounding land uses, and the emerging views of the church tower as one travels along the high street towards the church.</p> <p>The proposal for a single storey development set within landscape grounds will not adversely impact on either of the elements which contribute to the heritage significance of the setting of the church.</p>

Consultee	Response
Charnwood Borough Council Environmental Health Team (contamination)	<p>No Objection:</p> <p><u>Ground Assessment</u></p> <p>The Ground assessment identified the risk from potential asbestos contamination in soil as low/moderate. No remediation measures were therefore proposed.</p> <p>Recommend the additional condition: <i>If, during the development works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed in an appropriate remediation scheme submitted to and approved in writing by the local planning authority.</i></p> <p><u>Noise</u></p> <p>The Quantum Acoustic Report concluded that the site is dominated by road traffic noise associated with Melton Road. It was concluded that noise levels could be suitably controlled through the use of standard thermal double glazing and acoustic rated trickle ventilators for properties overlooking Melton Road, with properties overlooking Garden Street controlled through the use of standard thermal double glazing and standard trickle vents. Details of the proposed glazing and ventilation was given in Section 9.3 of the report. It is recommended that these glazing and ventilation requirements be conditioned in any permission.</p> <p>Appropriate external noise levels in private amenity areas were also achieved by a proposed 1.8m high brick wall along the northern and southern boundary fronting Melton Road. It is therefore recommended that this be conditioned in any permission.</p> <p><u>Demolition/Construction</u></p> <p>The site is situated close to existing residential/business premises and there is therefore the potential for noise and dust nuisance from development of the site. I recommend that the applicant be made aware of the notes to minimise the potential nuisance from demolition/construction sites, particularly.</p>
Charnwood Borough Council Tree Officer	<p>Objection:</p> <p>The scheme ignores any value from the trees and does not provide a design that enables reasonable mitigation or sufficient on-site compensation. The scheme therefore fails to meet the local and national policy.</p>
Charnwood Biodiversity	A revised version of the submitted metric is provided.

Consultee		Response
		<p>The revised calculation shows a net gain of 4.53% which gives reasonable confidence that the application can be brought forward with no net loss of biodiversity. Although the calculation also shows a breach of the trading rules this is entirely explained by a small reduction in projected urban tree cover.</p> <p>Given the small size of this change and deficiencies in the metric for projecting ecological value of individual trees, this apparent deviation from the trading rules is not considered sufficient to undermine the proposal as a whole.</p> <p>Recommended Conditions: Landscaping – to include Native hedge along the frontage, native trees where they can reasonably be accommodated and a wildlife garden area.</p>
Thurmaston Council	Parish	<p>Raises the following concerns –</p> <ul style="list-style-type: none"> • The Social housing may be lost in future due to the Right to Buy Scheme. • There will only be 2 visitor and 2 disabled parking bays between all residents. The Parish Council feels that this is an insufficient amount of disabled spaces, as the development is proposed for senior/disabled residents. • The entrance to the development (including visibility splays) will total 15m and this will potentially remove existing parking spaces during restricted parking times. • Question the viability of the access to plot 9 over unadopted land. • The Parish Council would like to recommend that the development is called St Michael's Court (or a variant of this).

Responses to publicity	
One letter of comment has been received from The Parish of Church of St Michaels and All Angels	<ul style="list-style-type: none"> • The development is welcomed in principle. • It will enhance the street scene. • It will improve visibility of the grade II* listed church building. • The proposed access on Melton Road will reduce availability of car parking. • Parking spaces within the development will be undesignated and therefore may increase demand for on street parking. • The visibility splays within the access are likely to be inadequate.

	<ul style="list-style-type: none"> • The existing vacant building is associated with anti-social behavior. • Dust, traffic, noise and vibration should be managed during construction.
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8.0 Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015), “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028) and the Minerals and Waste Local Plan (2019).
- 8.2 In light of the revisions to the NPPF released on 20th December 2023 and guidance contained in paragraph 226, the Local Plan has been submitted for Examination and the Council can demonstrate in excess of a four year housing land supply (4.27 years based on a 4 year supply over a 5 year requirement – 4.49 years if the 5% buffer is not applied). The Core Strategy and Borough of Charnwood Local Plan are over 5 years old and it is important to take account of changing circumstances affecting the area and relevant changes in national policy (NPPF Dec 2023).
- 8.3 With the exception of policies addressing the supply of housing, the weight of the relevant policies listed above are addressed for their extent of compliance with national guidance in the report below, to consider whether there is reason for them to be given reduced weight. As the Core Strategy is over 5 years’ old, it is important to consider if the most relevant policies within the Development Plan are up to date in order for paragraph 11c of the NPPF to be applicable. Under NPPF Paragraph 11 c) Development proposals that accord with an up-to-date Development Plan must be determined without delay. It is considered that the most important policies are considered to be up to date for the reasons set out later in this report.
- 8.4 Amongst the material considerations are the emerging Charnwood Local Plan 2021-37 (ELP) and the National Planning Policy Framework (NPPF).
- 8.5 The main planning considerations applicable to this application are considered to be:
- Principle of Development
 - Design and impact on the street scene
 - Heritage
 - Landscaping
 - Ecology and Biodiversity
 - Residential Amenity
 - Flooding and Drainage
 - Sustainable Construction
 - Highway and Parking
 - Other matters

9.0 Key Issues

9.1 Principle of the Development

- 9.1.1 The NPPF makes it clear that the purpose of the planning system is to contribute towards achieving sustainable types of development through economic, social and environmental objectives. In terms of meeting the need for new homes, it is clear the framework promotes the effective use of land, while safeguarding and improving environments and healthy living conditions. It is expected that Local Planning Authorities should plan to make as much use as possible of previously developed or brownfield land, in achieving sustainable patterns of development.
- 9.1.2 The application proposes to regenerate a brownfield site to provide a housing development for nine bungalows within the settlement limits of Thurmaston, which is within the Principal Urban Area of Leicester. The principle of this development is guided by Local Plan Policy of the Charnwood Core Strategy (2015) that acknowledges the majority of growth will be met in the Principal Urban Area in terms of housing delivery and supports sustainable development that makes effective use of land.
- 9.1.3 Policy ST/2 of the adopted Local Plan 2004 directs development to allocations and locations within limits to development. This spatial strategy is no longer capable of meeting the Borough's current housing needs and as such is inconsistent with NPPF Chapter 5, and as such is regarded as out of date, and therefore its weight is reduced to 'limited'. The proposed development falls within the defined Limits to Development and as such benefits from this limited weight.
- 9.1.4 In terms of Planning policies contained in the Core Strategy that relate to the principle of development, Policy CS1 defines a hierarchy of settlements for the Borough. The Leicester Principal Urban Area is expected to provide for the majority of the growth which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies elsewhere in the Charnwood Core Strategy. This application will deliver new homes that contribute towards the greatly needed housing supply in a highly sustainable location.
- 9.1.5 Policy CS1 is concerned primarily with the strategy for the distribution of housing and economic development having regard to its overall environmental impact, with the object of securing a sustainable pattern of development. That is also the purpose of policy DS1 of the emerging Local Plan. However, the strategy of urban concentration focusing on the Principal Urban Area ("Leicester Urban Area"), Shepshed and Loughborough is broadly unchanged. That indicates the strategy of CS1 remains up-to-date and can therefore be afforded full weight.

- 9.1.6 Policies CS1 of the Core Strategy and DS1 of the emerging Local Plan are principally concerned with securing a sustainable pattern of development. The pattern promoted by Policy CS1 is broadly the same as that advanced by policy DS1. Since policy DS1 is up to date and CS1 mirrors its purpose and strategy, it follows that CS1 is also up to date. Policy CS1 ensures that growth is directed to the right places in accordance with the principle of urban concentration and be sustainable, and steer away from less sustainable and unsustainable locations. That accords with the 'golden thread' of the Framework. CS1 thus retains its utility and accords with the Framework.
- 9.1.7 The application proposes a purpose-built housing development, that seeks to regenerate a brownfield site of sheltered housing accommodation that has fallen into disrepair. The site is located within the Leicester Urban Area and adjacent to the town centre boundary as defined in the Core Strategy, with ease of access to the facilities in Thurmaston and to Leicester City either on foot or by public transport. The principle of developing the site for residential accommodation is therefore in accordance with the adopted Development Plan which remains up to date.
- 9.1.8 The submitted Local Plan 2021-37 is a material consideration. Its Policy DS1 defines a future development strategy for the Borough. At this date this policy of the emerging Local Plan carries limited weight due to the nature and extent of unresolved representations made which are subject of Examination. It is however supportive of sustainable development within the limits to development and allocated in the plan. This further supports the principle of development in this location being considered acceptable.
- 9.1.9 The site will contribute towards the further economic, social and cultural growth of Thurmaston, in that it makes the best use of land and regenerates a brownfield site, providing for affordable homes that meet demand, in a sustainable location. The regeneration of this site will provide an active visual frontage to Melton Road on a site that has fallen into vacancy and disrepair. Therefore, the proposal is acceptable in principle as it meets the aims of Policies CS1 of the Core Strategy (full weight), ST/2 of the Saved Local Plan Policy (2004) albeit with limited weight, Policy DS1 of the emerging Local Plan (limited weight), and policies contained in the NPPF that encourage the best use of land and the re-use of brownfields sites in sustainable locations.

9.2 Design and Impact on Character

- 9.2.1 Policy CS2 of the Core Strategy is concerned with ensuring new development respects and enhances the character of an area whilst reinforcing a sense of place and local distinctiveness through high quality design.
- 9.2.2 Saved Policy EV/1 of the Local Plan 2004 supports development that is of a design, scale, layout and mass compatible with the locality and which uses appropriate materials. It seeks positive and attractive built frontages to existing or proposed public spaces including roads, footpaths and areas of public open space.
- 9.2.3 These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

- 9.2.4 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The emerging Local Plan is at an advanced stage, with limited contention, and this policy can be given moderate weight.
- 9.2.5 The character of the area is mixed in terms of scale and form with a variety of materials used. The current land use of the site is residential, being the former sheltered housing accommodation block that has fallen into disrepair and the building and overall site do not positively contribute to the character and appearance of the area.
- 9.2.6 The application proposes to demolish the existing two storey flat-roofed former sheltered housing block, replacing it with a single storey block of buildings with amenity space and landscaped areas provided within the blocks, forming a courtyard as seen from Melton Road.
- 9.2.7 In terms of scale of the proposed development, the bungalows are single storey with dual pitched roofs extending to a maximum ridge height of 5.8m. The bungalows are laid out in a courtyard style and include projecting and recessed elements and variations to the elevations to increase architectural interest. Plot 9 is a separate detached bungalow with a maximum ridge height of 4.2m.
- 9.2.8 In terms of the proposed appearance, the bungalows are considered to take on a contemporary style with recessed porches to allow for a covered areas for mobility scooters, benches or scooter charging space. Large windows are proposed to provide good light levels and maximum opportunity for surveillance, a sense of community and interaction between residents. Proposed materials include reconstituted stone, render and brick to the external walls and slate style roof tiles. Photovoltaic panels are proposed to south facing roof slopes.
- 9.2.9 Based on the above assessment the proposed layout and design of the scheme including scale, appearance and the chosen materials will provide a high quality, legible and coherent scheme that will be locally distinctive and in keeping with the character of the area. The details therefore accord with the relevant provisions of Policies CS2 of the Core Strategy, Saved Policy EV/1 of the Local Plan, Emerging Policy DS5, the NPPF and the Design SPD.

9.3 Heritage

- 9.3.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 9.3.2 Policy CS14 (Heritage) of the Core Strategy seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting. The policy accords with the content of the NPPF and as such retains full weight.
- 9.3.3 Emerging Local Plan Policy EV8 seeks to protect and enhance heritage assets, including non-designated heritage assets, and prevents harm to their significance and setting. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV8 is largely uncontested and can therefore be afforded moderate weight.
- 9.3.4 The application is accompanied by a heritage assessment addressing the setting of nearby heritage assets. NPPF chapter 16 provides national guidance on consideration of heritage assets.
- 9.3.5 The heritage assets that have the potential to be impacted upon by this proposal are clearly identified in the submitted heritage statement. The only setting of a heritage asset considered to be affected is the grade II* listed church of St Michael and All Angels, which is located to the southern boundary of the site.
- 9.3.6 The heritage asset does have a wider setting given its prominence within the street scene and local townscape. The proposal has sought to mitigate any impact on the contribution the listed building makes to the area so that, overall, there will be an enhancement to its immediate setting. This is achieved by reducing the height and mass of the proposed buildings compared with that of the existing building to be demolished which better reveals the listed building in views along Melton Road, particular when looking south along Melton Road.
- 9.3.7 It is therefore concluded that this proposal will have a positive impact on the setting and significance of the grade II* listed Church and this will therefore result in no harm to the identified heritage asset or its setting. It is informative that the Council's Conservation officer concludes that there would be no harm on the setting of the Church (see section 7 above).
- 9.3.8 The site lies within an area of archaeological interest given it is located within the historic core of Thurmaston and adjacent to historic buildings. It is recommended that a scheme of archaeological investigation and recording is undertaken post demolition, which can be secured by planning conditions.
- 9.3.9 Subject to conditions, the proposal is in accordance with Policy CS14 of the Core Strategy and Policy EV8 of the emerging Local Plan.

9.4 Landscaping and Trees

- 9.4.1 Policy CS2 of the Core Strategy seeks to ensure high quality design including landscaping. This policy generally accords with the National Planning Policy Framework and as such retains full weight.

- 9.4.2 Emerging Local Plan Policy DS5 makes similar requirements and EV7 encourages tree planting. These policies are at an advanced stage following hearing sessions in June 2022 and they are consistent with the NPPF and can, therefore, be given moderate weight.
- 9.4.3 The site does not currently contribute positively to the street scene and wider area given the condition and appearance of the existing buildings and the large areas of hardstanding within the site. Existing trees within the site do however positively contribute to the street scene. Whilst the site is located in an urban area, where the expectation of planting differs from rural areas, soft planting that contributes to the high-quality design and appearance of the site is encouraged by planning policy and the NPPF.
- 9.4.4 The application is accompanied by a proposed landscaping plan and an Arboricultural Impact Assessment. This confirms that the removal of one Cherry tree (T19) and part of the Hornbeam frontage hedgerow (H1) will need to be removed to provide vehicular and pedestrian access from Melton Road. Both trees are category B specimens (trees with moderate quality and value). A further 19 trees and one group to the rear of the site are also proposed for removal to facilitate the proposed development and make efficient use of the site. Of the trees to be removed, 8 individuals are considered to be category B with the remainder being category C or U.
- 9.4.5 Four of the surveyed trees (T24, T25, T26, T27 and T28) are located beyond the site's southern boundary, within Church grounds. It is anticipated that the foundations of the boundary wall will have prevented the roots of these trees encroaching into the site and as such will not be affected by the development within it.
- 9.4.6 The submitted Arboricultural Impact Assessment concludes that the loss of three trees (T1, T16 and T19) will represent a significant loss of amenity and should be mitigated and compensated for with new planting. The loss of other lower quality trees also weight against the proposal.
- 9.4.7 The proposed landscaping plan proposes the planting of 8 new trees, although precise details of species have not been provided. Whilst the soft planting indicated on the submitted plans is welcomed, it is not considered to fully mitigate the proposed loss of trees across the site overall and therefore fails to comply with specific policies that seek to protect and retain trees. It is for this reason that the Council's Senior Tree Officer has raised an objection to the application and renders it contrary to Core Strategy Policy CS2 and emerging Local Plan Policy EV7 giving rise to a limited degree of harm (see section 7 above).

9.4.8 The harm arising from this policy conflict needs to be weighed up in the planning balance having regard for achieving the most effective and efficient use of the site and competing policy objectives such as the provision of bungalows which absorb more of the sites total area which has been encouraged to limit the overall height of the development having regard for the setting of heritage assets considered above. It should also be noted that existing trees within the site are not protected by a Tree Preservation Order (TPO) nor is it suggested that any of the trees within the site are worthy of protection by a TPO and could be removed at any time.

9.5 Ecology and Biodiversity

9.5.1 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity. Policy CS13 accords with this objective and therefore retains full weight.

9.5.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given only moderate weight until the emerging policy is further progressed towards adoption.

9.5.3 The submitted Preliminary Ecological Appraisal (PEA) comprising a Phase 1 habitat survey, protected species assessment and ecological evaluation of the land has been submitted to support the application.

9.5.4 The site is not subject to any statutory nature conservation designations. No internationally important sites are located within a 15km radius of the proposed development site. Three nationally important statutory sites are located within 2km of the Site with Birstall Local Nature Reserve (LNR) being the closest at 270m to the north-west. Seven non-statutory sites designated as Local Wildlife Sites (LWS) are present within 2km of the Site.

9.5.5 The PEA identifies the existing two storey building with low potential to support bat foraging or roosts due to the high levels of noise and light within the urban area of the site. However, the PEA recommends further emergence surveys to discount the presence of roosting bats prior to demolition. The provision of bat boxes as a form of mitigation is recommended.

- 9.5.6 The PEA identifies that the site contains habitat suitable for breeding birds and therefore measures must be taken to avoid harm such as carrying out works outside of the bird nesting season or additional bird breeding checks to be undertaken prior to the works commencing. The provision of bird boxes as a form of mitigation is recommended.
- 9.5.7 The PEA identifies that the site provides a low chance of hedgehogs using the site for foraging and commuting although the development has the potential to remove foraging habitat. It is recommended that a plan to allow connectivity of habitats around the site is implemented.
- 9.5.8 The application is supported by a Biodiversity Impact Assessment (BIA) which considers the site pre-development has a biodiversity value consisting of 7.32 habitat units and 0.2 hedgerow units. The BIA reports that the development will result in a 63.48% loss of habitat units and 20% loss of hedgerow units.
- 9.5.9 The proposed landscaping plan does not fully compensate for the loss in habitat units, mainly as a result of the scattered tree removals. However, various inaccuracies have been identified with the application of the BIA and it has been recalculated following the provisions of the methodology. This has resulted in a calculation demonstrating the site contains 0.28ha habitats of various types at present and 0.05km linear, amounting to 2.36 and 0.02 linear Biodiversity Units once the standard methodology is employed (a total of 2.38).
- 9.5.10 The biodiversity value of the landscaping proposals and enhancements is calculated to be 2.67 area-based biodiversity habitat units and 0.16 hedgerow units. As such the proposed development is predicted to result in a net gain of +0.31 area-based habitat units and a loss of -0.04 hedgerow units. This results in a net percentage gain of +13.27% area habitat units and a loss of -20.00% of hedgerow units. Due to the loss of hedgerow units an overall net gain has not been achieved. This is a result of 0.01km of native hedgerow being removed and not replaced with a habitat of equal distinctiveness or higher.
- 9.5.11 Compensation measures are proposed in the form of enhancing the composition of the hedgerows with 'species rich' planting, improving the quality of amenity grass to 'neutral grassland', use of native planting, and addition of bat and bird boxes & feeding tables. The Senior Ecologist has advised that this approach provides confidence that net loss can be avoided (see comments in section 7 above) subject to fulfilment of the proposals and the exact planting specification. These matters can be secured by conditions imposed on any permission granted.
- 9.5.12 This, subject to the conditions described, will ensure adequate compensation for the biodiversity impact of the development, in accordance with Policy CS13 of the Charnwood Core Strategy 2015 and emerging Local Plan Policy EV6 and can be secured by means of a condition.

9.6 Residential amenity

- 9.6.1 Policies CS2 of the Core Strategy and EV/1 of the saved Local Plan seek to protect the amenity of existing and future residents. They require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers.
- 9.6.2 Emerging Local Plan Policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage following hearing sessions in June 2022 and it is consistent with the NPPF but is subject to objections and can therefore only carry limited weight.

Existing residents

- 9.6.3 The proposed development is single storey in scale and is to be positioned away from the boundaries shared with nearby residential properties, primarily along the northern site boundary by approximately 5m.
- 9.6.4 It is acknowledged that the development will change the existing living environments in Melton Road through the removal of the linear, two storey somewhat plain housing block set back from the road to the proposed more modern single storey development in a courtyard arrangement, but it should also be acknowledged that improvements to the outlook and character of the area will be made compared to the existing situation. In relation to amenity, an assessment is necessary in this regard according to planning policy.
- 9.6.5 The dwelling to the north of the site, no.769 Melton Rd, presents a two storey blank gable end to the site and as such overlooking and overbearing issues are negated. The single storey scale of the units ensure that boundary treatment will prevent overlooking of gardens and is an improvement over the existing two storey arrangement. This boundary also adjoins no 12 Garden St which also present a blank gable end to the site. The site wraps around no 12 Garden St but windows have been carefully positioned so as not to face this property or to be overlooked by it, and to allow outlook in a direction it does not impede.
- 9.6.6 To the south, the site abuts the Churchyard. To the rear (east) the site abuts an informal car park beyond which is Garden Street itself and the blank gable end of no 3.b beyond,
- 9.6.7 In relation to the issues raised about potential noise, dust and vibration during construction, it is acknowledged that some noise and disturbance will be evident during demolition and construction, however this will be temporary disruption to neighbours. It is recommended that a planning condition is imposed to require the submission, approval and adherence to a construction management plan to mitigate the impacts over the demolition and construction period.
- 9.6.8 The objections to the application in relation to lack of parking is considered below in the relevant Highways and Parking section of the report.

Future occupiers

- 9.6.9 The site is proposed to accommodate residents aged 60 and over and/or those with mobility issues in a purpose-built accommodation, that will provide safe and secure living environments for residents, along with on-site shared amenity spaces and designs that can be adapted to meet specific needs and contributes to the general well-being of the residents. The site is also within walking distances of the facilities and other public green spaces within Thurmaston.
- 9.6.10 Internally, each unit has been constructed to exceed the minimum space standards set by the Nationally Described Space Standard (NDSS 2015).
- 9.6.11 Overall, the proposed design would represent an enhancement to the amenity of existing nearby residents compared with that of the existing building and future residents would benefit from a high quality purpose built accommodation that accords with Policy CS2 of the Core Strategy, saved Policy EV/1 of the Local Plan and Emerging Local Plan Policy DS5. The relationship between buildings prevents any conflict with the separation distances for overlooking and overshadowing as set out in the Design Supplementary Planning Document.

9.7 Flooding and drainage

- 9.7.1 Core Strategy Policy CS16 and the NPPF direct development away from areas at the highest risk of flooding. As CS16 is in accordance with the NPPF it can be given full weight. Emerging Local Plan Policy CC1 (Flood Risk Management) and Policy CC2 (Sustainable Urban Drainage Systems) require that development proposals are assessed for their risk of being flooded, and the risks of flooding elsewhere arising from the proposals themselves. Policy CC1 can be afforded limited weight at this date. The Examination Inspectors have requested further submissions following publication of the PPG on Flood Risk and Coastal Change published in August 2022. Policy CC2 can be afforded moderate weight as the discussions on representations to that policy have concluded, and the policy is consistent with NPPF paragraphs 167 and 169.
- 9.7.2 The Environment Agency (EA) have confirmed that the development site is located in flood zone 1 with a small part of the sites south western corner being in flood zone 3. As no habitable spaces or other development is proposed within the small area of flood zone 3 that falls within the site boundary, no objection is raised.
- 9.7.3 The Lead Local Flood Authority (LLFA) response states that as the application is not a major development, they are not a statutory consultee and accordingly make no comments.
- 9.7.4 The submitted application form states that surface water will be disposed of by sustainable drainage system although no details of any SUDs features are shown on the submitted site plan. It is therefore recommended that full details of surface water drainage be secured by means of planning conditions. Foul drainage is to be disposed of via the mains sewer.

9.7.5 It is considered that subject to conditions, the scheme does comply with Core Strategy Policy CS16 and emerging Local Plan Policies CC1 and CC2 and with the NPPF.

9.8 Highway and Transport Matters

9.8.1 Policy CS2 of the Core Strategy requires new development to provide well defined and legible streets and spaces that are easy to get around for all. Policy CS17 makes provision to achieve a 6% shift from travel by private car to walking, cycling and public transport. Policy CS18 of the Core Strategy requires network improvements where necessary. These policies are not considered to be out of date and as such hold full weight.

9.8.2 The proposed development seeks to provide a new shared access onto Melton Road which is a classified C-Road subject to a 30mph speed limit. The submitted drawings show a hard surfaced access measuring 4.8m in width for at least the first 5m from the public highway. Also demonstrated are clear margins in excess of 0.5m and unrestricted pedestrian visibility splays of 2.0m by 2.0m on either side of the access. No speed survey has been provided as part of the application to determine vehicle speeds at the access location, however, the access and visibility splay has been designed and demonstrated to exceed the distances for a 30mph road and instead are sufficient for a 36-40mph road. There have been no recorded Personal Injury Collisions within 500m in all directions of either access in the previous five years. Therefore, the Local Highway Authority (LHA) has no pre-existing highway safety concerns at this location. Therefore, safe and suitable access from Melton Road can be achieved.

9.8.3 Proposed plot 9 located to the rear of the site will have independent access from Garden Street. The Parish council has suggested that access may not be feasible due to the unadopted status of the highway along Garden Street. However, existing access to the site is primarily obtained via Garden Street and the proposed development will continue to access the site via Garden Street, albeit only for one dwelling as proposed. Therefore, the proposal does not lead to any intensification of use of the existing access.

9.8.4 Public Footpaths J28 and J29 run adjacent to the proposed development. The Local Highway Authority is satisfied that the use and enjoyment of Public Footpaths J28 and J29 will not be significantly affected by the proposed development.

9.8.5 In respect of parking, eight parking spaces and two disabled parking spaces are proposed to serve Plots 1-8 which are all one-bedroom dwellings. These spaces are to be accessed from Melton Road and the Local Highway Authority confirm that the proposed parking provision is in accordance with Leicestershire Highways Design Guide and that the dimensions of the spaces also accord with the Guide. Plot 9, also a one-bedroom dwelling, is to be served by two parking spaces which are to be accessed from Garden Street. The Local Highway Authority advise that the number and design of the spaces are acceptable.

- 9.8.6 The Parish Council have raised concerns that the formation of the new access along Melton Road will reduce the amount of available on street parking. The road to the front of the existing building is currently parking restricted, therefore the creation of the new access as proposed will not materially impact existing on street parking within the locality. Furthermore, it is important to consider that the existing building provides 23 sheltered housing units served by 4 existing parking spaces. The proposed development is to provide 10 parking spaces for nine one-bedroom bungalows. Accordingly, and overall, the quantum of off street parking compared to the existing situation is likely to improve the quantum of off-street parking availability.
- 9.8.7 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 and subject to conditions, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (2023).
- 9.8.9 The site can be provided with safe access as has been noted by the Local Planning Authority. It is in a highly sustainable location which encourages travel by means other than the car. The scale of the scheme is such that no infrastructure enhancements are required and therefore the application also accords with Policies CS2, CS17 and CS18 of the Core Strategy.
- 9.9 Other Matters
- 9.9.1 The Parish Council has raised concerns that the social housing could be lost in future to the Right to Buy scheme. The applicant has confirmed that most new social housing is exposed to Right to Buy, however it does not arise in certain circumstances, including where the property is let for the purpose of housing disabled persons or elderly persons or persons with a mental disorder; and has substantially different features to ordinary dwellings. Notwithstanding that any such risk would not be a material planning consideration that can be taken into account, the risk is nonetheless very low in this particular circumstance.
- 9.9.2 The neighbouring Church has requested that the construction process be considerate of funerals taking place at the Church. Whilst this matter cannot be controlled through the planning process, the applicant is aware of the Church's request and in turn the main contractor will be made aware through the tender process.
- 9.9.3 The Council's environmental health team have reviewed and accepted the provisions proposed in respect of noise and ground contamination, produced within the reports into such matters respectively, and ask that these are secured by condition. They also seek a condition to cover the possibility of unanticipated contaminants being encountered. It is considered that these conditions are reasonable and necessary and can be duly applied.

10.0 Conclusions

- 10.1 Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise. Based on the recently updated NPPF the Council can demonstrate in excess of a 4-year supply of housing land (4.27 years or 4.49 years where the 5% buffer is not applied) and as such, the tilted balance under paragraph 11d(ii) of the NPPF is not engaged. The proposal is therefore to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 10.2 The application proposes purpose-built affordable housing accommodation that will deliver housing of a type for which there is growing need. However the site and proposal is considered to be suitable for residential development of any kind and as such the positive assessment of the application does not rely upon nor is justified by this bespoke provision. The existing vacant building currently does not offer social or economic benefit to the local area. The delivery of the affordable housing will regenerate a brownfield site within one of the most sustainable areas of the borough. The proposal is considered to contribute towards the continued economic growth of Thurmaston.
- 10.3 The proposed new building has been through a rigorous design process and whilst it is acknowledged that there will be some change to the street scene and more localised character of the area, it will provide a high quality, legible and coherent scheme that will be locally distinctive and enhance the character of the area and the Melton Road street scene.
- 10.4 The proposal will result in smaller scale buildings compared to current situation, and there will be an inevitable change to the outlook of the local residents. However, this is not considered to result in any harmful impacts to existing local residents, and the scheme will provide a high quality living environment for future occupiers.
- 10.5 There are no technical constraints relating to highways, drainage or flooding that cannot be mitigated. The development will lead to a loss of trees and biodiversity on site. The loss of trees would not warrant the refusal of planning permission as they are not protected and not worthy of protection and can therefore be removed without the need for permission. In relation to biodiversity, the loss of hedgerow units can be suitably mitigated to avoid a net reduction in biodiversity interests, and therefore the harms associated with this are considered to be eradicated.
- 10.6 In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and result in significant harm. The regeneration scheme provides for purpose-built affordable housing in this sustainable location and benefits the Council's housing land supply deficit and deliverability, it is a sustainable location, the economic growth of the Borough will benefit and there will be enhancement to the setting of the Grade II* listed Church. The application should therefore be supported subject to appropriate conditions being attached.

- 10.7 It is considered that the development represents strong fulfillment of the ambitions and policies of the adopted Development Plan and emerging Local Plan in most respects, and some considerations add further positive weight in their own right. It is therefore considered that planning permission of this full application should be granted.

11 Recommendation

- 11.1 It is recommended that permission is granted subject to the imposition of the following planning conditions and reasons and that the Head of Planning and Growth be given delegated authority to determine the final detail of these planning conditions, in consultation with the Chair of the Plans Committee:

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 approved plans and documents listed in as:

- Proposed Site Location Plan P100
- Proposed site Roof Plan P102 Rev. C
- Proposed Site Plan GF P103
- Site Sectional Elevations P104
- Proposed Plans – 1-8 P201
- Sections 1-8 P202
- Plot 9 Sections and Elevations P203

REASON: To provide certainty and define the terms of the permission.

3. Notwithstanding the details shown in the submission of the application, the development hereby permitted shall not reach past slab level until full details of the materials to be used in the construction of the external surfaces have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved material details and drawings.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area in accordance with Policies CS2 of the Charnwood Core Strategy, Policy EV/1 of the Local Plan, Emerging Policy DS5 the NPPF and the local and national design guide.

4. Notwithstanding the landscaping plan submitted, prior to the first occupation of the development hereby permitted a soft and hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submission details shall include:

- the treatment proposed for all ground surfaces, including hard surfaced areas;
- 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;
- finished levels or contours within any landscaped areas;
- any structures to be erected or constructed within any landscaped areas including street furniture and means of enclosure;
- All other boundary treatments;
- functional services above and below ground within landscaped areas.

The landscaping scheme shall thereafter be implemented in complete accordance with the approved details and within the first available planting season following approval of the detail.

REASON: To ensure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2 and CS11 of the Core Strategy.

5. Prior to the first occupation of the development a landscape management plan (5 years minimum), including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage systems, shall be submitted to and approved in writing by the Local Planning Authority.

The approved landscape management plan shall then be fully implemented.

REASON: To ensure that shared 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 of the Core Strategy, Policy C1 and Policy EV1 of the Emerging Local Plan.

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Pelham Architects drawing number 2691/P102C have been implemented in full. The access arrangements shall thereafter be retained in perpetuity.

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 (2023).

7. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 76 metres to the north and 2.4 metres by 73 metres to the south have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2023).

8. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2023).

9. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2023).

10. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Pelham Architects drawing number 2691/P102C. Thereafter the onsite parking and turning provision shall be kept available for such use 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 (2023).

11. Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no unit shall be extended nor shall any first floor accommodation be created unless permission is first granted by the Local Planning authority.

REASON: to ensure that any alterations to the properties hereby approved do not result in an unacceptable impact on the amenities of other residences, in accordance with Policy CS2 of the Core Strategy 2015 and Policy DS5 of the emerging Charnwood Local plan 2021 – 37.

12. No development shall commence until a construction management plan is submitted to and approved in writing by the Local Planning Authority. The management plan will provide details on the control of noise, dust and smoke during the demolition of the existing buildings and the construction of the proposed building, and proposed times of construction, to be agreed with the Local Planning Authority. The Plan shall include:
- No burning on site,
 - All demolition/construction work to be carried out in such a manner as to minimise the risk of dust nuisance to neighbouring properties,
 - All work to follow good practice guidance such as those detailed in BS5228 "Noise control on construction and open sites" 2009, to minimise noise,
 - No demolition/construction work outside of regular daytime hours, namely, before 07.30 or after 18.00 hours Monday to Friday or between 0800 and 1300 hours on Saturdays, with no working on Sundays or Public/Bank Holidays.

The development shall thereafter be carried out in accordance with the approved construction management plan.

REASON: To ensure the demolition and the construction of the development hereby approved does not unduly impact upon the local residents, businesses and places of worship to comply with policy DS5 of the emerging local Plan having regard to the Strategic Objectives in the Core Strategy Policy SO1 and the NPPF to meet the aims of sustainable Development.

13. The development hereby permitted shall be carried out in accordance with the noise report prepared by Quantum Acoustics dated 26th May 2023 (Report No. QA23115/ENS).

REASON: In the interests of neighbour amenity in accordance with CS2 of the Core Strategy and Emerging Local Plan Policy DS5 states that new development will be required to protect the amenity of future occupiers and the people who live or work nearby and those who live in the new development.

14. No development shall commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the positioning of all external lighting and specification/manufacturing details of the proposed lighting. The development shall thereafter be carried out in accordance with the approved lighting scheme and shall remain and be maintained as approved in perpetuity.

REASON: In the interests of neighbour amenity and resident safety and to ensure the lighting to be provided sympathetic to the character of the wider area, in accordance with CS2 of the Core Strategy and Emerging Local Plan Policy DS5 states that new development will be required to protect the amenity of future occupiers and the people who live or work nearby and those who live in the new development.

15. Prior to the commencement of development, a scheme for the management of surface water on the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and retained as such, unless otherwise approved.

REASON: in the interests of managing surface water flood risk in accordance with policy CS16 of the Core Strategy and Policy CC2 of the emerging Local Plan.

16. If, during the development works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed in an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that any contaminants encountered on the site are effectively remediated, in the interest of the health and well being of future residents.

17. No development, hereby permitted, shall take place within the whole site until a programme of archaeological work has been secured and implemented, in accordance with a Written Scheme of Investigation (WSI) which has first been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions, and:

- (a) The programme and methodology of site investigation and recording;
- (b) The programme for post investigation assessment;
- (c) Provision to be made for analysis of the site investigation and recording;
- (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (e) Provision to be made for archive deposition of the analysis and records of the site; and
- (f) Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

The site investigation shall be completed prior to the development, or in such other phased arrangement, as first submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted shall not be brought into operation until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the WSI, and the provision made for analysis, publication and dissemination of results and archive deposition.

REASON: To ensure satisfactory archaeological investigation, recording, dissemination and archiving.

18. The development shall be carried out in accordance with the recommendations set out in paragraphs 5.3 – 5.13 of the Biodiversity Net Gain Assessment (Temple; ref. T9514) submitted to the Local Planning Authority on 5th February 2024. Prior to first occupation, full details of the provision of bat boxes, bird breeding boxes, feeding tables and planting proposals, including a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority and subsequently the development shall be carried out in accordance with the approved details.

REASON: To ensure adequate compensation for the biodiversity impact fo the development, in accordance with Policy CS13 of the Charnwood Core Strategy 2015 and emerging Local Plan Policy EV6.

APPLICATION SITE



Plans Committee Date:	22 February 2024
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Item No: 5d

Application Reference Number: P/22/0727/2

Application Type:	Full	Date Valid:	13 April 2022
Applicant:	Rawlins Academy		
Proposal:	Construction of gates, fencing, and hardstanding.		
Location:	Rawlins Academy Church Lane Quorn Leicestershire LE12 8DY		
Parish:	Quorn	Ward:	Quorn & Mountsorrel Castle
Case Officer:	Harry White	Tel No:	01509 634570

1. Background

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation, as the application has been called-in by Councillor Richard Shepherd in June 2022 for the following reasons:
- Potential loss of daylight
 - Design
 - Overbearing impact arising the development
 - Potential highway impact
- 1.2 Councillor Richard Shepherd is no longer a Ward Councillor so is unable to consider withdrawal of the call-in, and so the application is to be determined by Plans Committee.

2. Description of the application site

- 2.1 The application site comprises Rawlins Academy school which is a site of over 10 hectares located in the centre of Quorn. The topography of the site is mostly flat land, gradually sloping down from Loughborough Road to the south towards Meynell Road to the north, which is within the former flood plain of the River Soar.
- 2.2 The site is split into two areas, the northern parcel (Area 4) surrounding the playing field, and the western parcel (Area 2) adjacent to Orchard Estate. The playing field is bound by a mix of 2.0m high steel palisade security fencing, and 2.0m to 5.0m high wire mesh fencing. The Orchard Estate area is bound by a mix of 2.0m to 2.4m high steel palisade security fencing
- 2.3 The whole of the school is currently bound by a mix of local stone walls, 2.0m high metal fencing, and 2.0m to 5.0m high mesh fencing, as well as a mixture of trees and shrubs.

- 2.4 The front of the school site, adjacent to Loughborough Road is located within the Quorn Conservation Area. Following concerns expressed, no works are to be carried out within, or adjacent to the Conservation Area. The south-eastern boundary of the wider school site is adjacent to the Grade I listed St Bartholomew's Church.
- 1.2 The school itself is located within Flood Zone 1 (at the lowest risk of flooding). The Playing Field and immediate environs is located within Flood Zone 3 (high probability of flooding).
- 1.3 Rawlins Academy is accessed by vehicle from Church Lane, and Orchard Estate. The site can also be accessed from the network of footpaths K38 and K39, which lead from Mansfield Street and the St Bartholomew's Churchyard.
- 1.4 The development is located entirely within the limits to development for Quorn, as set out within Policy S1 of the Quorn Neighbourhood Plan Referendum Version Final February (2019).

3. Description of the proposal

- 3.1 The proposal is for full planning permission for the construction of gates, fencing and hardstanding at Rawlins Academy. The fencing would be positioned around the perimeter of the playing field, and around the Orchard Estate entrance (Areas 4 and 2 respectively).
- 3.2 The proposed development would also include the installation of new gates on the Orchard Estate entrance (Area 2).
- 3.3 The proposed fencing around the playing field would measure 2.4m (and only 2.0m to the east) in height and would be constructed in powder coated metal and painted green. It is worth noting that the school is permitted to install fencing of up to 2.0m in height through the allowances of Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Order 2015) (as amended).
- 3.4 During the course of the application, the proposed fencing at the front of the site within area 1, adjacent to Loughborough Road, within the Quorn Conservation Area, has been removed from the application. As well as the fencing that was proposed within Area 3, around the public footpath to the east of the southern part of the site. Therefore, the proposal now only includes Areas 2 and 4 on the Proposed Plan (J4836-56-B).
- 3.5 The proposed development would also see the relocation of a container on the playing field, and the installation of a small amount of hardstanding within the Orchard Estate Car Park and school area. The container is currently adjacent to the footpath at the southern edge of the playing field.

3.6 The application is supported by the following documents:

- Tree Schedule
- Tree Report
- Design & Access Statement
- Application Form
- Fencing Elevations 2.0m
- Fencing Elevations 2.4m
- Area 2 Site Plan
- Area 4 Site Plan
- Site Location Plan
- Existing Site Plan

4. Development Plan Policies

4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), and the Quorn Neighbourhood Plan made on May 2019.

4.2 The policies applicable to this application are as follows;

4.2.1 Charnwood Local Plan Core Strategy

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS16 - Sustainable Construction and Energy
- Policy CS25 - Presumption in favour of sustainable development

4.2.2 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
- Policy EV/1 – Design
- Policy TR/18 - Parking in New Development
- Policy CF/1 - Retention of Existing Community Facilities

4.2.3 Quorn Neighbourhood Plan 2018-2036 (Made: May 2019)

- Policy S1 – Settlement Boundary
- Policy S2 – Design Guidance
- Policy ENV5 – Sites of Historic Environment Significance
- Policy ENV6 – Biodiversity
- Policy CF2 – New or Improved Community Facilities
- Policy CF3 – Schools
- Policy T3 - Footpaths

5. Other material considerations

5.1 The National Planning Policy Framework (NPPF 2023)

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

- Section 2: Achieving sustainable development
- Section 8: Promoting healthy and safe communities
- Section 12: Achieving well-designed and beautiful places.
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 16: Conserving and enhancing the historic environment

5.2 Planning Practice Guidance

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.

5.3 National Design Guide

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

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

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

5.5 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.

5.6 Leicestershire Highways Design Guide

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 expected to be provided in new housing development.

5.7 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.

5.8 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.

5.9 The Draft Charnwood Local Plan 2021-37

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. Further hearings are to be held in February 2024 on limited matters following on from the consultation on the post hearing submissions which closed on 8th November 2023. Following the further hearings, it is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2024.

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 policies are considered applicable to this application, and the weight they can be assigned is addressed below:

- Policy DS1: Development Strategy – Limited Weight
- Policy DS5: High Quality Design – Moderate Weight
- Policy SC1: Service Centres – Moderate Weight
- Policy T2: Protection of Community Facilities – Limited Weight
- Policy T3: Car Parking Standards – Limited Weight
- Policy CC1: Flood Risk Management – Limited Weight
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity – Moderate Weight
- Policy EV8: Heritage – Moderate Weight
- Policy EV9: Open Spaces, Sport and Recreation – Moderate Weight

5.10 Planning Guidance for Biodiversity June 2022

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

6. Relevant Planning History

Reference	Description	Decision & Date
Whilst there is extensive planning history for the school site, it is of no direct relevance to this planning application other than the following:		
P/18/0367/2	Siting of storage container within playing field.	Permission Granted – 26 April 2018

7. Responses of Consultees & Other Comments Received

- 7.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire County Council – Highways	Following the removal of Area 3 from the application which impacted public footpath K39, LCC Highways have no objections, subject to condition and informatives regarding public footpath K38 adjacent Area 4.

Environment Agency	No objection subject to conditions, to avoid risk of increasing flood risk to other areas.
Sport England	No objections, the minor encroachment of fencing will not reduce the sporting capability of the site.
Charnwood Ecology	No objections.
Charnwood Trees	No comments received at the time of writing the report.
Charnwood Conservation	The nature of the work and the proximity of these designated heritage assets would mean that there is no adverse impact.

Ward Councillor and Parish Council Response	
Cllr Richard Shepherd	Called in to Plans Committee for the following reasons: <ul style="list-style-type: none"> • Potential loss of daylight • Design • Overbearing impact arising the development • Potential highway impact
Cllr Jane Hunt	No response received.
Quorn Parish Council	No response received.
From	
Comments	
Four letters of objection received from four addresses	<ul style="list-style-type: none"> • Visual appearance and amenity. • Maintenance of fence and vegetation.

8. Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), Minerals and Waste Local Plan (2019) and within the Quorn Neighbourhood Plan (2019).

8.2 The main planning considerations applicable to this application are considered to be:

- Principle of development
- Design & Layout
- Impact on residential amenity
- Biodiversity
- Highway matters
- Flooding and drainage

9. Key Issues

9.1 Principle of the Development

9.1.1 The principle of development is guided by local plan policies CS1 of the Charnwood Core Strategy (2015) Policy CS1 of the Core Strategy, which outlines the development strategy for the borough and the distribution of sustainable growth.

9.1.2 Saved Local Plan Policy ST/2 and Proposals Map of the Charnwood Local Plan identify Limits to Development for various settlements in the Borough. Being a more recent part of the Development Plan, Policy S1 of the Quorn Neighbourhood Plan (2019) supersedes the settlement limits for Quorn. The site is located within the defined settlement limits. Policy DS1 of the Emerging Local Plan also supports sustainable development within defined settlement boundaries.

9.1.3 The proposed development is for ancillary purposes to secure the perimeter of the school. There would be no intensification of the lawful use, and the development would not affect the use of the school site. Because the site is located within the limits to development for Quorn, there is a presumption in favour of sustainable development.

9.1.4 Consequently, the principle of development is supported, subject to consideration of other relevant policies and subject to further assessment as outlined in the latter sections of this report.

9.2 Design and Layout

9.2.1 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 which uses materials appropriate to the locality. Neighbourhood Plan Policy D2 'Design' 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.

9.2.2 Policy DS5 of the emerging Charnwood Local Plan addresses design and requires development to respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials.

- 9.2.3 The proposed fencing would measure 2.4m in height and would be a metal mesh painted green. The design would be functional, and the green colour would help to minimise the visual impact of the proposed development upon the street scene, as the fence would be positioned, in most cases, adjacent to a hedgerow.
- 9.2.4 The gates at the Orchard Estate entrance would be a continuation of this design and would appear near seamless extending from the fencing. The small areas of hardstanding would be within the school complex by a significant margin and would be viewed in the context of land used carpark and servicing activities. Within this context it would not appear unattractive or detract from appearance overall.
- 9.2.5 The relocated container would be in the east extremity of the site within the playing field. It is small scale and in this location not prominent to public views , and would be associated with the introduction of new landscaping and as such will not be significant in terms of visual amenity.
- 9.2.6 It is considered a proposal that complies with policies S2 of the Neighbourhood Plan, CS2 of Charnwood Core Strategy, EV/1 of the Local Plan and the Charnwood Design SPD and emerging Local Plan Policy DS5.
- 9.3 Impact on Residential Amenity
- 9.3.1 Policies CS2 of the Core Strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity. Saved policy EV/1 of Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers.
- 9.3.2 Emerging Draft Local Plan Policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development.
- 9.3.3 Objections have been received raising concerns for the visual amenity of the area, introducing in some places a parallel row of fencing. It is unclear where this is thought to take place.
- 9.3.4 The proposed fencing would provide a secure perimeter for the school site in line with their safeguarding requirements. This is considered to be a positive impact of the development for the users of the site.
- 9.3.5 The fencing would form the perimeter of the school site, which touches the boundaries of many properties in Quorn.
- 9.3.6 Area 1, affecting neighbouring properties to the south, has been removed from the application.

- 9.3.7. Area 2 relates to the fencing to the west of the application site and would be roughly 15m from the neighbouring properties on Sarson Street and Orchard Estate. The proposed 2.4m high fencing would sit behind the existing 2.0m high security fencing. The fencing within this area would be internal site fencing and would not adjoin the neighbouring properties. Therefore, due to the siting of the proposed fencing, there are not considered to be any additional impacts to the neighbouring occupants on Orchard Estate or Sarson Street.
- 9.3.8 The fence, due to its mesh structure would not block a significant amount of light, and the height of the fence at 2.4m high would be of a similar scale as the surrounding residential boundary treatments and would be sufficiently distanced from the residential properties so as not to result in any significant overbearing impacts.
- 9.3.9 Area 3 has been removed from the application.
- 9.3.10 Area 4 relates to the area surrounding the playing field. It is proposed to install 2.0m high fencing along the east side of the field, adjacent to neighbouring properties on Swinfield Road, Station Road, and no.37 Mansfield Street. The proposed fencing at 2.0m in height is considered to be commensurate to the residential fencing that can be found elsewhere in this area. the presence of trees and shrubs on this boundary would also screen the fence from view.
- 9.3.11 To the north, west and south of the playing field, 2.4m fencing is proposed. To the north of Area 4 is one block of apartments on Peter McCaig Way, and Meynell Road, an area of scrubland lies between the part of the playing field and Meynell Road. No.19 Peter McCaig Way is the sole residential property located along the northern boundary of the site. The two sites are currently separated by a 2.0m high mesh fence and a hawthorn fence. This property sits perpendicular to the fencing, and the proposed fencing is not considered to result in any significant additional adverse impacts over and above the existing situation.
- 9.3.12 To the west of Area 4 is Barrow Road, Prevost Gardens, and Castledine Avenue. There are no neighbouring properties on Barrow Road that adjoin the application site. Prevost Gardens is a small cul-de-sac of four bungalows. The current boundary treatment consists of a mix of trees and hedgerows, the proposed fencing here would be tight to the hedgeline and 2.4m in height. The fencing is not considered to cause any significant adverse impacts due to the mesh construction of the fence, which allows light and views through the fence. Although the plots on Prevost Gardens are relatively small, it is not considered that the proposed fencing would prove to be significantly overshadowing to these properties. The 2.4m high fencing to the rear of the properties on Castledine Avenue is not considered to cause any significant harm to the amenity of these neighbouring properties due to the relatively large size of these plots, and a 1.0m set back from the boundary would further reduce any impacts.

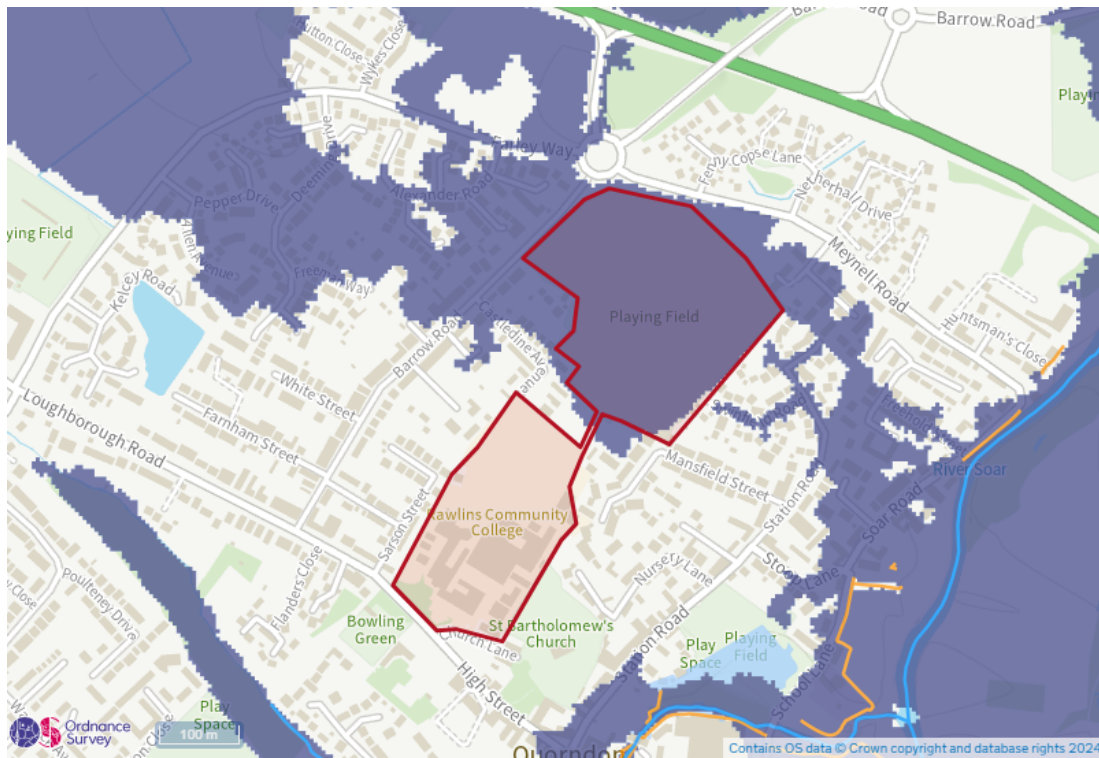
- 9.3.13 Concern has been raised in regard to the maintenance of the hedgerows forming the site boundary. The ownership of the hedgerows has not been indicated on the application form. Nevertheless, the proposed fencing would not prevent access to the hedge, as each panel can be individually removed to allow access. Furthermore, the fence would be positioned on an appropriate side of the hedgerows surrounding the field to allow proper access and maintenance. This is considered to be a civil matter.
- 9.3.14 Concern has been raised in regard to the height of the fence along the eastern border of the playing fields. This portion of the fence has subsequently been reduced from 2.4m to 2.0m in height, which is within the scope allowed as 'permitted development' (see para 3.3 above).
- 9.3.15 The proposal would, therefore, comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan and DS5 of the emerging Local Plan, along with NPPF, National Design Guidance and the guidance set out in the Design SPD to protect residential amenity.
- 9.4 Biodiversity and Trees
- 9.4.1 Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. Policy EV6 of the Emerging Local Plan Emerging seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given only moderate weight until the emerging policy is further progressed towards adoption.
- 9.4.2 The proposals include the removal of a single, immature tree, from the part of the site close to the Orchard Estate entrance, but the planting of 10 trees in the eastern extremity of the site, part of the playing fields that form 'area 4'. A tree report submitted with the application reviews the condition of all trees within the school campus and recommends the removal of 2 elders which affect the use of an internal footpath, but these works are not associated with the proposed development.
- 9.4.3 The Council's Ecologist has confirmed that there would be no material concerns in regard to biodiversity and a biodiversity impact assessment would not be required in this instance. The details to allow sufficient permeability to the site for hedgehogs could be satisfactorily addressed by detailed measures secured through a planning condition.
- 9.4.4 Consequently, the proposal, subject to the imposition of planning conditions is considered acceptable and would comply with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy and Policy EV6 of the Emerging Local Plan Emerging.

9.5 Highway Matters

- 9.5.1 Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. As a result, it is not considered that there is a need to reduce the weight that should be given to them. Paragraph 115 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. Paragraph 112 of the NPPF seeks to promote sustainable travel choices.
- 9.5.2 Policy T3 of the Emerging Local Plan sets out that the local planning authority will ensure that there is an adequate provision for all users of residential and non-residential parking in the Borough by requiring new development to provide car parking spaces in accordance with the latest published guidance of Leicestershire County Council and Charnwood Borough Council, as well as requiring that parking infrastructure is well designed and in suitable and sustainable locations.
- 9.5.3 Rawlins Academy is accessed by vehicle from Church Lane, and Orchard Estate. The site can also be accessed from the network of footpaths K38 and K39, which lead from Mansfield Street and the St Bartholomew's Churchyard.
- 9.5.4 Public Footpath K38 runs adjacent to Area 4 of the proposed development. Whilst the Local Highways Authority are satisfied that the use and enjoyment of Public Footpath K38 will not be significantly affected by the proposed development reference should be made to the informative section below.
- 9.5.5 Consequently, the proposed development is considered to be in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan, which seek to ensure safe access is provided to new development, Policy CS17 is with regard to encouraging sustainable transport patterns and emerging Local Plan Policy T3.

9.6 Flood risk and drainage

- 9.6.1 Policy CS16 and NPPF direct development away from areas at highest risk of flooding.
- 9.6.2 Policy CC1 of the Emerging Local Plan sets out how the Local Planning Authority will manage flood risk by directing development to areas in the Borough with the lowest risk of flooding (Flood Zone 1, applying the sequential test and exception test where necessary).
- 9.6.3 The development is situated across Flood Zones 1, and 3 and being at both low and high risk of fluvial flooding as identified by the Environment Agency flood maps. The installation of fencing, is not considered to affect the risk of flooding in the area ,or the risk to people.



9.6.4 The proposed development has been reviewed by the Environment Agency, who have no objection to the proposed development. The fencing would be permeable in nature in case of flooding and would not prohibit the flow of water. It is proposed to condition the planning application to the proposed plans in order to avoid the risk of increasing flooding to other areas.

9.6.5 Consequently, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy, emerging Local Plan Policy CC1 and the NPPF.

9.7 Heritage

9.7.1 Section 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 conservation area. Paragraphs 205 – 20 of the NPPF set out guidance as to how planning applications need to consider the potential impacts of heritage assets and states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. Where there is less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits.

9.7.2 Policy CS14 of the Core Strategy states that we will conserve and enhance historic assets for their own value and requires that proposals protect heritage assets and their settings. Emerging Local Plan Policy EV8 expresses similar requirements.

9.7.3 Whilst the application site is located within the Quorn Conservation Area, none of the development proposed would take place within or adjacent to the Quorn Conservation Area.

9.7.4 Quorn Conservation Area was designated in August 1977 and extended in January 1991. It covers an area of about 47.5 ha. Quorn was described in Pigot's Commercial Directory of 1841 as "a neat and thriving village" and the boundaries of the Conservation Area generally define the extent of the settlement as it existed at the start of the 20th century.

9.7.5 The main contributions to the special character of Quorn Conservation Area are:

- The variety and contrast between the tightly enclosed buildings against the streets with the many public and private open spaces;
- The many views of the church tower;
- The proximity to the River Soar, Buddon Brook and their associated woods and meadows with opportunities for wildlife and the expansive vistas beyond the village;
- The importance of Quorn Hall and Quorn House as individual buildings in their own parkland settings.
- The history of the parish church and its churchyard, with their approaches by footpaths and the narrow streets of Church Lane and Nursery Lane; and
- The landmark of Quorn Mill as a reminder of the industrial heritage of the village.

9.7.6 Since the development no longer affects the setting of the Quorn Conservation Area, there would be no impacts, it can be considered that the development would preserve the character and appearance of the Quorn Conservation Area.

9.7.7 The church of St Bartholomew and Farnham Chapel is located roughly 60m to the south-east of the school site, the two areas are separated by a palisade steel security fence which is interspersed with trees and shrubs, with the cemetery extension also being located between the two sites. The church is Grade I Listed.

9.7.8 Due to the separation of the development from the church, there would be no impact upon the setting of the Church. The cluster of bulky concrete, and often unsightly school buildings separate the proposed development from the Church. The comments of the Council's Conservation Officer are informative in this respect (see section 7 above).

9.7.9 The application has therefore been considered against the heritage tests set out in planning legislation and guidance. The Planning (Listed Buildings and Conservation Areas) Act 1990 and applicable National and local policy

9.7.10 It is not considered that the development results in harm to the significance of the designated heritage assets, that of the Quorn Conservation area and the setting of the nearby listed building. The proposal therefore accords with Policies CS2, CS14 of the Core Strategy, and the relevant sections of the NPPF as relating to assessing design and impact to heritage assets, and also with Policy EV8 of the Emerging Local Plan.

10. Conclusion

- 10.1 There are no technical constraints relating to highways, or flooding that cannot be mitigated, biodiversity impact mitigation can be secured by way of planning condition. There would be no harm to heritage assets.

11. Recommendation

11.1 RECOMMENDATION:

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

11.2 Recommended conditions:

1. Works shall commence within three years of the date of this permission.

REASON: In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

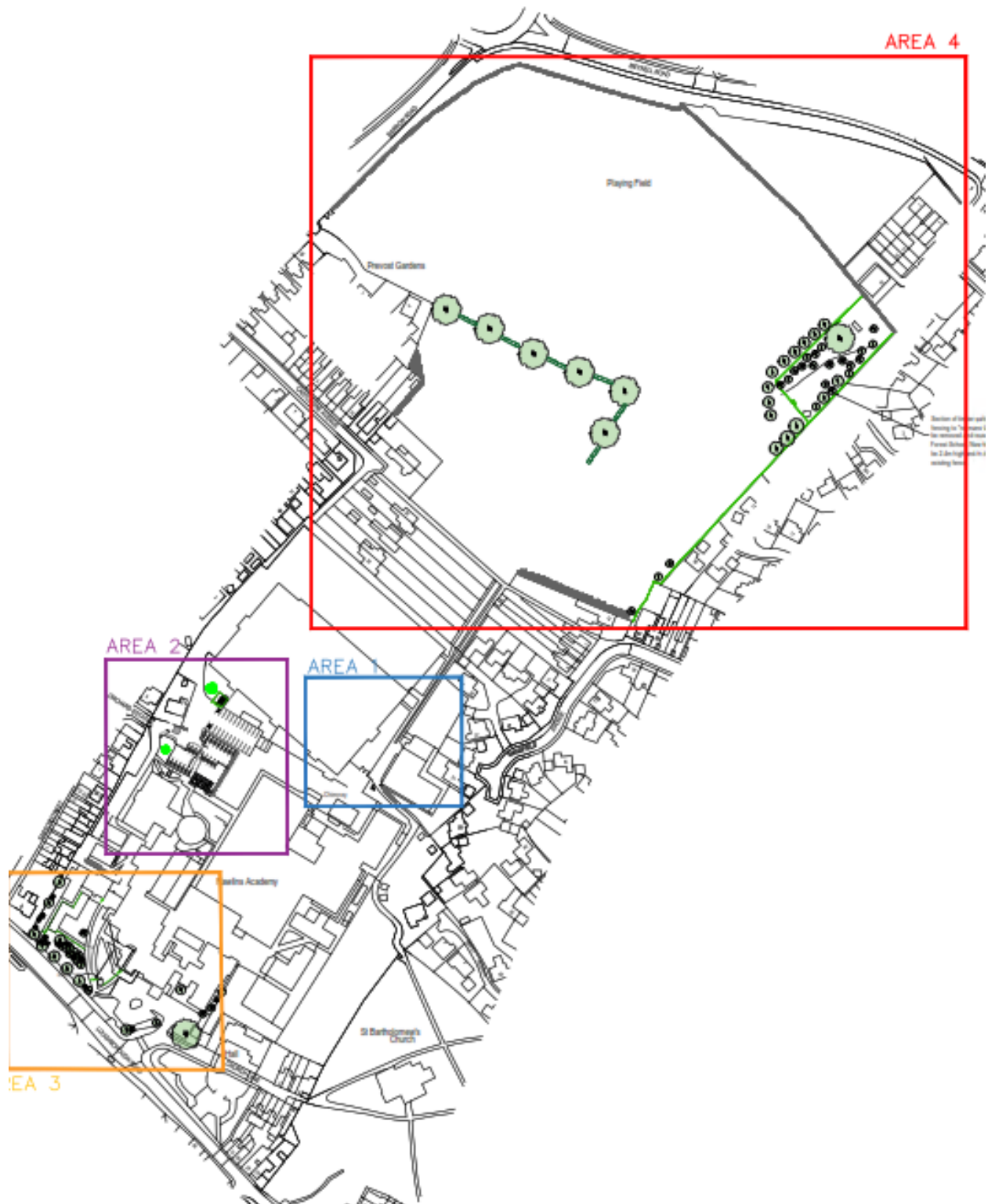
- Site Location Plan – Drg. No. J4836-01 - received 13 April 2022
- 'ymd boon' 'Area 2 Plan' drawing (reference J4836-58 Rev. A) - dated 30th August 2022
- 'ymd boon' 'Area 4 Plan' drawing (reference J4836-60 Rev. E) - dated 7th February 2023
- J4836-90, dated August 2021, titled '2.4m Fence Elevations', and compiled by YMD Boon Architects & Construction Consultants – painted Green RAL 6005 – received 17 February 2023
- J4836-90, dated August 2021, titled '2.0m Fence Elevations' and compiled by YMD Boon Architects & Construction Consultants – painted Green RAL 6005 – received 17 February 2023

REASON: To provide certainty and define the terms of the permission in accordance with Development Plan policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Design SPD and the NPPF.

3. Notwithstanding the approved plans, a gap measuring at least 13cm x 13cm shall be provided at the base of the fencing, with at least one gap every 8.0m, surrounding the playing field (Area 4), to permit the free movement of small mammals.

REASON: In the interests of safeguarding the biodiversity of the area in accordance with Policy CS16 of the Core Strategy (2015) and Policy EV6 of the Emerging Charnwood Local Plan 2021-37.

APPLICATION SITE



Plans Committee Report	22 February 2024
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Item no. 5e

Application Reference Number: P/23/1391/2

Application Type: S73 variation of condition **Date Valid:** 28th July 2023

Applicant: McDonald's Restaurants Limited

Proposal: Section 73 application to extend the hours of operation as set out in condition 4 of Planning Application ref: P/13/2471/2 (Erection of restaurant and other associated works).

Location: McDonald's, Warwick Way, Loughborough, Leicestershire LE11 4UG

Parish: Loughborough

Case Officer: Linda Walker

1.0 Background

1.1 This application is referred to Plans Committee as Councillor Tillotson has called the application in to Plans Committee for the reason of amenity - raising concern in relation to:

- Neighbour amenity on noise as the restaurant is in a residential area, closely surrounded by housing and with old people's bungalows.

2.0 Description of the application site

2.1 The existing MacDonalds restaurant is situated approx. 2 miles to the north of Loughborough Town Centre, in an area that is predominantly residential, with a modest number of commercial properties within the residential area.

2.2 The site is accessed from Warwick Way, a busy main distributor road to the north of the site. Access to other main distributor roads are found via a large roundabout junction to the north of the site, one of those being Derby Road (A6) that gives access to a retail park located further to the east of the site, also close to the residential area.

2.3 The residential properties adjacent to the site are found in Durham Close to the south-east and Rockingham Way to the south-west. The existing layout of the site is

formed of the main restaurant building on the corner of Warwick Way and Rockingham Way. A large car park is to the north of the building giving access to the drive thru that curves around the building with a microphone order point and pick up area to the south-east of the building. An acoustic fence is in situ along the south-eastern boundary of the site with Durham Way.

3.0 Description of the proposal

3.1 Section 73 (S73) of the Town and Country Planning Act 1990 allows for planning applications to be made for the variation or removal of a condition on an existing planning permission. Permission granted under section 73 creates a new permission. The new permission sits alongside the original permission, which remains intact and unamended.

3.2 This S73 application proposes to vary condition 4 imposed on planning permission P/13/2471/2, that restricted the opening hours of the MacDonalds restaurant from 0600 – midnight:

No use of the premises shall be carried out other than between 0600 hours and midnight on any day.

REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

3.3 The proposed new opening hours are from **0500 - midnight** (1-hour additional hour).

3.4 This S73 application therefore only considers the proposed additional hour of operation. The policy context relating to the proposal is found at the relevant part of this report below.

3.5 The application has been subject to further supporting information through the application process, in that a Noise Impact Assessment, prepared by Savills, has been submitted and all interested parties were reconsulted on the 31st October 2023. The Noise Impact Assessment was further amended and received on the 22nd January 2024 in light of the new NPPF being published in December 2023. No further consultation was necessary as the Noise Impact Assessment solely reflected the new paragraph numbers in relation to the development. The NPPF (2023) policy wording remains unchanged from the previous version.

4.0 Development Plan Policies

4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), and the Minerals and Waste Local Plan (2019).

4.2 The policies applicable to this application are as follows:

4.3 [Charnwood Local Plan Core Strategy \(2015\)](#)

- Policy CS2 – High Quality Design
- Policy CS6 – Employment and Economic Development
- Policy C25 – Presumption in Favour of Sustainable Development

4.4 [Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)

4.5 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 EV/1 – Design
- Policy TR/1 – Highway Safety

5. Other material considerations

5.1 [The National Planning Policy Framework \(NPPF 2023\)](#)

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

- Section 2: Achieving sustainable development
- Section 4: Decision making
- Section 6: Building a strong and competitive economy
- Section 8: Promoting healthy and safe communities
- Section 15: Conserving and enhancing the natural environment

5.3 [Planning Practice Guidance](#)

5.4 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.

5.5 [Leicestershire Highways Design Guide](#)

5.6 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 expected to be provided in new housing development and advice regarding the design of parking courts and waste collection.

5.7 Equality Act 2010

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

5.9 The Draft Charnwood Local Plan 2021-37

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The Local Plan was submitted for examination in December 2021 with hearings concluding in February 2023. Further hearings are to be held in February 2024 on limited matters following on from the consultation on the post hearing submissions which closed on 8th November 2023. Following the further hearings, it is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2024.

5.10 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 policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS5: High Quality Design
- Policy E1: Meeting Employment Needs
- Policy T3: Parking Standards

5.12 Noise Policy Statement for England (2012)

6. Relevant Planning History

6.1

Planning reference	Description	Decision and date
P/19/2619/2	Variation of Condition 4 of planning permission reference P/13/2471/2 to change opening hours of premises from between 0600 hours and midnight to between 0500 and 0200 hours seven days a week	refused 21 st February 2020
P/14/0520/2	Discharge of Condition 2 of P/13/2471/2 (materials)	Discharged subject to implementation 23 rd March 2014
P/14/0811/2	Discharge of condition 7 of P/13/2471/2 for highway works	Discharged subject to implementation 6 th June 2014
P/14/1165/2	Discharge of Condition 10 of P/13/2471/2. Landscaping	Discharged subject to implementation approved 21 st July 2014.
P/13/2471/2	Erection of restaurant and other associated works	Approved by plans committee on the 18 th February 2014. Decision found at appendix one for reference.

6.2 All the conditions imposed by P/13/2471/2 have been discharged. Since the approval of the application in 2013 a number of enforcement investigations have been carried out in relation to the breach of conditions at the site as imposed by P/13/2471/2. The last enforcement case was closed in 2022.

7.0 Responses of Consultees and Other Comments Received

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

Consultee	Response
Leicestershire County Council – Highways	No objection – As condition 4 – operating hours were imposed by the Local Planning Authority (LPA) and not the Highways Authority.
Charnwood Borough Council Environmental Health Team	No objection – content and findings of the supporting noise impact assessment - Savills. 14-0167-91 R01. 26 October 2023.

Ward Councillor and Parish Council Response

Councillor Tillotson – objection raised and called in to Plans Committee	Neighbour amenity on noise grounds as the restaurant is in a residential area, closely surrounded by housing and with old people's bungalows.
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Responses to publicity

10 letters of objection have been received	<ul style="list-style-type: none"> • Questions details/evidence in noise report • No acoustic fencing for residents at Rockingham Road – noise is an issue • Nuisance from vehicles – horns and general noise • Antisocial behavior • Excessive noise/volume of ordering kiosk • Noise from pick up point • Additional traffic/pollution • Privacy loss • Lighting at site is a nuisance • Inconsiderate parking • External areas being cleaned early in morning • Litter • Re-organize living areas due to excessive noise
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8.0 Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015), “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028) and the Minerals and Waste Local Plan (2019). The Core Strategy and Charnwood Local Plan 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. The relevant policies listed above are up to date and compliant with national guidance and as such there is no reason for them to be given reduced weight. Development proposals that accord with an up-to-date Development Plan should be determined without delay.

- 8.2 Amongst the material considerations are the emerging Charnwood Local Plan 2021-2037 (ELP) and the National Planning Policy Framework (NPPF), and the Noise Policy Statement for England (2012).
- 8.3 The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals. It advises where these modifications are fundamental or substantial, a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (S73 application) where there is a relevant condition that can be varied.
- 8.4 An application made under [section 73 of the Town and Country Planning Act 1990](#) can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.
- 8.5 Provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties.
- 8.6 The main planning considerations applicable to this application are considered to be:
- Background – policy context
 - Residential Amenity
 - Highway and Transportation Matters

Key Issues

9.0 Background – Policy context

- 9.1.1 The NPPF makes it clear that the purpose of the planning system is to contribute towards achieving sustainable types of development, meeting the three strands, such as economic, social objectives and environmental objectives. In terms of meeting the need for economic development, it is clear the framework promotes the effective use of land, while safeguarding and improving environments and healthy living

conditions, it is expected that Local Planning Authorities should plan to make as much use as possible of previously developed or brownfield land, in achieving sustainable patterns of development.

- 9.1.2 The NPPF also, at section 6, paragraph 85 makes it clear that *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.
- 9.1.3 Whilst the principle of the development is not considered with this S73 planning application, in terms of policy background, Policy CS6 of the Adopted Core Strategy supports business uses expansion in sustainable locations, such as this site. The emerging Policy E1 of the draft Local Plan, whilst only given limited weight in the determination of the planning application, it does follow the same theme, in that, it encourages growth of businesses in a competitive market.
- 9.1.4 This S73 application proposes to extend the operating hours at the MacDonalds restaurant. Whilst no information has been put forward by the applicant in relation to the need to increase the opening times of the restaurant by 1 hour, there is clear support for business growth and expansion, both in the NPPF and Policy CS6 of the adopted Core Strategy, as well as Policy H1 of the Emerging Local Plan.
- 9.1.5 Having said this, the main issues to consider with this application are residential amenity and highway safety and these are addressed below.

9.2 Residential amenity

- 9.2.1 The NPPF at para 191 states that planning policies and decisions should mitigate and reduce to a minimum potential adverse impacts from noise from new development – to avoid noise giving rise to significant adverse impacts on health and the quality of life and to identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 9.2.2 The PPG explains that Section 73 of the Town and Country Planning Act 1990 considers material amendments to planning applications. This part of the Act allows for the variation of conditions associated with a planning permission, as applied for under this application to vary condition 4 of the above planning application approved in 2013 to amend the opening hours. Local opposition has been received based on the impact that this proposed change would have on residential amenity for a number of issues as set out at section 7.0 above.
- 9.2.3 The Noise Policy Statement for England provides the policy context for the effective management and control of environmental, neighbour and neighbourhood noise

within the context of Government policy on sustainable development. It sets out that development should:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life.

- 9.2.4 Policies CS2 of the Core Strategy and EV/1 of the adopted Local Plan seek to protect the amenity of existing and future residents. They require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers.
- 9.2.5 Emerging Local Plan Policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. This policy is at an advanced stage and hearing sessions in February 2023 considered the policy and it is consistent with the NPPF but is subject to objections and can therefore be given limited weight.
- 9.2.6 The site is located in area that is characterised by predominantly residential uses, however, whilst the land use in the main is residential, main distributor roads are located close to the site and to the existing residential properties.
- 9.2.7 As discussed above this S73 application proposes to vary the restrictive condition 4 of planning permission P/13/2471/2 to change the opening hours. The condition to restrict the hours of opening was imposed solely due to the restaurant being situated close to residential properties, and it was considered that the condition was necessary to limit the use, to prevent a nuisance or annoyance to nearby residents.
- 9.2.8 Whilst the Councils Environmental Health Officer (noise specialist) raised no objection to the extended time of opening, based on the amount of objections received from local residents, officers considered it necessary to request a noise impact assessment and this was carried out and submitted for consideration.
- 9.2.9 The noise impact assessment and premises noise management at appendix C of the assessment was carried out on the 16th and 17th October 2023 between the hours of 22:00 – 07:00 to ensure noise levels were captured during operating hours and when the restaurant is closed. It considers four different noise sources; vehicle noise, people noise, intercom (drive-thru) and plant noise. The assessment acknowledges the relationship with the neighbouring properties and the distances they are set from the restaurant, and states that road noise (Warwick Way) is a contributing factor to noise climate along with some noise from the nearby factory when measuring noise levels.
- 9.2.10 At paragraph 5 of the Assessment observations are made, in that the site is located in a busy suburban area, with the dominant noise source being traffic from the main

Road (Warwick Road), with background noise from the factory. It is confirmed that during the Assessment no people arrived by foot during the early morning survey and people walking from their cars to the store did so quietly and no antisocial behaviours were witnessed during the survey.

9.2.11 In terms of vehicles visiting the site, it was further observed that customers had no preference for using the drive-thru facilities at this store, as opposed to the car park; (10 vs 11). Noises from cars using the restaurant were audible as discrete events when on site, but at greater distances became difficult to distinguish from the continuous sound of passing cars and buses on Warwick Way. Vehicle noise was a combination of idling vehicles in traffic and accelerating/braking as the vehicles entered/left the restaurant.

9.2.12 In relation to the noise levels from the drive thru, it was observed that noise levels were clearly audible with the car park, it is however acknowledged that the noise levels were raised slightly to the south. The noise levels from voices using the drive thru were considered to be in a normal voice tone.

9.2.13 The Assessment confirms that whilst the noise levels on the whole meet the standards for noise, (Noise Policy Statement for England (2012) and the NPPF (2023)) some proactive mitigation measures could be put in place to further protect the amenities and living conditions of those living close to the site.

9.2.14 A management plan is found at appendix C of the Assessment, that indicates the level of noise that is acceptable in terms of noise standards and planning policy including the NPPF in terms of amenity. The management plan is based on the data collected from the assessment and sets out the 3 different noise sources:

- vehicle/anti social behaviour
- People noise
- Intercom and other noise (COD)

9.2.15 The details contained in the management plan set out clear and precise information on how the restaurant should operate and how staff should liaise with other authorities to control anti-social behaviour if and when this occurs, in terms of noise/use of vehicles.

9.2.16 It is also stated in the management plan that signs should be erected at the entrance/exit of the restaurant and at the order point of the drive thru to remind customers to respect the residents in the locality and to reduce noise when leaving the premises or when ordering via the intercom. An informative will be added to the planning permission, if Members are minded to approved the application, to remind the applicant that an advert consent may be required for any new signage.

- 9.2.17 In terms of the intercom (COD) (ordering point for drive thru) a full assessment of noise levels has been carried out at appendix E (COD Noise Levels). The data collected draws on comparison from other stores in terms of noise and volumes of the intercom system, along with collecting data at the application site, that is based on other noise receptors in the locality. The advice contained in the management plan at appendix C states that the volume of the intercom should be reduced/maintained at volume 10 during the night - between the hours of 11pm and 7am, and no higher.
- 9.2.18 The suggested mitigation set out at section 8 of the assessment are measures, that in the main are contained in the management plan at appendix C. However, as a full assessment has been carried out, the plant used at the restaurant is also assessed. The plant at the restaurant is already in place and is calculated at 3dB below the background at the closest receivers, it is however recommended that the fan speeds could be reduced therefore reducing possible noise impact, as highlighted in appendix D of the assessment.
- 9.2.19 In addition to the management plan at appendix C, MacDonalds guidance on anti-social behaviour is found at appendix F that sets out a protocol for staff when dealing with antisocial behaviour, and also includes advice on the use of appropriate CCTV.
- 9.2.20 Having reviewed the noise assessment, the Environmental Health Team concur with the information contained within it. All comments from the neighbouring residents in relation to the current situation and the suggested nuisance being caused by the MacDonalds restaurant have been considered. Based on the information contained in the noise assessment, and noise management plan (appendix C) it is considered that subject to the noise management plan being secured by condition and implemented, the situation at the site is likely to improve in terms of amenity. It is therefore considered that the noise impact assessment as a whole should be imposed by condition as it also recommends suggested mitigation and the McDonalds antisocial behaviour policy at appendix F.
- 9.2.21 It is concluded in the Assessment that the recommended mitigation measures are implemented to ensure the additional 1 hour opening time from 0600 to 0500 results in an acceptable level of noise in accordance with national Noise Policy Statement for England (2012) and the NPPF (2023). Both aim to protect residential quality of life whilst balancing the burden on business.
- 9.2.22 It should also be noted that the Council's noise specialist in the environmental health team has fully reviewed the details contained in the Assessment and raised no objection to the additional hour of opening. It has also been confirmed during the consultation that noise and nuisance are covered by environmental legislation and the licensing department will also consider the issue of amenity, when reviewed.

9.2.23 All of the comments raised by the local residents have been fully considered in the application process. Based on the details contained in the noise impact assessment and no objection raised by the Council's Environmental Health Officer, the application is considered to meet the requirements of policy CS2 of the adopted Core Strategy and Policy EV/1 of the Local Plan (saved policies) and Policy DS5 of the Emerging Local Plan, the NPPF, PPG, and the Noise Policy for England

9.3 Impact on Highway Safety

9.3.1 The County Council Highways officers have not objected to the additional hour of opening proposed, as they have confirmed the condition was not imposed due to highway safety matters.

10.1 Conclusion

10.1.2 The proposed application to extend the operating hours from 0600 – midnight to 0500 to midnight is considered to be compliant with the relevant policies contained in policy CS2 of the adopted Core Strategy, Policy EV/1 of the Adopted Local Plan (saved policy), Policy DS5 of the Emerging Local Plan, the NPPF, PPG and the Noise Policy for England, as it would not have a significant detrimental impact on the neighbouring properties. In addition, there are no highway safety concerns to note.

10.1.3 Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that the variation to condition 4 is approved and planning permission be granted, subject to the imposition of appropriate conditions as set below in recommendation A. In accordance with the Planning Practice Guidance, the decision notice will set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on the earlier permission that continue to have effect. The reasons for the conditions will be updated with the relevant policy references.

11 Recommendation

11.1 Recommendation A

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents:
 - Layout Plan - Drawing REF: 5014-8896-0004 REVG received on the 20th February 2014
 - Elevations – 5014_8806_005 received on the 20th February 2014
 - Location Plan - -5014-8806-001 received on the 20th December 2013

- Plan number 5014_8806_0004REXH 10th February 2014.
- Noise Impact Assessment (report No. 14-0167-91R01 prepared by Savills and dated 19th January 2024).

REASON: For the avoidance of doubt and to ensure the development is carried out with the approved plans and documents.

2. The details contained in the Noise Impact Assessment (Savills, report No. 14-0167-91R01 dated 19th January 2024), with specific reference to the noise management plan found at appendix C, shall be implemented prior to the extended hours of opening taking place, and the management plan shall continue to be implemented in perpetuity.

REASON: To ensure the noise management plan is implemented and the restaurant continues to manage noise in accordance with the management plan, in the interests of residential amenity in accordance with policy CS2 of the adopted Core Strategy, Policy EV/1 of the Local Plan (saved policies), Policy DS5 of the Emerging Local Plan, The Noise Policy for England, and the NPPF.

3. No trade deliveries or waste collections shall be taken at or dispatched from the site outside the hours of 0700 and 1900 hours.

REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents. In accordance with policy CS2 of the adopted Core Strategy and Policy EV/1 of the Local Plan (saved policies) and Policy EV5 of the Emerging Local Plan.

4. No use of the premises shall be carried out other than between 0500 hours and midnight on any day.

REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents in accordance with policy CS2 of the adopted Core Strategy and Policy EV/1 of the Local Plan (saved policies) and Policy EV5 of the Emerging Local Plan.

5. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 20 metres behind the highway boundary and shall be hung so as to open inwards only.

REASON: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

6. The car parking facilities shown within the curtilage at the site shall be permanently maintained for use as a car park, as approved by plan number 5014-8896-0004 REXH received on the 20th February 2014.

REASON: To ensure that adequate off-street parking provision is retained as approved

7. The vehicular access drive shown on the approved plans shall be maintained at all times as approved by plan number 5014_8806_0004REXH received on the 10th February 2014.

REASON: To ensure the possibility of deleterious material being deposited in the highway (loose stones etc.)

8. The acoustic fence shall remain as approved by plan number 5014_8806_0004REXH received by the Local Planning Authority on 10th February 2014.

REASON: To ensure the satisfactory, overall appearance of the completed development; in order to prevent noise nuisance.

Location Plan:



Planware Ltd
The Granary
1st Floor
37 Walnut Tree Lane
Sudbury
Suffolk
Co10 1BD



Email: katie@planware.co.uk

Details of Application

APPLICATION NO:	P/13/2471/2
PROPOSAL:	Erection of restaurant and other associated works.
LOCATION:	Former Warwick Arms, Warwick Way, Loughborough, Leicestershire, LE11 4UG
APPLICANT	McDonalds Restaurant Ltd

Details of Decision Please Read All the Information in this Decision Notice.

Charnwood Borough Council has considered this application under the Town and Country Planning Act, 1990, and grants permission for the development described in the submitted documents and on any accompanying plans and drawings.

This permission is granted subject to the following Conditions and Reasons:-

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. No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.
REASON: To make sure that the appearance of the completed development is satisfactory.
3. No trade deliveries or waste collections shall be taken at, or dispatched from the site outside the hours of 0700 and 1900 hours.
REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.
4. No use of the premises shall be carried out other than between 0600 hours and midnight on any day.
REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.
5. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 20 metres behind the highway boundary and shall be hung so as to open inwards

only.

REASON: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

6. The gradient of the proposed vehicular access shall not exceed 1:12 for the first 5 metres behind the highway boundary.

REASON: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

7. The premises shall not be brought into use until such time as all existing vehicular accesses that become redundant as a result of the proposal, have been permanently closed and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to, and approved by, the local planning authority in consultation with the Highway Authority.

REASON: To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

8. The premises hereby permitted, shall not be brought into use until such time as the car parking facilities shown within the curtilage of the site have been provided, hard surfaced, marked out and made available for use. Such car parking as provided in accordance with the approved plan shall thereafter be permanently so maintained.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

9. Before first use of the development hereby permitted the proposed vehicular access drive shown on the submitted plans shall have been constructed and surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 20 metres behind the highway boundary and shall be so maintained at all times.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

10. No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

11. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

12. No use or occupation of the building hereby permitted shall take place until the boundary treatments, including the acoustic fence and as shown on drawing

5014_8806_0004 Rev H condition, have been fully completed.
REASON: To ensure the satisfactory, overall appearance of the completed development; in order to prevent noise nuisance.

The requirements of these conditions must be complied with.

Note:-

A fee is payable where a written request is made for written confirmation that one or more conditions imposed on the same planning permission have been complied with. Please visit our website for more information.

<http://www.charnwood.gov.uk/pages/planapps>

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

1. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies EV/1, EV/17, EV/20, EV/39, TR/2, TR/6 and TR/8 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and the emerging Core Strategy of the Local Development Framework have been taken into account in the determination of this application. The proposed development complies with the requirements of these saved Local Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
2. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
3. The Local Planning Authority has acted pro-actively through early engagement with the applicant at the pre-application stage. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
4. The applicant is advised that all demolition and construction work should be carried out in such a manner as to minimise the risk of noise or dust nuisance to neighbouring residential properties. There should be no burning of waste on the site and there should be no audible construction noise beyond the site boundaries before 0730 or after 1700 hours Monday to Friday or before 0800 or after 1200 hours on Saturdays. There should be no working on Sundays or Bank Holidays.
5. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: - For 'major' accesses - see Part 6 of the "6Cs Design Guide" at www.leics.gov.uk/6csdg
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
 - ii) C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
 - iii) Any street furniture or lining that requires relocation or alteration shall be

carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.

6. It is recommended that no development shall take place until a demolition/Construction Method Statement has been agreed with the local planning authority. The approved Statement shall be adhered to throughout the demolition/construction period. The Statement should provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of any security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing/road cleaning facilities, where appropriate;
 - vi) the routing of construction traffic;
 - vii) measures to control the emission of dust and dirt during demolition/construction;
 - viii) no bonfires and/or burning on site
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - x) a complaints procedure to be devised and implemented for logging any complaints regarding the development, from interested parties
 - xi) the hours of operation including deliveries
 - xii) measures to control noise from the site including the use of radios together with the responsible positioning of plant and equipment e.g generators etc.



Richard Bennett

Head of Planning and Regeneration **18 February 2014**

NOTES: **P/13/2471/2**

This notice grants planning permission only; it does not allow the demolition or work to a listed building, for which a separate consent is needed. If you are carrying out building work, you should check whether you need approval under the Building Regulations. Tel: 01509 634924 / 634757 or Email: building.control@charnwood.gov.uk

If you are carrying out works on highway land, you should check whether you need the approval of Leicestershire County Council. Tel: 0116 232 3232 or Email: information@leics.gov.uk You are also advised to check whether any restrictive covenants apply to the application site.

Appeals to the Secretary of State for Communities and Local Government (DCLG)

You can appeal to the DCLG against our decision to include conditions on this planning permission.

You must appeal within six months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN Tel: 0117 372 6372, Email: enquiries@planning-inspectorate.gsi.gov.uk Web-Site: www.planning-inspectorate.gov.uk . The (DCLG) can allow a longer period for making an appeal, but will not normally do so unless there are special circumstances to justify any delay.

A useful resource is the Planning Portal with guidance, information and relevant links to assist in the appeals process: www.planningportal.gov.uk

The (DCLG) need not consider an appeal if it seems to him that we could not have granted planning permission for the proposed development without the conditions we have imposed, having regard to planning law, to the provisions of any development order and to any directions given under a development order.

In practice, the (DCLG) does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the (DCLG).

Purchase Notices

If either we or the Secretary of State grants permission conditionally, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Access and provision for disabled persons.

If your proposal involves shops, offices, factories, educational buildings & buildings to which the public are to be admitted, you should check the requirements of the Chronically Sick & Disabled Persons Act 1970 (Sections 4,7,8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for Disabled persons within the building. You should also check the Code of Practice B.S. 5810 : 1979, "Access for the Disabled to Buildings" available from the British Standards Institution, 2, Park Street, London, W1A 2BS and (in so far as educational buildings are concerned), to Design Note 18" Access for the Disabled to Education Buildings".

Access for fire brigade.

Where you make an application for approval under the Building Regulations for the erection or extension of a building, the Council will have to reject the plans unless, after consulting the Fire Brigade, they are satisfied that the plans show:

- (a) that there will be adequate means of access for the Fire Brigade; and
- (b) that the proposed works will not make inadequate any existing means of access for the Fire Brigade to a neighbouring building.

Notes for Full Permission - Grant Conditionally 0212

Plans Committee Date:	22 February 2024
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Item No: 5f

Application Reference Number: P/23/1685/2

Application Type:	Full	Date Valid:	29/9/2023
Applicant:	Sarah Arnold		
Proposal:	Change of use from larger HMO (8 Bed) to larger HMO (11 Bed); demolition of garage and outbuildings; erection of single storey rear extension		
Location:	31 Storer Road Loughborough Leicestershire LE11 5EQ		
Parish:	N/A	Ward:	Storer Ward
Case Officer:	Paul Oxbrough	Tel No:	07591 947040

1. Background

- 1.1 The application has been 'called in' for consideration by Plans Committee at the request of Ward Councillor Jenni Tillotson, for the following reasons:
- Saturation of HMOS in the area
 - The additional occupation will negatively impact the local community.

2. Description of the application site

- 2.1 The property subject to this application has planning permission for use as a House in Multiple Occupation for up to 8 people granted in 1997 ref P/97/0539/2.
- 2.2 The site is located in predominantly residential area, which is characterised by dwellings similar in appearance and age.
- 2.3 The property is a semi-detached, two storey house situated on the north side of Storer Road, adjacent to similar properties. It has a detached garage to the rear and paved driveway area to the side.
- 2.4 The property is located in an Article 4 area that restricts the use of houses in Multiple Occupation. The property is located within the Ashby Road Conservation area.

3. Description of the proposal

- 3.1 The proposal seeks planning permission for a single storey extension to the rear of the house and to increase the number of bedrooms of an existing large House in Multiple Occupation from 8 bedrooms to 11 bedrooms.
- 3.2 The proposed rear extension will measure 8.5m deep x 6.4m wide and will create a new kitchen living room for the occupiers of the property. The proposed extension is designed with a flat roof measuring 3.3m in height. An existing prefabricated concrete garage is proposed to be used as a cycle store.

- 3.3 The existing kitchen, dining room and lounge space will be re-arranged to provide three new bedrooms and two new shower rooms for the property. In addition, the existing bedrooms on the first floor and in the second-floor roof space will be reordered to provide new shower rooms for the property on each floor.
- 3.4 The proposed external alterations are limited to the rear extension, which includes removal of a rear outbuilding currently in use as a shower room. No new windows or external alterations are proposed in the original house. An existing lounge will become a bedroom creating a total of three bedrooms on the ground floor.
- 3.5 Existing access arrangements to the property will remain unchanged from Storer Road, however, a new rear access door will be provided to the proposed extension to the rear.

4. Development Plan Policies

- 4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015) and the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies). The policies applicable to this application are as follows:

Charnwood Local Plan Core Strategy

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 - Strategic Housing Needs
- Policy CS4 - Houses in Multiple Occupation
- Policy CS14 – Heritage
- Policy CS25 - Presumption in favour 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 EV/1 – Design
- Policy TR/18 - Parking in New Development

5. Other material considerations

- 5.1 The National Planning Policy Framework (NPPF 2023)

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

- Section 2: Achieving sustainable development
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 12: Requiring well-designed and beautiful places
- Section 16: Conserving and enhancing the historic environment

5.2 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 travel plans, supporting the policy framework as set out in the NPPF.

5.3 National Design Guide

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

5.4 Housing Supplementary Planning Document (2017)

HSPD 11 Concentrations of Houses in Multiple Occupation - In accordance with Core Strategy Policy CS4 the Council will manage the proportion of Houses in Multiple Occupation by seeking to resist further Houses in Multiple Occupation (small or large) where there is already 20% or more Houses in Multiple Occupation within a 100m radius of the application site.

HSPD 12 - Social and Physical Character and Amenity - Evidence of potential issues will be considered when assessing whether a new House in Multiple Occupation will damage the social and physical character and amenity of a street or residential area, including any evidence of:

- increases in anti-social behaviour, particularly at unsociable hours;
- increases in crime and fear of crime;
- poorer standards of property maintenance and repair;
- accumulations of waste and rubbish;
- littering and fly-posting;
- and proliferation of letting signs.

HSPD 13 - Amenity Space - Proposals for Houses in Multiple Occupation will be expected to make provision for adequate storage for refuse containers taking into account the Council's Waste Collection Policy. Refuse/recycling storage should be secure, unobstructive and accessible to residents with easy access to the front of the property for collection.

HSPD 14 – Noise Insulation - Proposals for Houses in Multiple Occupation will need to be supported by a statement that the proposed design will satisfy the current guidance in the Building Regulations approved document E. This should include:

- how the design will address the required standard of noise separation; and
- details of the measures which will be taken to achieve adequate sound separation between property and those adjacent properties likely to be affected by the proposed scheme.

HSPD 15 – Parking - Proposals for Houses in Multiple Occupation will be expected to make provision for off street parking and appropriate storage space for bikes in accordance with the County Council's Design Guide (currently the 6C's Design Guide).

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

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

5.6 National Design Guide

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

5.7 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.

5.8 Leicestershire Highways Design Guide

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 expected to be provided in new housing development.

5.9 Technical Housing Space Standards (2015)

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

5.10 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.

5.11 Article 4 Direction

Local Government Circular 08/2010 'Changes to Planning Regulations for Dwelling houses and Houses in Multiple Occupation' recognises that a high concentration of shared homes can sometimes cause problems, especially if too many properties in one area are let to short-term tenants with little stake in the local community. As such, local authorities are able to apply for an Article 4 Direction to remove permitted development rights for new HMOs in defined areas. The Secretary of State granted an Article 4 Direction for Loughborough in recognition of the issues in the town and this was introduced in February 2012. This Direction removes the rights to change the use of Class C3 dwellings to Class C4 Houses in Multiple Occupation in Loughborough without the need for planning permission. These are dwellings where between 3 and 6 unrelated persons, sharing basic amenities could occupy a property without the need for planning permission - whereas, the Article 4 Direction limits this to occupation by a family or up to 2 unrelated persons (or 3 or where one is the owner of the property) living as a single household. Planning permission is required for the occupation of dwellings by residents in excess of these numbers.

5.12 The Draft Charnwood Local Plan 2021-37

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. Following Inspector's comments, further evidence was submitted and further hearing sessions are to begin on Tuesday 20th February 2024. Limited, focussed discussions will take place over a three-day period and will comprise of a re-opening of Matter 2 (Vision, Objectives, Sustainable Development and the Development Strategy), Matter 7 (Housing Land Supply), Matter 8 (infrastructure and Transport) and Matter 9 (Viability and Monitoring).

Due to the progress of the emerging Local Plan, and in accordance with the provisions of NPPF paragraph 48, consideration needs to be given to the weight that can be assigned to the policies contained in the emerging Local Plan with their respective weight defined under paragraph 48 of the NPPF depending on:

- 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).

All policies are at an advanced stage in production, the Local Plan has been submitted and the hearing sessions have concluded for 2023. Further focussed hearing sessions are scheduled for February 2024. All emerging policies are considered to be in accordance with the NPPF. The weight to be given to emerging policies is therefore based upon the extent of unresolved objections during the hearing sessions (in accordance with NPPF paragraph 48).

Despite the progression of the Local Plan, the Inspectors have not revealed adjudication of any of its content, nor should the further Hearings be regarded as indication that the subject policies are ‘weakening’ – the Hearings remain part of the consideration process with adjudication to follow, hopefully in the form of recommended Main Modifications.

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

- Policy DS1: Development Strategy
- Policy DS5: High Quality Design
- Policy T3: Car Parking Standards
- Policy H7: Houses in Multiple Occupation
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV8: Heritage

6.

Reference	Description	Decision & Date
Relevant Planning History		
P/97/0539/2	Change of use from dwelling to student accommodation (up to 8 persons).	Granted - 10/06/1997

7. Responses of Consultees & Other Comments Received

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

Consultee	Response
Heritage Comments	The proposal is typical of this development, although large, it is single-storey contained within the rear of the site which does not impact on the street scene and its contemporary form is considered appropriate. No - objections
Charnwood Borough Council Environmental Health	No comments.
Leicestershire County Council Highways (LHA)	<ul style="list-style-type: none"> • Storer Road is unclassified with 30mph speed limit, formal on-street parking with 1hr parking restriction or

	<p>permit holders. No further permits will be issued for HMOs once maximum allocation is reached.</p> <ul style="list-style-type: none"> • The existing garage does not comply with local design guidance and is not counted as a loss of off-street parking. Likewise, the existing dropped kerb does not meet guidance, condition is recommended to close off existing substandard access. • The LHA request that the applicant considers increasing the cycle parking provision so that one cycle space is available per bedroom and a condition is proposed. • The LHA considered that there are no known highway safety concerns that would be exacerbated by the proposed development. • The LHA note the site is located within a suitable walking distance to the university and town centre, that bus stops are located close providing frequent bus services.
Ward Councillor and Parish Council Response	
Councillor Jenni Tillotson	<ul style="list-style-type: none"> • Storer Road area is already saturated with HMO's. • Whilst this is an extension to an existing HMO, the extra occupation will negatively impact the local community.
Responses to publicity	
From	Comments
None received	

8. Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028),
- 8.2 The Core Strategy and Charnwood Local Plan 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. The relevant policies listed above are up to date and compliant with national guidance and as such there is no reason for them to be given reduced weight.

8.3 The main planning considerations applicable to this application are considered to be:

- Principle of development
- Local character and amenities – community balance
- Impact on residential amenity
- Design & impact on Street Scene
- Heritage
- Highway matters

9. Key Issues

9.1 Principle of the Development

9.1.1 The principle of development is guided by Policy CS1 of the Charnwood Core Strategy (2015). Policy CS1 outlines the development strategy for the borough and the distribution of sustainable growth, including a settlement hierarchy in which Loughborough urban area is a favoured location for residential development. Policy CS3 seeks to ensure that the housing stock meets the community's needs and Policy CS4 relates specifically to Houses in Multiple Occupation. Policy CS4 seeks to manage the provision of HMOs to ensure that the housing balance in an area is suitable for the social and physical character of it, and that matters of private amenity and parking demand are not unacceptably impacted.

9.1.2 Policy H7 of the emerging Local Plan makes similar provisions and adopts an approach of limiting the concentration of Houses in Multiple Occupation to less than 10% within the area defined by a 100m radius from the centre of the application site and that do not result in a residential dwelling being sandwiched between two houses in multiple occupation.

9.1.3 The property is already in use as an HMO. The application site is within an existing residential area, with nearby bus connections to the town centre and nearby access to local amenities. Whilst the principle of development is acceptable (as a residential use, and an established House in Multiple Occupation), it would contribute to the mix of tenures of homes in the area in compliance with Policy CS4 of the adopted Core Strategy and emerging Local Plan policy H7. However, the proposal needs to also be considered against these policies as to whether the expansion of this house in multiple occupation will support the well-being, character and amenity of the community and other relevant policies and detailed planning considerations as assessed below.

9.2 Local character and amenities – community balance

9.2.1 The 20% threshold, and potential future 10% threshold, allows for consistency in decision-making on proposals for changes of use to Houses in Multiple Occupation and has been recognised by appeal Inspectors as the level above which the problems associated with higher concentrations could occur.

- 9.2.2 Recent appeal decisions relating to Class C4 Houses in Multiple Occupation changes of use at Ashleigh Drive, Grange Street, Derby Road, Park Road, Frederick Street, Ashby Road, and Goldfinch Close (all situated within the Loughborough area) accept this threshold approach and attach weight to its use. Several relevant appeals have been dismissed since the Housing SPD was adopted in May 2017.
- 9.2.3 However, relying on a mathematical proportion of properties in HMO use does not account for their scale. Paragraph 4.9 of the Housing SPD also recognises the limitations of this approach and states, "It is important to note however that we will not adopt a rigid approach to decision making. The threshold will provide one material consideration to be considered alongside a number of other matters identified in Policy CS4 and the SPD related to the impact on the character and amenity of the area and safe operation of the highway."
- 9.2.4 It is material in the consideration of this proposal that the existing property is not considered as a Class C3 dwelling and therefore the overall % of HMO's would not be increased, nor would the number or % of Class C3 dwellings within 100m of the application site be reduced. Consideration of these proposals are based on intensification of an existing use rather than introduction of a new HMO and associated loss of family housing.
- 9.2.5 It is considered that within the overall context of Storer Road and its surrounding area, the incidence of properties occupied as Houses in Multiple Occupation, those in 'conventional' residential use and the additional capacity of an existing HMO proposed by this application (three bedrooms) would have no material impact on the community balance of the area or local character. Notwithstanding the single storey extension to the rear of the property, the proposal would not be detrimental to the physical appearance of the property from the street and will not have any other impact on the character of the area. It is therefore considered that, on balance, the proposal would not harm the social or physical environment of Storer Road and the surrounding area.
- 9.3 Anti-social behaviour, noise and disturbance
- 9.3.1 Noise in HMOs can often be a concern for local residents because of the number of people who are living independently within the property which can be considered to adversely affect the amenity of neighbouring properties. The adopted Housing SPD acknowledges that where there is a high proportion of HMO's it can often result in a higher incidence of anti-social behaviour, particularly at unsociable hours and increases in crime and fear of crime. Permitting an enlarged house in multiple occupation to an area with an existing high concentration of such properties could cause unacceptable harm to the living conditions of local residents and the amenity of the local area. This would be in conflict with Policies CS2, CS4 and HSPD 12.

- 9.3.2 HMOs can often be noisier than a family home because of the number of people who are living independently within the property which can adversely affect the amenity of neighbouring properties. However, in this case, the increase in occupancy is not considered likely to result in significantly greater impacts in terms of noise and disturbance to neighbouring occupiers than the existing situation. In addition, the proposed increase from an 8 to 11-bedroom HMO is comparable with the existing use albeit the main living space will be located to the rear of the property, within the proposed extension, which would not share any party walls with the adjoining neighbours. Having regard to the above, it is considered likely that the noise levels associated with the HMO would not be significantly different from the current use, being more confined to the rear of the property and as such any concerns relating to an increase in noise would not be sustained in this case.
- 9.3.3 Having regard to the above, it is concluded that there is insufficient justification to refuse the application on the basis of the noise and disturbance and the proposal would generally accord with Policies CS2 and CS4, saved Policy EV1 and the adopted SPD on Housing.
- 9.4 Design and impact on the street scene
- 9.4.1 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 which uses materials appropriate to the area. Neighbourhood Plan policies seek 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 NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.4.2 The proposed rear extension is single storey in height with a flat roof design projecting to the rear of the property. The extension being situated to the rear is not readily visible from Storer Road, with only oblique views possible between the application and neighbouring property. The proposal will be visible from St Leopold Street to the rear.
- 9.4.3 It is considered a proposal that complied with NPPF, National Design Guide, policies CS2, CS11 and CS13 of Charnwood Core Strategy, EV/1 of Local Plan and the Charnwood Design SPD would be achieved.

9.5 Impact on Residential Amenity

- 9.5.1 Policies CS2 of the Core Strategy and EV/1 of the Local Plan seek to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity. Saved policy EV/1 of Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. This is replicated within Policy DS5 of the emerging Local Plan, which due to its advancement and low level of contention can be afforded moderate weight.
- 9.5.2 The proposed alterations to the layout of the original house do not result in the creation of new windows. Existing kitchen, dining room and lounge windows will be utilised in the creation of the three new bedrooms for the property. New windows are proposed to the side elevation facing towards the boundary with the neighbouring property at number 29 Storer Road. These will be screened by an existing neighbouring garage and as such will not result in a loss of amenity for the neighbouring properties at number 29 in terms of overlooking or loss of privacy.
- 9.5.3 The proposed rear extension will project an additional 5.2 m along the boundary with the adjoining neighbour at number 33 Storer Road. There are no ground floor neighbouring windows that would be influenced by the proposed extension. Due to the orientation, the flat roof design and the overall height at 3.3m it is considered the proposed rear extension will not result in an unreasonable loss of light or outlook for the neighbouring property at number 33 Storer Road.
- 9.5.4 The proposal would, therefore, comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, National Design Guidance and the guidance set out in the Design SPD to protect residential amenity together with Policy DS5 of the emerging Local Plan.

9.6 Heritage Assets

- 9.6.1 Planning policy CS14 (Heritage) seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting.
- 9.6.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 9.6.3 Paragraph 202 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 9.6.4 The site is located within the Ashby Road Conservation Area. The Conservation Area appraisal describes the character and heritage significance being derived from the predominant building materials being red brick under slate roofs, sash timber windows with white painted joinery. The front gardens of the villas and the terraced houses which have them are marked by low brick walls or hedges. Many of the streets contain houses with beautiful decorative terracotta panels and brickwork, original stained glass panelled doors, and some have tiled front porches that form a double entrance to the house.
- 9.6.5 The proposed development would replace an existing outbuilding currently used as a shower room. The rear elevation of the proposed extension would be visible from Leopold Street with a side flank wall projecting along the boundary with number 33 Storer Road being visible from this direction. The flat roof contemporary design is considered a suitable intervention that respects the original form and whilst limiting the overall scale of the proposal. Details of fenestration, brick, roof tile and brick bond to be agreed by condition to ensure that the development would at least preserve the character and appearance of the conservation area.
- 9.6.6 It is considered that the proposals have been sensitively designed to have low level of visual impact which can be read as a coherent addition to the existing building, therefore, not compromising the integrity of the heritage significance of the conservation area and its existing contribution to the character and appearance of the Conservation Area.
- 9.6.7 The proposal meets with the requirements of Policy CS14 and the requirements in respect of Listed Buildings and Conservation Areas set out in the Planning (Listed Buildings and Conservation Areas) Act 1990,

9.7 Highway Matters

- 9.7.1 Saved Local Plan Policy TR/18 requires new development to provide off-street parking for vehicles and promotes standards that requires a maximum of three parking spaces for a four or more-bedroom dwelling in the interests of highway safety. Paragraph 115 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. Policy T3 of the Emerging Local Plan relates to Car Parking Standards. T3 is consistent with NPPF paras 108, 111 and 112.
- 9.7.2 The proposal would result in an increase in the number of bedrooms from eight to eleven following the proposal. The property is within the highly sustainable location of Loughborough with ample facilities close by and sustainable transport modes available. The additional three bedrooms proposed under this application would result in additional demand for off street parking. In the event of 'overspill' it is considered that any on street parking – if available - would not give rise to a severe road safety hazard as described by NPPF para 115.

- 9.7.3 Furthermore, the application site is located within Loughborough, which is considered an urban centre, that has good access to services and facilities to meet the day to day needs of the residents and the University campus, which reduces the reliance on the car. The application would therefore be considered acceptable overall in accordance with policy TR/18 of the Core Strategy and Policy T3 of the Draft Local Plan.
- 9.7.4 Submitted plans show the existing garage to be converted and utilised for covered secure cycle parking for the property. Comments from the LHA recommend a cycle parking space be provided for each room of the property. A condition is proposed to ensure implementation of this provision and secure its retention.
- 9.7.5 Consequently, the proposed development is considered to be in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan, which seek to ensure safe access is provided to new development, and policy CS17 is concerned with encouraging sustainable transport patterns.

10. Conclusion

- 10.1 The property is an existing House in Multiple Occupation within the urban area, and as such the principle of an HMO in this location is established and the proposal would not result in the proportional thresholds set out on the SPD and emerging Local Plan Policy H7 being exceeded. Consideration therefore falls to the material impacts associated with the intensification of the existing HMO from eight to eleven bedrooms.
- 10.2 It is considered that the proposal would not give rise to significant detriment to occupier or neighbour amenities, due to the size of the expansion and the existing use. In addition, the ability to introduce conditions in relation to waste management and the management of the property, will allow for improved management practices.
- 10.3 It is considered that the proposed rear extension will not result in unacceptable impact upon the amenity of neighbouring properties by reason of a loss out light, outlook, overshadowing or loss of privacy and would comply with Policy CS2 of the Core Strategy, “saved” Policies EV/1 and H/17 of the Local Plan, emerging Policy DS5 of the Draft Local Plan and the Charnwood Design Supplementary Planning Document (2020), which all seek to preserve residential amenity.
- 10.4 The scale and appearance of the rear extension is considered acceptable in design and terms and would comply with saved Policy EV/1 of the Borough of Charnwood Local Plan, Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and emerging Policies DS5 and DS1 of the Draft Charnwood Local Plan and the Design SPD in terms of design.
- 10.5 The design, scale and appearance of the proposed rear extension is acceptable in heritage terms and would therefore comply with saved Policy EV/1 of the Borough of Charnwood Local Plan, Policy CS14 of the Charnwood Local Plan (2011-2028) Core Strategy and emerging Policies EV8 of the Draft Charnwood Local Plan.

- 10.6 In consideration of the location and proximity of the use of the property to a wide range of facilities and the University Campus residents of the development will not depend on a car. Parking in the area is already congested and subject to various limitations. As a result, it is considered any further demand as a result of the additional bedrooms would not be detrimental to highway safety.
- 10.7 It is considered that the proposed development complies with Policy CS1, CS2, CS3 and CS4 of the Charnwood Local Plan 2011-2028 Core Strategy, “saved” Policies EV/1, TR/18 and H/17 of the Borough of Charnwood Local Plan (2004), and Emerging Policy H7 and T3 of the Draft Charnwood Local Plan 2021-2037. Additionally, the proposed development would be considered compliant with the Design SPD of Charnwood Borough Council (2020) and the relevant provisions of the National Planning Policy Framework (NPPF) and the National Design Guide.
- 10.8 As a result it is recommended that the proposal can be supported, and planning permission should be granted, subject to the following conditions:

11. Recommendation

That authority is given to the Head of Planning and Growth and the Head of Democracy and Monitoring Officer to grant conditionally, subject to the imposition of the following draft conditions and reasons, and that the Head of Planning and Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given powers to determine the final detail of planning conditions.

This permission is granted subject to the following Conditions and Reasons:

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 shall be carried out only in accordance with the details and specifications included in the submitted application, and plans as follows:
 - Application form;
 - LTD262 Drw No:10 - Proposed Planning Drawings;
 - LTD262 Drw No:08 – Existing Planning Drawings including block plan and site location.

all received on 15/09/2023

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

3. The development hereby permitted shall not commence until a written property management plan (PMP) and waste management plan (WMP) has been submitted to and agreed in writing with the local planning authority.
The management plans shall include:

- a) Details of who is responsible for the management and control of these premises, including the maintenance and up-keep of gardens and external areas. This should include a contact telephone number and email address in the event of any complaints.
- b) Arrangements for maintaining a record of all complaints received about the behaviour and/or conduct of future occupiers in relation to any incidents of alleged noise nuisance or anti-social behaviour.
- c) Details of any signage to be erected on the site displaying a contact telephone number and email address of the person responsible for the accommodation, in the event of a complaint;
- d) Detailed arrangements for the handling of student arrivals and departures at the start and end of the academic year, including the delivery and removal of personal possessions;
- e) Detailed arrangements for the allocation of car parking spaces to tenants on and of site;
- f) Details of the arrangements for the storage and collection of waste arising from the proposal;
- g) Details of student behaviour contracts to form part of the occupiers' tenancy agreements;
- h) Details of the arrangements for on-site security; and
- i) Arrangements for an on-going programme to monitor and review the effectiveness of the PMP.

REASON: To ensure the scheme provides sufficient secure bin storage and that the property is managed satisfactorily in the interests of visual and neighbour amenity, in accordance with Planning Policy CS2 of the Core Strategy and Planning Policy DS5 of the Draft Local Plan.

4. The development shall not proceed beyond damp proof course level until such time as details of the type, texture, bond and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory in the interests of preserving the character and appearance of the conservation Area in accordance with Policies CS2, CS14 of the Core Strategy and Policies DS5 and EV8 of the emerging Local Plan.

5. The development hereby permitted shall not be occupied until such time as secure cycle

parking is provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. The provision for secure cycle parking shall thereafter be retained and not be used for any other purpose.

REASON: To encourage the use of bicycles as an alternative to the car and in accordance with CS17 of the Charnwood Local Plan 2011-2028 Core Strategy, "saved" Policy TR18 of the Borough of Charnwood Local Plan (2004), emerging Policy T3 of the Draft Charnwood Local Plan 2021-2037 and the NPPF (Dec 2023).

6. The development hereby permitted shall not be occupied for a period of more than one month from being first brought into use unless the existing vehicular access on Storer Road that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (December 2023).

APPLICATION SITE



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/23/2133/2	CL (Proposed)	234 Bradgate Road Anstey Leicestershire LE7 7FD	Certificate of lawful development for conversion of loft space into habitable room, dormer extension to side with two rooflights to rear roof slope	CLDPGRANT, Certificate of Lawful Proposed Development	17-Jan-2024	Anstey
P/21/0869/2	Outline Planning Permission	97 Gynsill Lane Anstey LE7 7AJ	Outline application for up to 40 dwellings with all matters reserved except access.	GTDCON, Permission be granted subject to the following conditions:	19-Jan-2024	Anstey
P/23/1793/2	Householder	200 Bradgate Road Anstey Leicestershire LE7 7FD	Re-modelling of bungalow by the erection of 1st floor extensions, two storey side extension and single storey rear extension to create 2 storey dwelling (following demolition of existing garage)	GTDCON, Permission be granted subject to the following conditions:	23-Jan-2024	Anstey
P/23/2130/2	Householder	59 Ashfield Drive Anstey Leicestershire LE7 7TA	Erection of single storey front, side and rear extension.	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2024	Anstey
P/20/2234/2	Full	28 High Street Barrow Upon Soar LE12 8PY	Retention of extraction flue, erection of timber screens and shed with installation of AC unit. (Revised Scheme P/19/0136/2 refers)	GTDCON, Permission be granted subject to the following conditions:	23-Jan-2024	Barrow & Sileby West
P/23/1986/2	Householder	17 Elms Grove Barrow Upon Soar Leicestershire LE12 8SL	Erection of single storey extension to side and rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	25-Jan-2024	Barrow upon Soar
P/23/2220/2	Advert Consent	Soar Bridge Inn 29 Bridge Street Barrow Upon Soar Leicestershire LE12 8PN	Display of 9 No. illuminated new or replacement signs and installation of external lights to front elevation. (Advertisement Consent)	GTDCON, Permission be granted subject to the following conditions:	30-Jan-2024	Barrow upon Soar

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2166/2	Householder	49 Wanlip Lane Birstall Leicestershire LE4 4JU	Erection of first floor extension to side and rear of dwelling.	REF, Permission be refused for the following reasons:	22-Jan-2024	Birstall East an Wanlip
P/23/2062/2	Householder	84 Roman Road Birstall Leicestershire LE4 4BE	Section 73 Variation of Condition 1 (Approved Plans) and Condition 2 (Materials) of Planning Application ref: P/22/0827/2 (Retention of detached annex building to rear (retrospective application))	GTDCON, Permission be granted subject to the following conditions:	02-Feb-2024	Birstall East an Wanlip
P/23/2057/2	Householder	84 Roman Road Birstall Leicestershire LE4 4BE	Retention of single storey rear extension (retrospective application)	GTDCON, Permission be granted subject to the following conditions:	02-Feb-2024	Birstall East an Wanlip
P/22/1948/2	Full	11 White Horse Lane Birstall Leicestershire LE4 4EF	Installation of two roof cowls	GTDCON, Permission be granted subject to the following conditions:	12-Feb-2024	Birstall Watermead
P/23/1418/2	Householder	11 Walnut Avenue Birstall Leicestershire LE4 3EB	Erection of single storey extension to side and rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	25-Jan-2024	Birstall West
P/23/2271/2	Householder	51 Queensgate Drive Birstall Leicestershire LE4 3JS	Erection of single storey side/rear extension	GTDCON, Permission be granted subject to the following conditions:	01-Feb-2024	Birstall West
P/23/2156/2	CL (existing)	19 Walker Road Birstall Leicestershire LE4 3BP	Lawful development certificate (existing) for hip to gable and rear dormer roof extension (with juliet balcony) and installation of 1no. rooflight to front roofslope and window to side gable.	GTDCON, Permission be granted subject to the following conditions:	02-Feb-2024	Birstall West

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2243/2	Householder	25 Saltersgate Drive Birstall Leicestershire LE4 3FG	Erection of single storey side extension following demolition of garage and erection of outbuilding to rear.	GTDCON, Permission be granted subject to the following conditions:	08-Feb-2024	Birstall West
P/23/1965/2	Householder	19 Copeland Road Birstall Leicestershire LE4 3AB	Erection of single storey rear extension, raised patio area with slight extension of boundary fence. single storey rear outbuilding (gym/w.c) and hip to gable roof extension.	GTDCON, Permission be granted subject to the following conditions:	08-Feb-2024	Birstall West
P/23/2148/2	Householder	3 James Avenue Loughborough Leicestershire LE11 5QL	Erection of single storey rear extension	GTDCON, Permission be granted subject to the following conditions:	22-Jan-2024	Dishley, Hather and Thorpe Aci
P/23/2160/2	Discharge of Conditions	Land at the West of Loughborough Loughborough Leicestershire	Discharge of Condition 5 of Planning Application ref: P/23/1546/2.	CONDNK, Conditions PART discharged	24-Jan-2024	Dishley, Hather and Thorpe Aci
P/23/1878/2	CL (Proposed)	6 Booth End Loughborough Leicestershire LE11 5EN	Erection of dormer extension to rear roof slope of dwelling and insertion of 3no. roof lights to front roof slope of dwelling. (Lawful Development Certificate Proposed Development)	CLDPGRANT, Certificate of Lawful Proposed Development	07-Feb-2024	Dishley, Hather and Thorpe Aci
P/23/2331/2	Householder	30 Althorpe Drive Loughborough Leicestershire LE11 4QU	Erection of single storey front extension, rendering and associated alterations (Resubmission of Planning Application ref: P/23/1930/2)	GTDCON, Permission be granted subject to the following conditions:	12-Feb-2024	Dishley, Hather and Thorpe Aci
P/23/1296/2	CL (Proposed)	Bradgate Park Bradgate Road Newtown Linford Leicestershire LE6 0HE	Hardstanding and the siting of a wooden structure with a self-service dog wash station enclosed (Lawful Development Certificate for Proposed Development)	REF, Permission be refused for the following reasons:	26-Jan-2024	Forest Bradgat

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2030/2	Change of Use Prior Notification	Hanging Stone Farm Brook Road Woodhouse Eaves Leicestershire LE12 8RS	Change of Use of Agricultural Building to Dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion (prior notification under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class Q	PRIREF, The prior approval of the Council is refused	26-Jan-2024	Forest Bradgat
P/23/0645/2	Full	Lady Jane Park Bradgate Road Newtown Linford Leicestershire LE6 0HD	Demolition of No. 532 Bradgate Road and erection of 7no. dwellinghouses (Use Class C3) with associated parking, landscaping and amenity space	GTDCON, Permission be granted subject to the following conditions:	26-Jan-2024	Forest Bradgat
P/23/2230/2	Householder	15 Church Hill Woodhouse Eaves Leicestershire LE12 8RT	Demolition and construction of walls at front of property. (retrspetive)	REF, Permission be refused for the following reasons:	09-Feb-2024	Forest Bradgat
P/23/2264/2	CL (Proposed)	26 Thorpe Acre Road Loughborough Leicestershire LE11 4LF	Internal alterations, installation of rooflight, and alterations to window (Lawful Development Certificate)	CLDPGRANT, Certificate of Lawful Proposed Development	02-Feb-2024	Loughborough Ashby
P/23/2229/2	Full	70 Gladstone Street Loughborough Leicestershire LE11 1NS	Change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4).	GTDCON, Permission be granted subject to the following conditions:	29-Jan-2024	Loughborough East

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2228/2	Full	35 Langdale Avenue Loughborough Leicestershire LE11 3RP	Variation of Condition 2 of P/22/1748/2 (Proposed change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4), with single storey side and rear extensions and first floor rear extension (Revised scheme P/21/2443/2 refers). Variation to consist of change to roof height for single storey extensions (retrospective application)	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2024	Loughborough Nanpantan
P/23/2185/2	Householder	3 Shepherds Close Loughborough Leicestershire LE11 3LA	Erection of single storey side extension to convert garage to habitable rooms and alterations to roof.	GTDCON, Permission be granted subject to the following conditions:	25-Jan-2024	Loughborough Nanpantan
P/23/1929/2	Householder	2 Wythburn Close Loughborough Leicestershire LE11 3SZ	Erection of single storey extensions, garage conversion into habitable space and increase in flat roof height with canopies to front elevation.	GTDCON, Permission be granted subject to the following conditions:	29-Jan-2024	Loughborough Nanpantan
P/23/2020/2	Full	125 Nanpantan Road Loughborough Leicestershire LE11 3YB	Erection of 2 No. detached dwellings with associated parking and external works following demolition of existing dwelling. (Revised scheme - P/23/0864/2 refers)	GTDCON, Permission be granted subject to the following conditions:	07-Feb-2024	Loughborough Nanpantan
P/23/2169/2	Householder	8 Atherstone Road Loughborough Leicestershire LE11 2SJ	Erection of single storey extension to side and rear.	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2024	Loughborough Outwoods and Shelthorpe
P/23/1837/2	Householder	73 Lansdowne Drive Loughborough Leicestershire LE11 2BX	Erection of single storey side and rear extension	GTDCON, Permission be granted subject to the following conditions:	07-Feb-2024	Loughborough Outwoods and Shelthorpe

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2267/2	Householder	8 Pantain Road Loughborough Leicestershire LE11 3NA	Erection of two storey extensions to front, side and rear of dwelling and erection of single storey extension to rear. Changes to external materials and fenestration and formation of parking area to front.	GTDCON, Permission be granted subject to the following conditions:	08-Feb-2024	Loughborough Outwoods and Shelthorpe
P/23/2188/2	Householder Prior Notification - Class AA (Additional Storey)	Pullinger Building Loughborough Grammar School The Loughborough Schools Foundation Burton Walks Loughborough Leicestershire LE11 2DU	Installation of 88no. solar photovoltaic (PV) arrays on the roof of the Pullinger Building	PRINOT, Prior approval from the Council is not required	22-Jan-2024	Loughborough Southfields
P/23/2191/2	Householder Prior Notification - Class AA (Additional Storey)	The Loughborough Schools Foundation Burton Walks Loughborough Leicestershire LE11 2DU	Installation of 473no. solar photovoltaic (PV) arrays on the roof of the Parkin Sports Centre	PRINOT, Prior approval from the Council is not required	22-Jan-2024	Loughborough Southfields
P/23/2184/2	Full	4 Arthur Street Loughborough Leicestershire LE11 3AY	Change of use of a dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) (Retrospective)	REF, Permission be refused for the following reasons:	22-Jan-2024	Loughborough Southfields
P/23/2195/2	Householder Prior Notification - Class AA (Additional Storey)	The Loughborough Schools Foundation Sports Hall Loughborough Grammar School Burton Walks Loughborough Leicestershire LE11 2DU	Installation of 335no. solar photovoltaic (PV) arrays on the roof of the Grammar School Sports Hall	PRINOT, Prior approval from the Council is not required	22-Jan-2024	Loughborough Southfields

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2182/2	Householder Prior Notification - Class AA (Additional Storey)	The Loughborough Schools Foundation Burton Walks Loughborough Leicestershire LE11 2DU	Installation of 189no.solar photovoltaic (PV) arrays on the roof of the Chemistry and Biology Buildings	PRINOT, Prior approval from the Council is not required	22-Jan-2024	Loughborough Southfields
P/23/2192/2	Householder Prior Notification - Class AA (Additional Storey)	The Loughborough Schools Foundation Science Building Loughborough Grammar School Burton Walks Loughborough Leicestershire LE11 2DU	Installation of 93no. solar photovoltaic (PV) arrays on the roof of the Physics Building	PRINOT, Prior approval from the Council is not required	22-Jan-2024	Loughborough Southfields
P/23/1949/2	Change of Use Prior Notification	2 - 7 Market Street Loughborough Leicestershire LE11 3EP	Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) (GPDO Class MA)	PRIREF, The prior approval of the Council is refused	24-Jan-2024	Loughborough Southfields
P/23/2193/2	Householder Prior Notification - Class AA (Additional Storey)	The Loughborough Schools Foundation Craft Design And Technology Centre Burton Walks Loughborough Leicestershire LE11 2DU	Installation of 29no. solar photovoltaic (PV) arrays on the roof of the CDT building	REQ, The submission of details are required to be submitted for approval by the Borough Council.	24-Jan-2024	Loughborough Southfields
P/23/2223/2	Full	8 High Street Loughborough Leicestershire LE11 2PY	Change of use of part of first floor to restaurant (Use Class E(b)) and associated works (Resubmission of P/23/1553/2)	GTDCON, Permission be granted subject to the following conditions:	30-Jan-2024	Loughborough Southfields

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/20/2171/2	Full	Forest Rise 55/57 Forest Road Loughborough LE11 3NW	Change of use from car park associated with student accommodation (Class C3) to storage of 4 shipping containers (sui generis)(retrospective application)	REF, Permission be refused for the following reasons:	31-Jan-2024	Loughborough Southfields
P/23/0894/2	Full	160 Ashby Road Loughborough Leicestershire LE11 3AG	Section 73 Variation of Conditions 2, 3, 4 and 6 (Approved Plans) of Planning Application ref: P/21/0650/2 (Change of use of dwelling (Class C3) to three flats and fenestrations alterations). Variation to consist of changes to internal layout of building, relocate cycle storage to rear of garden, and details of sound proofing.	GTDCON, Permission be granted subject to the following conditions:	07-Feb-2024	Loughborough Southfields
P/23/2025/2	Full	Forest Road Dental Practice 16, Forest Road Loughborough LE11 3NP	Demolition of existing detached garage and removal of 2 No. trees, conversion of existing outbuilding to staff room/kitchenette, alterations to car parking layout, sub-division of existing upper floor 3 bedroom flat in to two separate flats to include widened rear dormer window and new roof-lights to front elevation.	GTDCON, Permission be granted subject to the following conditions:	12-Feb-2024	Loughborough Southfields
P/23/1890/2	Full	112 Derby Road Loughborough Leicestershire LE11 5HL	Change of use from C3 (dwellinghouse) to C4 (HMO) and construction of single storey rear extension	REF, Permission be refused for the following reasons:	18-Jan-2024	Loughborough Storer
P/23/2189/2	Full	105 Leopold Street Loughborough Leicestershire LE11 5DW	Change of use from a dwellinghouse (Use Class C3) to a small house in multiple occupation (Use Class C4) with minor alterations to fenestration to the rear.	REF, Permission be refused for the following reasons:	23-Jan-2024	Loughborough Storer

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2190/2	Full	74 Station Street Loughborough Leicestershire LE11 5EE	Change of use from a dwellinghouse (Use Class C3) to a small house in multiple occupation (Use Class C4).	REF, Permission be refused for the following reasons:	23-Jan-2024	Loughborough Storer
P/23/2179/2	Full	102 Leopold Street Loughborough Leicestershire LE11 5DW	Erection of single storey rear extension and conversion of roofspace into habitable room to existing HMO (Use Class C4)	GTDCON, Permission be granted subject to the following conditions:	23-Jan-2024	Loughborough Storer
P/23/2176/2	CL (existing)	9 Edward Street Loughborough Leicestershire LE11 1QF	Lawful Development Certificate for Existing use of property as C4 House in Multiple Occupation (HMO).	GTD, Permission be granted unconditionally	26-Jan-2024	Loughborough Storer
P/23/1462/2	Householder	74 Leopold Street Loughborough Leicestershire LE11 5DN	Erection of single storey extension to rear, loft conversion and dormer extension to rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	07-Feb-2024	Loughborough Storer
P/23/2178/2	Full	128 Leopold Street Loughborough Leicestershire LE11 5DW	Two storey side/rear extension, with single storey side extension, and conversion into 2 flats.	GTDCON, Permission be granted subject to the following conditions:	07-Feb-2024	Loughborough Storer
P/23/0378/2	CL (Proposed)	Grass area adjacent to Lampost on Rockingham Road Loughborough Leicestershire LE11 5UF	Lawful Development Certificate for air quality monitoring station	CLDPGRANT, Certificate of Lawful Proposed Development	08-Feb-2024	Loughborough Storer
P/23/2105/2	Householder	97 Rothley Road Mountsorrel Leicestershire LE12 7JT	Erection of two storey rear extension (with juliet balconies), dormer loft extension and dropped kerb	REF, Permission be refused for the following reasons:	24-Jan-2024	Mountsorrel
P/23/2307/2	CL (Proposed)	2 Mcqueen Drive Mountsorrel Leicestershire LE12 7WB	Proposed installation of air source heat pump (Lawful Development Certificate)	CLDPGRANT, Certificate of Lawful Proposed Development	06-Feb-2024	Mountsorrel

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2127/2	Householder	24 Walton Way Mountsorrel Leicestershire LE12 7EQ	Section 73 Variation of Condition 2 (Approved Plans) of Planning Application ref: P/23/0107/2 (Erection of front extension with extended first floor pitched roof and dormer window. Erection of single storey rear extension following demolition of the existing)	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2024	Mountsorrel Mountsorrel
P/23/0263/2	Full	Community Hall And Parish Offices The Old School, School Lane Quorn Leicestershire LE12 8BL	Erection of single storey extension to rear of community hall.	GTDCON, Permission be granted subject to the following conditions:	12-Feb-2024	Quorn & Mountsorrel Castle
P/23/1838/2	Full	28 - 30 High Street Quorn Leicestershire LE12 8DT	Section 73 application for Variation of Conditions 10 (Tree Work) and 12 (Approved Plans/Documents) of Planning Application ref: P/23/0121/2 (Section 73 Application for Variation of Condition 12 (Approved Plans) of Planning Permission ref: P/21/0579/2 to allow a revised approach to the protection pf trees (Change of use from residential dwelling to soft play cafe at rear and duplex apartment to front together with single storey extensions to side and rear relating to cafe use). Variation to proposed foundation design.	GTDCON, Permission be granted subject to the following conditions:	01-Feb-2024	Quorn & Mountsorrel Castle Quorn and Mountsorrel Castle
P/23/2334/2	Demolition Determination	75 Meeting Street Quorn Leicestershire LE12 8EU	Prior approval for demolition of garage and attached shed (Demolition Notice)	PRIGRA, The prior approval of the Council is granted	17-Jan-2024	Quorn and Mountsorrel Castle

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2026/2	Full	10 and 10 A The Green Mountsorrel Leicestershire LE12 7AF	Change of use of first floor self-contained residential apartment to form part of existing Dental Practice	GTDCON, Permission be granted subject to the following conditions:	06-Feb-2024	Quorn and Mountsorrel Castle
P/23/2168/2	CL (Proposed)	9 Cross Hedge Rothley Leicestershire LE7 7RR	Certificate of lawful development for proposed single storey rear extension to dwelling.	CLDPGRANT, Certificate of Lawful Proposed Development	22-Jan-2024	Rothley Brook
P/23/1997/2	Householder	124 The Ridings Rothley Leicestershire LE7 7SL	Proposed installation of new gates to replace existing.	GTDCON, Permission be granted subject to the following conditions:	23-Jan-2024	Rothley Brook
P/23/2134/2	Householder	8 Station Road Cropston Leicestershire LE7 7HD	Erection of first floor and single storey extensions to rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2024	Rothley Brook
P/23/1645/2	Householder	10 All Saints Road Thurmaston Leicestershire LE7 7JD	Erection of first floor side extension and cladding of dwelling. Extension of outbuilding to rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	31-Jan-2024	Rothley Brook
P/23/1919/2	Householder	Ridge House 1 Windmill End Rothley Leicestershire LE7 7RP	Erection of first floor extension over existing garage, front porch canopies and single storey rear extension.	GTDCON, Permission be granted subject to the following conditions:	08-Feb-2024	Rothley Brook
P/23/2175/2	Householder	Tree Tops 13 Templar Way Rothley Leicestershire LE7 7RB	Loft conversion with hip to gable roof extension and roof dormer to front.	GTDCON, Permission be granted subject to the following conditions:	09-Feb-2024	Rothley Brook

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2037/2	Householder	7 Nelson Close Shepshed Leicestershire LE12 9TH	Erection of two-storey side extension, alterations to fenestration, erection of boundary wall and formation of hardstanding to front of dwelling.	GTDCON, Permission be granted subject to the following conditions:	29-Jan-2024	Shepshed East
P/23/2177/2	Full	Brooklyn House 44 Brook Street Shepshed Leicestershire	Retention of 8 No. air conditioning units to rear elevation	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2024	Shepshed Wes
P/23/2272/2	Householder	47 Springfield Road Shepshed Leicestershire LE12 9QW	Erection of detached garage (Retrospective)	GTDCON, Permission be granted subject to the following conditions:	26-Jan-2024	Shepshed Wes
P/22/1709/2	Householder	6 Celandine Road Shepshed Leicestershire LE12 9QT	Erection of 2.6m high fence to rear of house	GTDCON, Permission be granted subject to the following conditions:	31-Jan-2024	Shepshed Wes
P/23/2183/2	Full	Brooklyn House 44 Brook Street Shepshed Leicestershire	Retention of boundary fence and enlarged car parking area.	GTDCON, Permission be granted subject to the following conditions:	01-Feb-2024	Shepshed Wes
P/23/1911/2	Householder	18 Chapel Street Shepshed Leicestershire LE12 9AG	Erection of two storey side extension, single storey rear extension, removal of external staircase and moved to front door and lowering of existing raised area (Resubmission of Planning Application ref: P/23/0767/2)	GTDCON, Permission be granted subject to the following conditions:	12-Feb-2024	Shepshed Wes Shepshed Wes
P/23/1924/2	Full	8A Swan Street Sileby Leicestershire LE12 7NW	Change of use and conversion of education facility with ancillary offices to 4no. residential units	GTDCON, Permission be granted subject to the following conditions:	17-Jan-2024	Sileby and Seagrave

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2080/2	Householder	17 St Marys Road Sileby Leicestershire LE12 7TL	Erection of single storey rear extension with roof alterations to side and changes to fenestration	GTDCON, Permission be granted subject to the following conditions:	23-Jan-2024	Sileby and Seagrave
P/23/2214/2	Discharge of Conditions	Cemetery Road Sileby Leicestershire	Part discharge of condition 2 (Remediation strategy & validation report) for Plots 1 to 27 of Planning Permission ref:P/21/0549/2 (Erection of 108 dwellings with access served off Cemetery Road. Variation of conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, and 19 of P/16/1359/2)	CONDIS, Conditions discharged - Confirmed	23-Jan-2024	Sileby and Seagrave
P/23/2187/2	Full	Homefield College Care Home 139 Homefield Road Sileby Leicestershire LE12 7TG	Change of use from Use Class C3 (b) Supported Living to Use Class C2 Children's Home	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2024	Sileby and Seagrave
P/23/2082/2	Householder	1 Quorn Park Paudy Lane Seagrave Leicestershire	Installation of free standing air source heat pump to rear of dwelling, with associated alterations.	GTDCON, Permission be granted subject to the following conditions:	25-Jan-2024	Sileby and Seagrave
P/23/2290/2	Full	74 - 76 Cossington Road Sileby Leicestershire LE12 7RP	Change of use from Use Class C3 (b) Supported Living to Use Class C2 Childrens Home	GTDCON, Permission be granted subject to the following conditions:	05-Feb-2024	Sileby and Seagrave
P/23/1011/2	Householder	60 Barkby Lane Barkby Leicestershire LE7 2BB	Erection of single storey rear extension, alterations to roof height of existing single storey buildings, 2.4m high fence to rear (amended details 11/12/2023)	GTDCON, Permission be granted subject to the following conditions:	07-Feb-2024	South Charnwood

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2076/2	Householder	2 Whissendine Way Syston Leicestershire LE7 2HL	Erection of single storey rear extension	GTDCON, Permission be granted subject to the following conditions:	18-Jan-2024	Syston
P/23/1841/2	Householder	7 Brookfield Avenue Syston Leicestershire LE7 2AB	Erection of single storey extension to side and rear of dwelling.	GTDCON, Permission be granted subject to the following conditions:	23-Jan-2024	Syston
P/23/2162/2	Householder	1B Broad Street Syston Leicestershire LE7 1GH	Erection of single storey front and rear extension and two storey side and rear extension with associated alterations.	GTDCON, Permission be granted subject to the following conditions:	25-Jan-2024	Syston
P/23/2226/2	Householder	Flat 4 21 High Street Syston Leicestershire LE7 1GP	Proposed replacement of 3no. windows to side and rear elevations (part-retrospective)	GTDCON, Permission be granted subject to the following conditions:	31-Jan-2024	Syston
P/23/1483/2	Full	Hammer & Pincers 5 East Road Wymeswold Leicestershire LE12 6ST	Construction of Storage Shed (retrospective)	GTDCON, Permission be granted subject to the following conditions:	17-Jan-2024	The Wolds
P/23/1095/2	Householder	Fox Covert Farm 289 Narrow Lane Burton On The Wolds Leicestershire LE12 6SD	Erection of single storey annexe	GTDCON, Permission be granted subject to the following conditions:	19-Jan-2024	The Wolds
P/23/2277/2	Advert Consent	45 Far Street Wymeswold Leicestershire LE12 6TZ	Proposed installation of illuminated and non illuminated signage to building (Advertisement Consent)	GTDCON, Permission be granted subject to the following conditions:	29-Jan-2024	The Wolds

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/22/1603/2	Full	40 Loughborough Road Hoton Leicestershire LE12 5SF	Construction of 4no dwellings with associated parking, hardsurfacing and landscaping.	REF, Permission be refused for the following reasons:	30-Jan-2024	The Wolds
P/22/1728/2	Full	Land South of Wymeswold Industrial Estate Wymeswold Lane Wymeswold Leicestershire	Proposed erection of 21 industrial units (Class B2/B8 and E(g)) with associated site works incorporating access, parking, delivery vehicle turning areas and landscaping.	GTDCON, Permission be granted subject to the following conditions:	31-Jan-2024	The Wolds
P/23/1136/2	Full	Land Wide Lane Wymeswold Leicestershire	Proposed equestrian worker's dwelling and associated equestrian facilities including stables and paddocks, for use in connection with breeding thoroughbred race horses	REF, Permission be refused for the following reasons:	02-Feb-2024	The Wolds
P/23/2293/2	Householder	21 School Hill Walton On The Wolds Leicestershire LE12 8JE	Installation of pump house, with associated works. (Retrospective)	REF, Permission be refused for the following reasons:	08-Feb-2024	The Wolds
P/23/2275/2	Householder Prior Notification - Class A (Rear Extensions)	48 Festival Avenue Thurmaston Leicestershire LE4 8JA	The erection of a single storey rear extension extending beyond the rear wall of the original house by 4.00m, with a maximum height of 3.00m, and height to the eaves of 2.47m.	PRIREF, The prior approval of the Council is refused	23-Jan-2024	Thurmaston
P/23/1792/2	Householder	52 Campbell Avenue Thurmaston Leicestershire LE4 8HB	Erection of porch to front, single storey extension to side and rear, conversion of garage into a habitable space, raised area to front and railings. (Resubmission of Planning Application ref: P/22/0498/2).	GTDCON, Permission be granted subject to the following conditions:	25-Jan-2024	Thurmaston
P/23/1308/2	Householder	29 Rutland Drive Thurmaston Leicestershire LE4 8JT	Erection of hip to gable end, dormer extension to rear, installation of 2no. rooflights to front roof slope and window to side gable of dwelling.	REF, Permission be refused for the following reasons:	26-Jan-2024	Thurmaston

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/23/2199/2	CL (Proposed)	7 Bramber Close Thurmaston Leicestershire LE4 8HY	Proposed use by a single resident with learning difficulties where specialist care is to be provided by up to three carers on three shifts within a 24 hour period.	CLDPGRANT, Certificate of Lawful Proposed Development	26-Jan-2024	Thurmaston
P/23/2219/2	Householder	3 Southdown Drive Thurmaston Leicestershire LE4 8HS	Erection of single storey side and rear extensions, loft conversion with side dormers, alteration to the main pitched roof and porch to front (Resubmission of Planning Application ref: P/23/1152/2)	REF, Permission be refused for the following reasons:	29-Jan-2024	Thurmaston
P/23/1456/2	Householder	14 Rosedene Avenue Thurmaston Leicestershire LE4 8HR	Conversion of garage into habitable space and erection of single storey rear extension and conservatory	GTDCON, Permission be granted subject to the following conditions:	31-Jan-2024	Thurmaston
P/23/2273/2	Householder	136 Dovedale Road Thurmaston Leicestershire LE4 8ND	Erection of part single and part two storey extensions to front and side of dwelling. (Resubmission of Planning Application ref: P/23/1626/2)	REF, Permission be refused for the following reasons:	05-Feb-2024	Thurmaston
P/23/1740/2	Householder	8 Long Furrow East Goscote Leicestershire LE7 3ZL	Retention of one metal front gate 2m high to entrance.	REF, Permission be refused for the following reasons:	19-Jan-2024	Wreake Valley
P/23/2146/2	Householder	4-6 Main Street Queniborough Leicestershire LE7 3DA	Removal of existing chimney stack and fenestration and materials alterations.	GTDCON, Permission be granted subject to the following conditions:	24-Jan-2024	Wreake Valley
P/23/2085/2	Change of Use Prior Notification	70 Hoby Road Thrussington Leicestershire LE7 4TH	Prior Notification for change of use of Agricultural Building to dwellinghouse (Use Class C3)	PRIREF, The prior approval of the Council is refused	26-Jan-2024	Wreake Valley

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
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Total Delegated Decisions: 100