

Item No. 1

Application Reference Number P/21/1105/2

Application Type:	Outline	Date Valid:	02/06/21
Applicant:	Jelson Homes Ltd		
Proposal:	Outline application for residential development of 56 dwellings, public open space and associated works (all matters reserved except for access).		
Location:	Loughborough Road Burton On The Wolds Leicestershire		
Parish:	Burton on the Wolds, Prestwold	Ward:	The Wolds
Case Officer:	Linda Walker	Tel No:	07534 224519

Background

This application is referred to the Development Control Committee in accordance with the scheme of delegation, as the development is a major application set outside the settlement limits for Burton on the Wolds, and therefore represents a departure from the development plan and the Officer recommendation is one of approval. All matters are reserved apart from access. The application has also been called in at the request of ward Councillor Jenny Boker.

Description of the site and application

Burton on the Wolds is situated to the north of Leicestershire, close to the Nottinghamshire border and is centrally placed between the main highways A46 and the A6, both providing highway connectivity to the north and the south. The village lays approximately 3.5 miles from Loughborough Market Town and hosts a primary school, shop, garage, one public house, a village hall, gym, and other employment uses exist in the centre of the village, along with an industrial area situated on the south and north eastern edge of the village.

The application site is situated on the north western edge of Burton on the Wolds and to the north of Loughborough Road. It is located in the countryside comprising of open arable agricultural fields which forms a raised mound with hedgerows and trees on three boundaries, which includes significant mature foliage along the main road frontage. The village settlement limits abuts the site to the east and south where the area is, in the main, characterised predominantly by modern residential properties of mixed design and age, directly adjacent to the site, the dwellings are set back from the highway (Loughborough Road) with a mature planting scheme abutting the highways.

An existing bridleway runs along the south and eastern boundary of the site, linking Loughborough with a public footpath following Burton Brook and the northern boundary of the site, and open countryside lays to the north of the site.

Prestwold Hall is situated to the north west of the site and is Grade I listed, the Hall and St Andrews Church (Grade II listed) both sit in the grounds of Prestwold Park which is a Grade II Historic registered Parkland and garden. Field House (32-34 Seymour Road) is situated adjacent and to the north eastern corner of the site area and is also grade II listed.

Description of the Proposal

This outline planning application seeks permission for the erection of 56 houses with access taken from Loughborough Road. The site is dimensioned at approximately 6.54 Ha. The application seeks consent for access only and the illustrative (only) layout plan is submitted and indicates 56 dwellings, parking or garaging accommodating 112 vehicles. The plan shows the retention of the existing hedgerow treatments abutting Loughborough Road other than the proposed new access road.

A large open landscaped area is indicated to the west and north of the site, with connecting pathways within the site, also providing connectivity to the existing housing development to the east. A play area is shown within the landscaped area along with sustainable attenuation pond and a planted woodland area abutting the Grade II Historic Prestwold Park is also indicated.

This Outline Planning Application has been well considered prior to submission and is accompanied by:

- Design and Access Statement
- Planning Statement
- Heritage Appraisal
- A Visual Landscape Appraisal
- Flood Risk Assessment
- Transport Statement
- Arboricultural Assessment
- Illustrative master plan

A speed survey has been submitted during the application process as requested by LCC Highways Authority. Further re-consultation has been carried with the LCC Highways Authority and no objections are raised from a highway safety perspective.

In accordance the Town and Country Planning (Development Management Procedure) (England) Order 2015 under Article 14 – Certificate B notice has been served 21 days prior to the application being submitted, as the applicant is not the site

owner – no objections/comments have been received from the owner of the site at the time of preparing the committee report.

Development Plan Policies

Section 38 (6) of the **Planning and Compulsory Purchase Act 2004 (PCPA 2004)** provides: 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The Wolds village Neighbourhood Plan (adopted on 10th June 2021)

Policy WV1 – Landscape Character and Locally Important views – In the countryside new development should conserve or enhance the character of the local landscape.

Policy WV2 – Green Infrastructure – Development proposal should seek to conserve and enhance the local green infrastructure network and its biodiversity.

Policy WV3 – Trees – Planning applications should consider the health and longevity of any affected trees and hedgerows as well as their role in the local ecosystem.

Policy WV5 – Water Management – New development should take full account of flood risk and groundwater and overland flow.

Policy WV7 – Local Heritage Assets - Development proposal that affect the following local heritage assets and their setting must balance the need for the public benefit of the proposal against the significance of the asset and scale of any harm or loss.

Policy WV8 – Seeks to retain and improve community facilities.

Policy WV10 – Infrastructure – New housing will be supported by the provision of new or improved infrastructure together with the financial contributions.

Policy WV11 – Housing Provision - Sets out allocated sites for housing.

Policy WV14 – Housing mix – All housing developments should demonstrate the requirements for housing mix.

Policy WV15 – Affordable Housing – seeks to ensure planning obligations are sought to ensure affordable housing meets the need of local people.

Policy WV16 – Design – Development proposals must have regard to the design guide.

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Burton on the Wolds as an “other” settlement, 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 saved policies 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.

The Draft Charnwood Local Plan 2021 – 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.

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.

Burton on the Wolds Village Design Statement

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

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

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

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

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

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

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

Design Supplementary Planning Document (January 2020)

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

Leicestershire Highways Design Guide

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

Landscape Character Appraisal

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

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.

Consultation Responses

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

Consultee	Response
Leicestershire Lead Local Flood Authority - LCC	Leicestershire County Council as Lead Local Flood Authority (LLFA) confirms that the site is located within Flood Zone 1 being at low risk of fluvial flooding and consider the proposal acceptable . A number of conditions are recommended to be attached to any grant of planning permission.

Housing Strategy & Support CBC	Seeks 40% (22 Homes) affordable housing on the site at an appropriate mix and with 77% for affordable rent and/or social rent (17 homes) and 23% shared ownership (5 homes).
Leicestershire County Council – Highways	<p>Does not object to the proposal in principle subject to a number of conditions to provide the following:</p> <ul style="list-style-type: none"> • Suitable access arrangement (access width and gradient) • Visibility splays • Traffic calming scheme on Loughborough Road along with a time table for implementation • Construction traffic management plan • A scheme for the treatment of the Public Footpath and Bridle Way. • To promote sustainable transport modes, contributions towards travel packs are requested alongside bus passes for the nearest bus service, the Centrebus 8 Service, which operates along Loughborough Road. (£52.85 per pack) alternatively a sample travel pack should be submitted for approval. <p>The following contributions are also sought:</p> <ul style="list-style-type: none"> • A Traffic Regulation Order (TRO) which will be subject to a consultation process. A contribution amount of £8985.00 would be required for the TRO.
Leicestershire County Council - Education	<ul style="list-style-type: none"> • Primary School Sector – It is confirmed that Burton on the Wolds Primary School has a net capacity of 189 – 234 and 234 pupils are projected on the roll should this development proceed; a deficit of 45 pupil places. <p>A total of 21 pupil places are being funded at this school from S106 agreements for other developments in this area which reduces the total deficit for this school to 24 pupil places, after taking into account the 21 pupils generated by this development.</p> <p>In order to provide the additional primary school places anticipated by the proposed development</p>

	<p>the County Council would request a contribution for the Primary School sector of £308,380.80. This is calculated the number of deficit places created by the development. A claim for an education contribution in this sector is therefore justified.</p> <ul style="list-style-type: none"> • Secondary School Sector - It is confirmed no contributions are required from Secondary School sector. • Post 16 Sector – It is confirmed that the nearest school to the site is Rawlins Academy. The Academy has a net capacity of 322 and 393 pupils are projected on roll should this development proceed; a deficit of 71 pupil places. A total of 13 pupil places are being funded at this school from S106 agreements for other developments in this area which reduces the total deficit for this school to 58 pupil places, after taking into account the 2 pupils generated by this development. There are no other post 16 schools within a three mile walking distance of the site. <p>In order to provide the additional post 16 school places anticipated by the proposed development, the County Council requests a contribution for the post 16 school sector of £35,716.30. This is calculated the number of deficit places created by the development.</p> <ul style="list-style-type: none"> • Special needs School Sector - It is confirmed that no contributions are required from the Special Needs sector.
Leicestershire County Council - Libraries	Seeks a £1,690 contribution towards the enhancement of Barrow Library.
Leicestershire County Council - Waste Management	The County Council's Waste Management Team considers that no obligation is required resulting from this development.
Environment Agency	Raises no objection as There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Loughborough & District Cycle Users' Campaign	<p>Advises that the cycle storage areas should not be located in accessible areas within the plots.</p> <p>Suggests the distance to employment uses from the site is reasonable, but only experienced cyclists would use the route to from the site.</p>
Leicestershire fire and rescue	<p>No Objection - The applicants are reminded of the need to comply with Building Regulations 2010 Approved Document B, Volume 1: Dwelling (2019 edition), Requirement B5: Access and facilities for the fire service.</p>
Historic England	<p>No objection to the application – refer comments to the LPA internal conservation specialists.</p>
Burton on the Wolds Parish Council	<p>Object to the application – open countryside, sustainability, highway safety – the highway authority has provided a response.</p>
Charnwood Biodiversity	<p>No objection, subject to conditions being imposed</p>
Charnwood Open Spaces	<p>No objection – subject to conditions – seeks contributions:</p> <ul style="list-style-type: none"> • Provision for young people - On site suitable and agreed young people’s equipment/facilities (Equipment, layout and design to be approved by CBC prior to commencement of development). • A 30 metre minimum buffer between the equipped area and nearest dwelling is required. <p>Alternatively, an off-site contribution of £53,424 should be sought to meet the needs of the development through new or enhanced young people’s provision within Burton on the Wolds.</p> <ul style="list-style-type: none"> • Outdoor sports Facilities - Recommend off-site contribution of £18,390 to be used to implement recommendations of the Charnwood PPS 2018. • Allotments - Recommend an off-site contribution of £6,324 for the creation of additional plots within Burton on the Wolds. • Indoor sports - The Sport England Facility Calculator estimates that the development

	generates demand for - 8 additional pool visits per week (this equates to an additional 1.35 sq m pool space at a cost of £25,359), 0.04 indoor courts (at a cost of £24,503) and 0.01 Indoor Bowls Rinks (at a cost of £3,618). It is recommended that off-site contributions in line with Sport England guidelines are sought in accordance with the Council's adopted Indoor Built Sport Facilities Strategy 2018 Priorities and Action Plan.
Campaign to protect rural England	Object – site in the countryside, contrary to adopted Core Strategy, transport links, play area location.
The Garden Trust	Raise concerns if the proposed tree coverage will provide a screen to prevent impacts on Prestwold Hall Park and Garden
Cllr Boker	Requested the application is called in to Committee
Jane Hunt MP	Expresses concern from residents – not an allocated site, biodiversity, sustainability, further dwellings, impact on green space.
Charnwood Biodiversity	No objection subject to a condition for biodiversity enhancement and mitigation.
Charnwood Urban Design/Conservation	No objections subject to a condition securing a woodland planting area close to Prestwold Garden boundary.
Senior Landscape Officer	Concludes the visual envelope of the site is limited in range and that effects are likely to be concentrated from land to immediate south extending north into the wider Wolds landscape. Localised views along the PROW and as one emerges from the Registered Park and Gardens in particulate may too be affected.

Other Comments Received

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

- Highway safety/parking
- Sustainable travel
- Archaeological potential
- Heritage assets
- Drainage/flooding
- Contrary to development plan
- Privacy
- Ecology

- Countryside landscape
- Lack of amenities/services
- Pressure on education and health services
- Lack of play areas
- Limited employment opportunities
- Unsuitable development on a greenfield site
- Loss of agricultural land
- Impact on rural character of the village
- Noise and pollution Lack of services and facilities in the village to accommodate the new residents
- Lack of employment opportunities for the new residents
- Over development/cramped
- Loss of trees

Relevant Planning History

P/13/2128/2 – FULL planning application for the erection of Erection of 60 dwellings and associated works.

This application was refused by the Local Planning Authority at committee dated 10th June 2015:

- The location has only limited local facilities and employment opportunities in close proximity therefore the proposal will rely on the private car.
- The proposal has poor public transport links and does not promote sustainable transport.
- The proposal will not provide a low carbon future.
- The development intrudes on the open rolling countryside landscape of the Wolds between the settlement of Burton on the Wolds and designated heritage assets. It is considered to have a negative impact on the setting of these heritage assets and therefore does not integrate the new development into the natural, built and historic environment as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The proposal has negative impacts on biodiversity which results in significant harm without adequate mitigation, compensation measures or net gains in biodiversity.
- The developer has not demonstrated that a safe form of access, particularly for vulnerable highway users such as pedestrians and cyclists will be provided to serve the site. Given the speed and volume of traffic on Loughborough Road,

the proposed uncontrolled pedestrian crossing is not considered appropriate or safe and therefore the proposal would create severe dangers for pedestrians and could deter residents from walking whereas sustainable methods of transport, such as walking and cycling should be positively encouraged.

P/17/2591/2 OUTLINE planning application for the erection of 56 dwellings with all matters reserved apart from access.

This application proposed the erection of 58 dwellings with all matters reserved except for access was due to be presented to Members on the 1st November 2018, as the Planning Agent acting on behalf of Jelson Ltd had submitted an appeal to the Secretary of State for non-determination, whereby a formal decision cannot be made by the LPA. Officers sought a resolution from Members to refuse the application. However, the appeal was later withdrawn.

The Application was recommended for refusal on the three grounds below:

- The application site lies outside the limits to development of Burton on the Wolds, which is identified by Policy CS1 as being in the 'Other Settlement' category of its settlement hierarchy. Policy CS1 makes provision to meet the local social and economic need for development in Other Settlements by responding positively to small scale opportunities within defined limits to development. The proposal is not small scale, outside the settlement boundary and no local housing need has been demonstrated and the Local Planning Authority has established that there is no shortfall in its 5 Year Housing Land Supply and it is a clear unsustainable form of development and conflicts with the Adopted Local Plan Core Strategy 2011-28 Policies CS1 and CS25 and saved Policies CT/1 and CT/2 of the Adopted Borough of Charnwood Local Plan 1991-2006 and the aims and objectives of the revised National Planning Policy Framework. No material considerations have been advanced by the appellant to warrant setting aside the provisions of the Development Plan and the identified harm from the development would outweigh any benefits arising from the proposal.
- The appellant has not demonstrated sufficiently that a safe and sustainable form of accessibility, particularly for vulnerable highway users, such as pedestrians and cyclists, would be provided to serve the site. Given the speed and volume of traffic witnessed on Loughborough Road, the proposed speed restriction signage is not considered appropriate or safe enough and therefore the proposal would create an unacceptable impact on highway safety for pedestrians and other vulnerable users and would deter future residents from

using sustainable methods of transport, such as walking and cycling, which should be positively encouraged. As such the proposal is considered to be contrary to the Adopted Local Plan Core Strategy 2011-28 Policies CS17 and CS25 and with the overall sustainable objectives set out within the revised National Planning Policy Framework.

- The proposal would cause substantive and significant harm to the form and character of the landscape and rural setting, result in the loss of a clear and defined boundary to the settlement and would result in less than substantial harm to the significance of the setting of the surrounding heritage assets which have a strong historic relationship to the site. The public benefits when taken as a whole do not outweigh the less than substantial harm which has been identified. As such, the proposal is considered to be contrary to the Adopted Local Plan Core Strategy 2011-28 Policies CS11 and CS14, the Burton on the Wolds Village Design Statement (SPD), and the aims and objectives of the revised National Planning Policy Framework. No material considerations have been advanced by the appellant to warrant setting aside the provisions of the Development Plan and the identified harm from the development would outweigh any benefits arising from the proposal

The previous reasons for refusal and how they have been addressed will be discussed in the relevant sections found in the main body of this report.

Consideration of the Planning Issues

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

As the Core Strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5-year supply of housing land (3.34 years), and as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight.

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

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

The main issues are considered to be:

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

The Principle of the Development

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

The Wolds Neighbourhood Plan has identified a housing requirement for the village of 36 new units based on a percentage share of the "other" settlements housing target

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

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

The application under planning reference P/17/2591/2 Outline recommended the application was refused as Charnwood Borough Council could at the time of considering the application demonstrate a five year land supply. Whilst the proposed development subject to this application is at odds with these housing supply policies as it comprises a large-scale development that is outside the limits to development, 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, that 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.

Whilst it is acknowledged that the site is not within the most sustainable location, it should be recognised the proposal would result in the provision of 56 new houses, with 40% affordable homes, 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,

Housing Mix

Policy CS3 of the Core Strategy and Policies WV14 and WV15 of the Wolds Neighbourhood Plan assist in defining the housing mix for this site. Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 56, (22), units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed. Policy WV14 requires new housing development to have regard to recent assessments of housing need within the Wolds with particular focus on older households and smaller homes.

Policy WV15 seeks to ensure that affordable units are used to meet local need. These policies generally accord with the National Planning Policy Framework and do not conflict with the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them. The proposal is in outline and includes an undertaking to provide 22 affordable homes (40%). The tenure mix proposed is 77% for affordable rent and/or social rent and 23% shared ownership as required by the Supplementary Planning Document. The size, type, and design of these are not currently known, although it is anticipated that much of this detail would be established by later reserved matters.

It would, however, be important to set down parameters relating to, for example, the size of units required at outline stage and it is suggested that the s106 legal agreement could be used to do this. The Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

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

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

Locally identified need and the character of the area could be achieved although care would need to be taken, to ensure the character of this edge of village location was not harmed by the required housing mix. It is considered that a proposal which complies with CS3, WV14 and WV15 could be achieved.

With regards to housing mix, it is considered the proposal complies with policy CS3 as the housing mix could be achieved. The provision of 22 affordable units is also a significant benefit of the scheme which should be given weight within the planning balance.

Landscape and Visual Impact

Landscape and Visual impact Policies CS2, CS11 and WV1 are concerned with protecting the landscape and ensuring new development does not result in visual harm. These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Landscape

The information contained in the LVA confirms the proposals retain as many of the existing landscape features as possible. Where removal is required, for example for the creation of the new access off Loughborough Road, there will be new tree and/or hedgerow planting to compensate the loss of the existing features. The development also includes the creation of multifunctional areas of green and blue infrastructure that will function as both attenuation and habitat creation areas.

It is confirmed in the LVA that during the construction stages of the development there will undoubtedly be an impact upon the wider landscape, however, the impacts are considered to be negligible over a period of time, due to the significant open space that can be provided to the north and west of the site. The Landscape appraisal (LVA) finds with regard to the landscape effects on the site and immediate context, it is considered that development of the site as proposed would give rise to moderate landscape effects at the outset. Whilst there would be some degree of change to the landscape of the site, the nature and extent of any changes would not give rise to any unacceptable adverse landscape effects. It is considered that any adverse effects would reduce with the maturing of the landscape proposals.

Burton on the Wolds landscape is also reviewed in the Landscape Sensitivity Assessment of SHLAA sites – March 2019. The review confirms Burton on the Wolds lies within the Wolds Landscape Character Area (LCA). The key characteristics of landscape are noted as large scale rolling landform containing a pattern of nucleated villages, limited woodland cover and mixed farming. The review findings are that the north western extent of the review area runs parallel with the boundary of Prestwold Hall and registered gardens and this setting forms part of this landscape. It goes on to say that the woodlands forming the northern, western and southern boundaries of the settlement, form a visual enclosure, with outward views contained towards arable land use. The review concludes the land is of medium sensitivity.

The Charnwood Landscape Character Assessment (CLCA) provides guidelines which can contribute to maintenance and enhancement of the character of The Wolds. The impact is limited due to the comparatively small scale of the site in comparison with the character area and the relatively low value of the landscape character overall.

There is, however, loss of hedgerow coverage to the site frontage which runs counter to the guidelines for protection of the Wolds landscape. There would also be a loss of tranquility albeit on a relatively small scale. Within the site itself, there would be an impact on this localised landscape as agricultural land would be replaced with built form. Whilst this impact would be limited due to the surrounding topography and vegetation, due to the areas of landscape harm that arise from the development the proposal does conflict with elements of policies CS2, CS11 and WV1.

However, given the localised scale of this harm and the proposed development reflects guidelines found in the (CLCA), in that, it retains the majority of landscape features as well as providing opportunities for new tree and hedgerow planting, due to the significant amount of open space to be provided. The mitigation measures proposed, such as planting of new trees and hedgerows around the perimeters of the site will assist in integrating the site into the surrounding landscape. It is confirmed that all the landscape areas and public open space features will be managed and maintained, through the implementation of a comprehensive Landscape Management Plan (LMP), to ensure the successful establishment of the landscape proposals.

Whilst it is acknowledged, there would be some harm to the landscape character, on the whole the development accords with policies CS2, CS11 and WV1, and it is not considered to be significant or demonstrable to justify the refusal of planning permission solely on landscape grounds. Furthermore, if members are minded to approve the application a robust landscape condition could be imposed to ensure the implementation of a landscape and woodland planting scheme at the reserved matters stages of the planning process.

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 conflict with 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 Landscape appraisal addresses visual impacts from a number of key locations, including Seymour Road and Mundy Close, residential properties to the east, rights of way and the surrounding area.

It confirms the visual effects upon residential properties is limited to those that lay close to the site. The limited receptors include those immediately to the east of the site on Seymore Road and Brickwood Place. Four of those properties have rear views through partially open boundary, although these views are filtered by some existing trees and boundary treatments. The properties, 32 and 34 Seymour Close will also have filtered views of the site. It is acknowledged that the development would have an immediate

change in the character of the views, however the views would be filtered due to the boundary treatments to be retained along with additional planting. The development is proposed to be set back from the properties on Seymour Road with an area of open space and the views of the buildings will be also filtered by vegetation. It is considered that the visual impacts to these properties would be **moderate/minor** once the planting scheme is established along the eastern boundary, and most likely from 1st floor windows.

The views from Loughborough Road and some residents in Springfield Close would be partial through gaps in the hedges and the trees, the receptors in this location will recognise changes in the view, especially residents of properties located opposite to the proposed access point, the magnitude of the overall visual effect is assessed is assessed as **medium/low**, once the planting is established.

In relation to the number of public right of ways (PROW), **bridle way H106** runs along the north boundary of the site from the north corner off Seymour Road, the development will be visible from this point when approached from the north and would be viewed as an extension of the village. However, the proposed planting as it matures and the setback nature of the development will have a visual impact as **minor**.

The two routes public footpath **H98 and H98A** lead through open fields to the south west of the site. Views towards the edge of Burton on the Wolds are possible for users of the routes, although the site is screened by the existing mature trees. The built development is to be set back from the southern site boundary with additional tree planting within the area of open space which will filter views once established. The visual impacts from these PROW is considered to be **minor adverse/Negligible** due to the distance of views and the screening of the existing woodland trees, reducing to **Negligible/ None** at as the additional planting matures.

The visual assessment shows that from most of the identified viewpoints the visual impacts would be low after mitigation measures mature. Whilst it is acknowledged there would be some resultant visual harm from Seymore Road and Brickwood Place, the identified harm could be mitigated following careful consideration of design at the reserved matters stage if outline consent were to be granted

In relation to 'other visual receptors' Prestwold Park lies adjacent to the site to the west and it is considered views to the site are not possible from the majority of the park as a result of the extent of mature woodland on the eastern edge of the estate. It is however acknowledged that some glimpsed views will be possible from the public footpath H99A as this leads into the site, but views will be possible in close proximity to the site only. The assessment suggests that where visible, the new development would be seen within the context of the existing village edge visual effects for visitors to Prestwold Estate are assessed as Negligible/None. However, the specialist internal conservation team at Charnwood Borough Council has advised that a suitably worded

condition should be imposed to ensure further woodland planting to ensure the development is suitably screened throughout the winter months.

It is acknowledged by the urban design team the development site could be viewed from the from within in the registered Prestwold Gardens and Field House. Whilst these views are acknowledged as glimpse views, and from the designated foot path at the north of the site, While the woodland along the western boundary of the site is well established it is almost entirely formed by deciduous trees with a very sparse understorey and in wintertime is likely to afford further glimpses of the proposed development from within the park.

The current proposed alignment of buildings along the northern edge of the development parcels indicated on the submitted layout are setback to afford views of Field House from the public footpath. In addition, the listing description for the Historic Park & Garden identifies a remodelling of the Park around 1770. This remodelling is mention in Nichols' History and Antiquities of Leicester which records extensive planting to leave the Hall 'boosomed in calm serenity'. It is the view of the conservation team that the intension was to create a visually enclosed parkland.

It is therefore agreed that a suitably worded condition should be imposed to ensure further woodland planting to ensure the development is suitably screened throughout the winter months, and to form an improved visually enclosed parkland. A further landscape condition should also be imposed could also screen the development from the surrounding area.

The full assessment in relation to the Heritage Asset Prestwold Estate is found in the appropriate section below.

The application and supporting documents have been reviewed by the Council's Senior Landscape Officer who concludes the visual envelope of the site is limited in range and that effects are likely to be concentrated from land to immediate south extending north into the wider Wolds landscape. Localised views along the PROW and as one emerges from the Registered Park and Gardens in particulate may too be affected. Therefore the assessments provided with the application are considered to be accurate and the suggested conditions to mitigate the impacts of the registered park and garden overcome the concerns raised. It is therefore considered that that a scheme could be designed which accords with policies CS2, EV/1 and CT/2 in this regard.

Design and Layout

Policies CS2 and WV16 seek high quality design for new development. These policies generally accord with the National Planning Policy Framework and do not conflict with the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

As this proposal is in outline, with access only to be considered, the approval of the design and layout is not currently sought. However, an indicative layout (**only**) plan has been submitted that indicates the site can accommodate 56 dwellings with access, extensive open space, to protect the heritage assets, a play area and annuation pond.

Whilst it is demonstrated that housing can be facilitated on the site, the layout of the scheme could be improved and a better solution found, and the final layout can be agreed at the reserved at the matters stage of the planning process. Accordingly, it is considered a proposal that complied with Policies CS2 and EV/1 of the Development Plan and national guidance in terms of design could be achieved for the site.

Heritage Assets

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The appellant has submitted a Heritage Appraisal which relates to guidance set out in the NPPF.

Planning policy CS14 – Heritage, expects 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. Paragraph 200 of the NPPF expects development that will lead to substantial harm to be refused unless the public benefits outweigh the harm.

Prestwold Hall is grade I listed, and the registered Park is grade II listed and are located 1km to the north west of the site, St Andrews Church which is grade II listed sits within the grounds of park. The formal gardens to the south and east of the hall are enclosed by boundary walls and a ha-ha, with the majority of the southern part of the park used as pasture. Field House, (32-34) a grade II listed building is located to the east/north east of the site.

This application differs significantly from the application under planning ref: P/17/2591/2 Outline, whereby the indicative layout plan indicated a development further to the east and using the majority of the site to the north and was recommended for refusal on amongst other matters, heritage grounds.

The indicative plan submitted with this application indicates the development could be positioned in a southerly direction, providing for a large open space to the north ensuring the development is set away from the Grade II listed Field House, (32-34) a grade II listed building is located to the east/north east of the site. The indicative plan also indicates a large open space to the west, with the open space bounding

Prestwold Gardens (grade II listed) and extending to west, adjacent to the Prestwold Park boundary.

Historic England have not objected to the application and have referred comments to the LPA internal conservation officers to consider the application. The parks trust has raised concerns that the existing woodland to the west forming the boundary of the site with the historic gardens would not form sufficient screen to protect the setting of the grade I listed gardens.

Paragraph 195 of the NPPF makes it clear that applications affecting heritage assets should describe the significance of the assets, including any contribution made by their setting. The Heritage statement submitted with the application makes the relevant reference to the significance of the assets and it is confirmed as documented research and site visits has assisted in this assessment. This assessment is agreed by the conservation team.

Due to the distance and intervening vegetation, it is considered that the proposal would not harm the significance or setting of the Grade I listed Prestwold Hall

The indicative layout has been thoroughly considered by the conservation officers and based on the plan it is considered the proposal would cause less than substantial harm to the significance of the Grade II listed Field House and the registered park and gardens in the locality or their settings. This is also substantiated in the submitted LVA, which confirms the impact on the Prestwold gardens as Negligible/None and the conservation officer confirms, the current application, provided that the mitigation is forthcoming, addresses the issue of maintaining a robust landscape buffer. It is therefore considered appropriate to apply a condition to any planning consent that requires further planting close to the existing woodland that abuts the boundary with Prestwold Gardens to ensure the setting of the listed gardens protected and enhanced during the winter months when the trees are not in leaf.

In addition, given the indicative layout fully considers the impact on Grade II listed Field House, (32-34), by, in comparison to the previous application, removing the built form away from the said boundary with this property, providing open space with its boundary, it is considered that whilst some harm from development may occur in relation to longer distant views, the setting of this building, any harm will be less than substantial. The public benefits of providing housing, when the Council are unable to demonstrate a 5 year housing land supply, is outweighed in this instance. In addition, the further planting scheme (to be imposed by condition) will provide an enclosure to the registered gardens, as per the listing suggests. This is a positive benefit to the scheme as it supports the enclosure of the parkland as identified by Nichols' History and Antiquities of Leicester and therefore respects the setting of this designated heritage asset. It cannot be said that the development will be cause demonstrable harm to justify the refusal of planning permission of heritage assets grounds.

The application therefore accords with policy Planning policy CS14 of the adopted Core Strategy and the requirements contained in the NPPF which also seeks to protect the setting of historic assets.

Open Space

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

The indicative plan and the Design and Access Statement suggest that within the site there will be areas of green space incorporating amenity open space and play space provision. It is considered by the Councils Open Space team that the open space indicated on the indicative layout plan should follow good design principles to create a space that is visually attractive and encourages active lifestyles. It is therefore suggested that an onsite LEAP should also be provided on site for older children and this should be provided with a 30-metre buffer from the nearest dwelling. The siting of the younger children play space is agreed, however, the final design and layout will need to be agreed at the reserved matters stages of the planning process. There is, however, no provision for allotments given the size of the site it is unlikely that these typologies could all be provided for within the site but a commuted sum to improve facilities elsewhere within the area could be secured.

Overall, it is considered that the development would provide good quality open space proportionate to its size and that shortfalls in open space provision could be mitigated against through appropriate contributions. A condition can be imposed to any planning consent to ensure the play areas are secured at the reserved matters stages of the process. 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.

Objections have been received with concerns raised over the potential loss of privacy and amenity from the development. Other matters of objection from the local residents have been addressed in the relevant section of this report.

The development would be visible from the existing housing occupiers to the east of the site. Loss of view is not a material planning consideration. It is concluded that whilst these residents would see the proposed development there are no specific concerns

that the development has to take account of these to protect residential amenity. It will however be necessary at reserved matters stage to ensure that there would be no significant overbearing impact or overlooking from the new dwellings to existing dwellings adjacent to the site. Any future developer of the site will need to design the layout, scale and appearance of the reserved matters having regard for the separation distances contained within the Design SPD (2020). It will also be necessary to ensure the position of any LEAP play areas are sufficiently distant from existing and proposed dwellings to prevent undue noise disturbance. The potential for noise and disturbance to the existing dwellings because of the new roads within the development is also a consideration. However, it is considered that the site can be suitably designed at the reserved matters stage to ensure no such loss of existing amenity occurs.

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

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

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 Borough Council's Senior Ecologist has confirmed that the proposal's effects on biodiversity could be satisfactorily addressed by detailed measures secured by approval of planning conditions and approved as part of the detailed reserved matters application. In the light of the submitted Ecological Appraisal that indicates a potential of net gain for biodiversity on the site, there is no objection to the application. It is considered the necessary planting proposed and indicated on the indicative layout plan to aid the net gain to biodiversity can be achieved, given the space between the existing woodland and the proposed new urban edge.

In addition to the above, it will be important to impose a landscaping and landscape/habitat management plan condition to explicitly identify biodiversity as one of the reasons for requiring them. A number of other mitigation conditions relevant to biodiversity are also suggested, such as, boundary treatments, lighting and detailed design of the drainage scheme, and the reason for these conditions should be clear in mentioning biodiversity mitigation.

Overall, it is considered that a carefully considered reserved matters application could result in a development which can ensure there is not a biodiversity net loss. Policy CS13 supports development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity by means of imposing suitably conditions in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

Arboriculture

Policies CS2 and CS11 of the Core strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. Policy WV3 of the Neighbourhood Plan seeks to retain and protect valuable trees and hedges in the area. These policies generally accord with the National Planning Policy Framework and do not conflict the supply of housing.

It is confirmed there will be no loss of trees or hedgerow apart from the site access. Whilst this loss in itself should not result in significant harm to the character of Loughborough Road. The LPA conservation officer has suggested a condition is imposed to increase the planting buffer close to the site entrance. The minor loss of soft planting to the site entrance would not be so significant that it would justify refusal of planning permission and it is considered that it complies with Development Plan policies CS2, CS11 and WV3.

Highway Matters

Polices 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 112 of the NPPF seeks to promote sustainable travel choices. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.

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

The Highway Authority has assessed the Transport Assessment and proposed Access plan submitted in support of the application. The Highway Authority do not object to the scheme and the comments received are set out below:

Site Access

Access to the site will be via Loughborough Road, which is a classified B road, part of the B676 heading in an east-to-west direction between Loughborough and Six Hills (A46). The site frontage is located at the speed terminus point between 30mph and the national speed limit (60mph). The LHA note that an updated access drawing has been provided, Drawing PRJ01-TTE-00-ZZ -SR-S-004 Rev. E. The proposed site access is located within the 30mph section of Loughborough Road (B676). The carriageway changes to the national speed limit (60mph) approximately 20m east of the proposed site access. The LHA has now received speed survey data from the Applicant, for a 7-day survey undertaken in October 2021. The survey shows 7-day 85th percentile speeds of 49.6mph westbound and 50.1mph eastbound. Drawing PRJ01-TTE-00-ZZ -SR-S-004 Rev. E shows visibility splays of 2.4 x160.0m to the nearside kerb in either direction which would be appropriate for 85th percentile speeds of 45-53mph in accordance with Table DG4. Drawing PRJ01-TTE-00-ZZ -SR-S-004 Rev. E provides an access with a width measuring 5.5m in accordance with the design guidance for a 'Residential Access Road' of greater than 50 dwellings as contained within Table DG1 of the Leicestershire Highway Design Guide (LHDG). The LHA understand that a Stage 1 Road Safety Audit (RSA) was undertaken for the previous application. The LHA are satisfied that the site access is in the same location as the previous 2018 application and in accordance with GG119 of the Design Manual for Roads and Bridges (DMRB) states the RSA is valid for up to 5 years. The swept path analysis for a refuse vehicle shows minor encroachment by the vehicle to the opposing side of the carriageway. The LHA accepts the information by the transport consultant that 'Refuse vehicle movements are infrequent and happen like this on most residential streets in the UK.' The LHA note that the footway on the northern side of Loughborough Road narrows to widths of circa 1.3m which would not be suitable for walking in accordance with the LHDG. The eastern pedestrian-only link shows a proposed crossing feature to footway provision on the southern side.

The LHA welcome the provision of a crossing which facilitates access to the southern side of the carriageway where the local facilities are located and where footway widths are suitable in accordance with Table DG9 of the LHDG. The LHA note and welcome confirmation that Loughborough Road will be resurfaced as required which will form part of the Section 278 agreement at detailed design stage.

To summarise, the LHA are satisfied that the site access arrangements are acceptable to serve the proposed development and are designed in general accordance to local design standards.

Highway Safety

As set out in previous observations the LHA is satisfied that there is no cluster of collisions where a pattern/trend emerges suggesting that there is an ongoing highway

safety issue that will be exacerbated by the proposed development. **Policy IN5** Policy IN5 can be found within Part 1 of the Leicestershire Highway Design Guide (LHDG) at 'resources.leicestershire.gov.uk/lhdg'. As previously noted, the Applicant has demonstrated that visibility splays can be achieved in accordance with recorded 85th percentile speeds and there are no known existing highway safety issues that would be exacerbated by the proposed development. As Loughborough Road has not changed character, traffic flows are comparable and there have been no changes to highway policy or standards since 2018, the LHA does not consider that it could sustain a reason for refusal based solely on IN5 at this location considering the advice offered on application P/17/2591/2.

Off-Site Implications

The proposed development seeks to extend the existing 30mph entry zone 90m west from the proposed access along Loughborough Road as per the 2018 application. The LHA previously advised the Applicant that this would require a Traffic Regulation Order (TRO) which will be subject to a consultation process. A contribution amount of £8985.00 would be required for the TRO. The Applicant should be advised that consideration will need to be given to the following matters during the s278 detailed design stage for the access works and associated speed limit change:

- Existing dragons' teeth and roundel markings - these should be removed and reinstated at the new gateway location and will be done at the Applicant's own expense;
- Vegetation within the visibility envelope - the Applicant should make contact with the
- Council's Forestry team via the email address 'forestry@leics.gov.uk'
- Forward visibility - a topographical survey would be required to assess this, and this may require the location of the proposed speed limit signage to be amended subject to RSA2 recommendations;

Street lighting - columns need to be located outside of the proposed visibility splays. LCC Streetlighting design team will need to be contacted in this regard; and Utilities - the diversion and/or protection of existing statutory utilities equipment may be required. The Applicant should liaise with the relevant statutory undertakers.

Trip Generation

In previous Observations, the LHA accepted the submitted trip rates in this instance and accepted that the modelling of the junction will operate comfortably within capacity.

Internal Layout

The internal layout will form part of any future Reserved Matters application and is therefore not for consideration as part of this application. The LHA previously advised the Applicant that if the internal road layout is to be offered for adoption, the LHA would require two parking spaces for a dwelling with up to three beds and three spaces for a dwelling with four or more. Further guidance is contained within Section DG14 of the LHDG.

Transport Sustainability

The LHA are aware that Burton on the Wolds is a small village, with limited facilities. A pub, primary school, village hall and convenience store which is part of a petrol filling station are the only local amenities within a walkable distance. The nearest health and dedicated retail facilities are located within the village of Barrow-upon-Soar which is located 4.3km south west of the proposed development site, outside of walking distance, at the upper end of a recommended cycle distance (5.0km) and without a direct public transport link.

The nearest bus stop to the site, Loughborough Road, is located 270m from the site centre, inside the 300m recommended walking distance as contained within the CIHT 'Buses in Urban Developments' document. The stop, located on the southern side of the carriageway, hosts a shelter, raised kerbs and a flag-and-pole with signposted timetable information. The northern side stop, located 385m from the site centre comprises of a flag-and-pole alongside the provision of a bench. Both stops are served by the Centrebus 8 Service which heads between Loughborough and Melton Mowbray on an hourly frequency Monday to Saturday. The LHA note from the timetable that due to the limited frequency and awkward arrival times, the route is unlikely to be viable as a substitute for private car trips to work.

The development proposals include provision in the form of the PROW connection to Seymour Road. Consultation with the LHA will be required to agree the appropriate surfacing, width, any access barriers, signage, and any other matters affecting the Public Right of Way. A suitably worded condition is therefore advised below. To promote sustainable transport modes, contributions towards travel packs are requested alongside bus passes for the nearest bus service, the Centrebus 8 Service, which operates along Loughborough Road.

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

policies and not to give rise to transport related harm.

The development is therefore in accordance with 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.

Flooding and Drainage

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

The site itself is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. The Environment Agency has not raised specific objections to the proposal. In relation to this proposal, the main issue is whether development at this site would exacerbate any current flooding situation and cause additional concerns regarding the control of run-off water.

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

The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and Paragraph 112 of the NPPF seeks to promote sustainable travel choices.

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"> • £308,380.80 towards the improving, remodelling or enhancing of existing facilities at Burton on the Wolds Primary School or any other school within the locality of the development.. • £35,716.30 towards the improving, remodelling or enhancing of existing facilities at Rawlins Academy or any other school within the locality of the development..
Libraries	£1,690 contribution towards the enhancement of Barrow Library.
Open Space	<ul style="list-style-type: none"> • An on-site young people's equipment/facilities (LEAP) . • Outdoor sports facilities £18,390. • Off-site Allotments within Burton on the Wolds £6,324. • Off-site indoor sports 1.35 sq m pool space - £25,359 and 0.01 Indoor Bowls Rinks - £3,618.
Affordable Housing	40% of the dwellings to be affordable housing with 77% for affordable rent and/or social rent and 23% shared ownership.
Highways	<ul style="list-style-type: none"> • A Traffic Regulation Order (TRO) which will be subject to a consultation process. A contribution amount of £8985.00 would be required for the TRO. • A Travel Plan monitoring fee of £3,000 • Travel pack for the first occupation of each new dwelling • Six month bus passes (two per dwelling) for the first occupation of each new dwelling.

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 (3.34 years), this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

Whilst the development is not in the most sustainable settlement, it would provide 56 new units of which 40% would be affordable homes, at a time when there is an acute need for these, which is a significant public benefit of the scheme. The site offers the potential for high quality design and an acceptable mix of housing. The development would result in less than substantial harm to the grade II listed Field House and Registered Park and Garden and no harm to the Grade I listed Prestwold Hall. However this harm can be mitigated through additional planting and the location of housing within the site. The provision of housing at a time the Council cannot demonstrate a 5 year housing land supply is considered a significant public benefit which outweighs the identified harm. The scheme provides the planting of an extensive woodland, to enclose the registered parkland and encourage biodiversity net gain. There are no technical constraints relating highways, or flooding that cannot be mitigated, and landscape compensation can be secured by way of detailed landscape design. Impacts on infrastructure and public services can be offset within the site or via commuted payments to improve facilities in the area.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing. 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"> £308,380.80 towards the improving, remodelling or enhancing of existing facilities at Burton on the Wolds Primary School or any other school within the locality of the development. £35,716.30 towards the improving, remodelling or enhancing of existing facilities at Rawlins Academy or any other school within the locality of the development.
Libraries	£1,690 contribution towards the enhancement of Barrow Library.
Open Space	<ul style="list-style-type: none"> An on-site young people's equipment/facilities (LEAP) - 1 facility within 480m every home. On site young's peoples - 1 facility within 480m of every home Outdoor sports facilities £18,390. Off-site Allotments within Burton Wolds £6,324.
Affordable Housing	40% of the dwellings to be affordable housing with 77% for affordable rent and/or social rent and 23% shared ownership.
Highways	<ul style="list-style-type: none"> A Traffic Regulation Order (TRO) which will be subject to a consultation process. A contribution amount of £8985.00 would be required for the TRO. A Travel Plan monitoring fee of £3,000 Travel pack for the first occupation of each new dwelling (£53.00 per pack) Six month bus passes (two per dwelling) for the first occupation of each new dwelling £360.00 per pass

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>Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</p> <p>REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Location Plan – 5655L 01A</p> <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none"> i) the treatment proposed for all ground surfaces, including pathways and all other hard surfaced areas; ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the west of the site; iii) finished levels or contours within any landscaped areas; iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure. v) functional services above and below ground within landscaped areas; and vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed. vii) All proposed boundary treatments. viii) Position and type of bins to be provided <p>REASON: To ensure that a robust landscaping scheme for the development is provided so that the scheme integrates into the landscape, surrounding area and provides a soft screen to the historic</p>

	assets, in accordance with policies CS2, CS11 and CS14 of the Development Plan.
5.	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and of the Development Plan and associated national and local guidance.</p>
6.	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> i. An on-site LEAP facility ii. On-site provision for young people iii. 0.27ha Natural and semi natural open space iv. 0.04ha Parks v. 0.06ha Amenity Green Space <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policy CS15 and the NPPF.</p>
7.	<p>The details submitted pursuant to condition 2 above shall include an updated Biodiversity Impact Assessment that demonstrates the amount of biodiversity net gain to be provided at the site.</p> <p>REASON: To ensure that the development provides a net gain in biodiversity in accordance in accordance with Policy CS13 and the NPPF.</p>
8.	<p>Prior to the first occupation of the development hereby approved details of the position and type of the bin and secured cycle storage areas shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure the provision of bins and cycle stores to meet the aims of amenity and promote sustainable travel in accordance with CS2, EV/1, CS17 and the NPPF.</p>
9.	<p>Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 5.5 metres, a gradient of no more than 1:30 for a distance of at least 10.0 metres behind the highway boundary and shall be surfaced in a bound material with a 10.0 metres kerbed radii. The access once provided shall be so maintained at all times.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the</p>

	interests of general highway safety and in accordance in accordance with Policies CS18 of the Core Strategy and TR/18 of the Local Plan, and the NPPF that seeks to ensure safe access is provided to new development.
8.	<p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 160.0 metres 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.</p> <p>REASON: To afford adequate visibility at the access to cater for the expected volume of joining the existing highway network, in the interests of general highway safety in accordance with CS18 of the Core Strategy and TR/18 of the Local Plan and the NPPF that seeks to ensure safe access is provided to new development.</p>
9.	<p>Notwithstanding the submitted details, prior to the occupation of any part of the development hereby permitted, details of a traffic calming scheme on Loughborough Road and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The traffic calming scheme shall thereafter be delivered in accordance with the approved details and timetable.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety, in accordance in accordance with CS18 of the Core Strategy and TR/18 of the Local Plan and the NPPF that seeks to ensure safe access is provided to new development.</p>
10.	<p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area, in accordance with CS18 of the Core Strategy and TR/18 of the Local Plan and the NPPF.</p>
11.	<p>No development shall take place until a scheme for the treatment of the Public Footpath H99a and Public Bridleway H106 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.</p>

	<p>REASON: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2021).</p>
12.	<p>No development shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
13.	<p>No development shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase. This is to ensure the development is in compliance with development Plan policies CS16 and WV5 and national guidance.</p>
14.	<p>The development shall not be occupied until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>REASON: To 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 development Plan policies CS16 and WV5 and national guidance.</p>
15.	<p>No development 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 development Plan policies CS16 and WV5 and national guidance.</p>

16.	<p>Prior to the occupation of any dwelling a landscape and habitat management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape and habitat management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality, continued management of the ecological scheme and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS13, CS15 and CS16.</p>
17.	<p>The existing hedges and trees located within the application site boundaries, other than at the point of the new access and internal roads shall be retained and maintained at all times. Any part of the hedges 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.</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 Development Plan policies CS2, CS11 and WV3 and the NPPF.</p>
18.	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed a manner for the duration of building operations on the application site.</p> <p>REASON: The hedges and trees are an important features 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 Development Plan policies CS2, CS11 and WV3 and the NPPF.</p>
19.	<p>No development shall commence until an Ecological Mitigation Strategy is submitted and approved in writing by the Local Planning Authority. As a minimum these details shall include;</p> <ol style="list-style-type: none"> 1) boundary treatments 2) Lighting Strategy 3) Construction Ecological Management Plan (CEMP) to protect features during the construction phase.

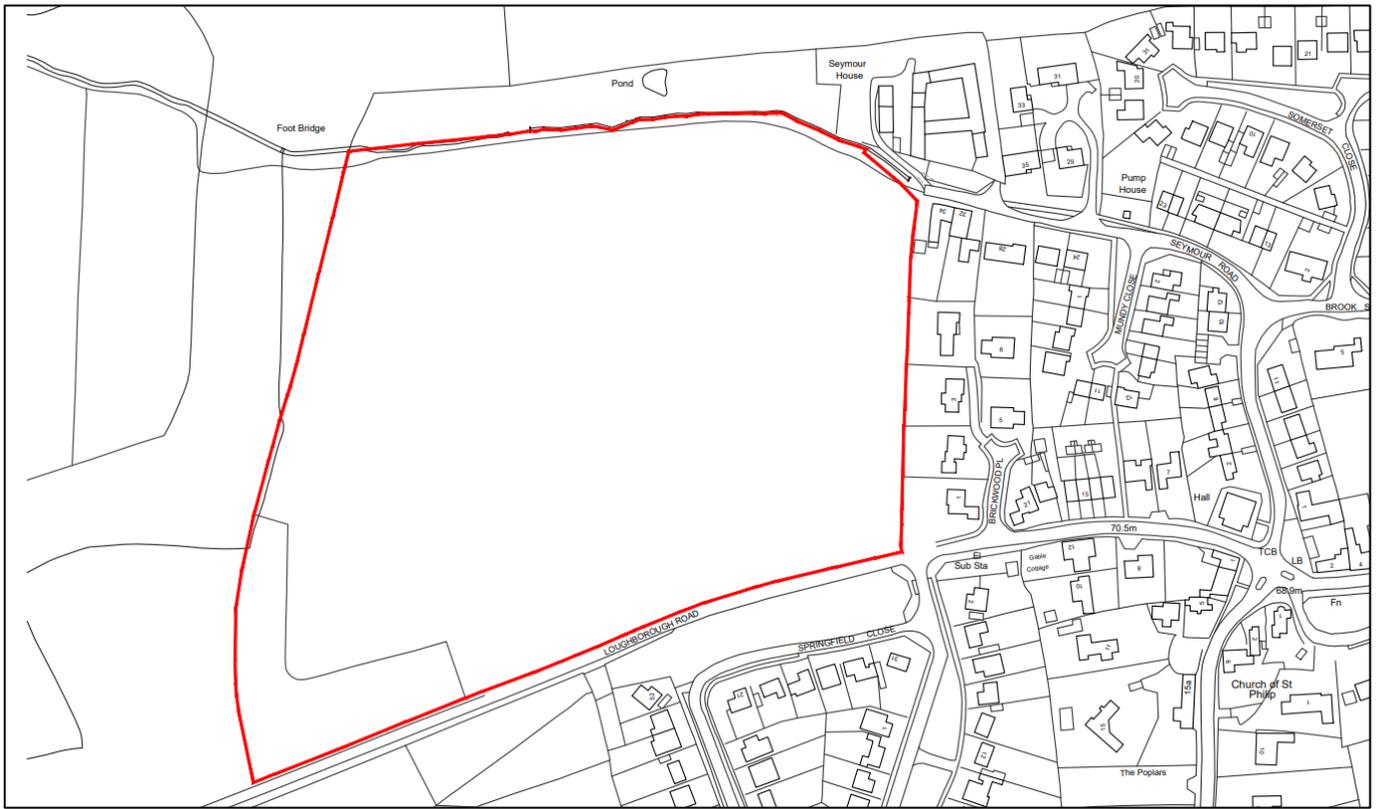
	<p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.</p>
20.	<p>No development above slab level shall commence until samples of all the materials to be used in the construction of the external surfaces of the dwellings has been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure a satisfactory external appearance and grouping of materials in accordance with Policies CS2 and EV/1 of the Development Plan.</p>
21.	<p>No development above slab level shall commence until details of the following shall be submitted and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> i) Reveal, cill lintel, eaves and verge details ii) Joinery details iii) Location and design of flues, extracts, soil vents and meter boxes iv) Rainwater goods <p>REASON: To ensure a satisfactory external appearance and grouping of materials in accordance with Policies CS2 and EV/1 of the Development Plan.</p>
22.	<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>

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.
--

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18, because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2019), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.

5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
6. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
7. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990 relating to the provision of infrastructure contributions necessary to make the development acceptable in planning terms.
8. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
9. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
10. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
11. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.