

## Item No. 2

### Application Reference Number P/21/2045/2

<b>Application Type:</b>	Outline	<b>Date Valid:</b>	26/10/2021
<b>Applicant:</b>	GC No.37 Ltd.		
<b>Proposal:</b>	Outline application for residential development of 50 dwellings, (all matters reserved except for access).		
<b>Location:</b>	Land South of Ashby Road Central, Shepshed, LE12 9BS		
<b>Parish:</b>	Shepshed	<b>Ward:</b>	Shepshed East
<b>Case Officer:</b>	Linda Walker	<b>Tel No:</b>	07534 224519

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## Background

This application is referred to the Plans 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 adopted development plan.

The application site is however, proposed to be allocated for housing under policy DS3: Housing Allocations (HA41) in the submitted Local Plan (2021 – 2037) currently in the examination process.

Cllr. Robin J.D. Popley has requested the application is called in to Plans Committee, on the following grounds:

- Permanent disturbance issues if granted; and,
- Traffic issues

## DESCRIPTION OF THE SITE

Shepshed is situated to the north of Leicester and approximately 5 miles west from the Urban Centre of Loughborough. The M1 runs parallel and lies between both Loughborough and Shepshed, which offers highway connectivity to the north and the south. The settlement of Shepshed has a range and choice of services and facilities that meet the day to day needs of residents and forms part of a wider urban area with Loughborough to the west of the M1 motorway, together acting as a social and economic focus in the north of the Borough.

The site is situated to the South of Ashby Road Central and outside, but adjacent to the defined settlement limits to the south and west of the site. A group of residential dwellings lay directly adjacent to the western boundary of the site, with a larger in-depth residential development further to the west (Crowson Close). A gravel pit lays

to the east of the site and the site is also a proposed housing allocation (DS3: HA41) under the submitted Local Plan 2021-2037. The A512 forms a separation to the industrial area to the north of the site. The main settlement of Shepshed is situated further to the north.

The site is currently unmanaged grassland and does appear to be used for agricultural purposes. There is a upward incline from Ashby Road, with a wooded area beyond the south of the site amongst the open countryside. An established hedge defines all boundaries of the site, with trees (Ash and Willow) in the low hedgerow along the northern boundary.

The site is not in a designated conservation area, nor are there any listed buildings in close vicinity to the site. In addition, there are no archaeology constraints in the locality. The site is located in Mineral consultation area for brick/clay and the site is within the National Forest.

## **DESCRIPTION OF THE PROPOSAL**

This outline planning application seeks permission for the erection of up to 50 houses with access taken from Ashby Road Central. The site is approximately 2.00 Ha. The application seeks consent for access only with all other matters reserved, the basic illustrative (only) layout plan indicates a sustainable attenuation pond close to the boundary north western of the site with the A512. The hedgerow to the front (north) of the site will be retained apart from the new access point proposed at the north eastern edge of the site. The plan also shows the potential for the provision of linked pathways to the frontage edge of site at the east, west and central point.

A footpath plan submitted with the application, indicates a new 2 metre pathway to be provided at the edge of the site to link to the existing pathways along the A512 in an eastly and westly direction.

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

- Design and Access Statement
- Planning Statement
- A Visual Landscape Appraisal
- Flood Risk Assessment
- Noise Assessment
- Transport Statement and technical statement
- Travel Plan
- Illustrative basic layout plan
- Footpath plan
- A biodiversity assessment was submitted during the application process

- A minerals assessment was submitted during the application process
- A Financial Viability Assessment (FVA)

## **PLANNING POLICY**

**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'.

### **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 Shepshed and Loughborough as majority areas where the remaining growth with the provision of at least 5,000 new homes and up to 22 hectares of employment land between 2011 and 2028.

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 at a level of 20% for Shepshed.

Policy CS 8 - Regeneration of Shepshed supports proposals for new development through Site Allocations and Development Management Development Plan Document.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Minerals and Waste Local Plan to 2031 (2019)

### Policy M11 – Safeguarding of Mineral Resources

#### 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 housing need. Following the further consideration of this issue by the Council and the Planning Inspectorate it is expected that hearing sessions will resume in October 2022. At this stage the emerging Local Plan, with the site being an allocated site, it is given moderate to limited weight.

The following emerging policies are considered relevant:

DS1 Development Strategy

DS3 Housing Allocations (the site is part of emerging allocation HA15)

DS5 High Design Quality

SUA Shepshed Urban Area

C1 Countryside

H1 Housing Mix

H2 Housing for older people and people with disabilities

H3 Internal Space Standards

H4 Affordable housing

T3 Car parking standards

CC1 Flood Risk Management

CC2 Sustainable Drainage Systems

CC4 Sustainable Construction

CC5 Sustainable Transport

CC6 Electric Vehicle Charging Points

EV1 Landscape

EV3 Areas of local separation

EV6 Conserving and Enhancing Biodiversity and Geodiversity

EV7 Tree Planting

EV9 Open spaces, sport and recreation

EV10 indoor sports facilities

EV11 Air Quality INF1 Infrastructure and Developer Contributions

INF2 Local and Strategic Road Network

In accordance with NPPF para 48, the weight assigned to emerging policies is dependent upon: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved

objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). Relevant policies and the weight they should attract are discussed further in the sections below

## **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 need.

#### 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 15 –Conserving and Enhancing the Natural Environment paragraph 174 seeks to protect and enhance valued landscapes and site of biodiversity value. Paragraph 179 seeks to protect significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for,

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.

## Leicestershire Housing and Economic Development Needs Assessment (HENA) – 2022

HENA 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’.

#### Charnwood Landscape Sensitivity Assessment and Addendum (2021)

These documents presents a landscape sensitivity assessment of a number of sites considered for development as part of the preparation of the Charnwood Local Plan. Its purpose is to consider the landscape sensitivity of sites, and ways that significant adverse impacts can be mitigated.

#### 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.

## Planning Guidance for Biodiversity (2022)

Planning Guidance for Biodiversity and a local list of receptor sites, to support the delivery of adopted Core Strategy Local Plan policy CS13 and emerging Local Plan policy EV6. The Guidance will assist applicants for planning permission on how to avoid biodiversity loss or to mitigate it on site, and where this is not possible, compensated for offsite.

### Consultation Responses

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

Consultee	Response
Leicestershire Lead Local Flood Authority - LCC	<p><b>NO OBJECTION</b></p> <p>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 <b>proposal acceptable</b>.</p> <p>A number of <b>conditions are recommended</b> to be attached to any grant of planning permission.</p>
The Environment Agency	<p><b>NO OBJECTION</b></p> <p>This site is not located in a particularly high sensitivity setting from a groundwater protection point of view as it is thought to be underlain by dominantly cohesive deposits and rocks which are designated as Secondary aquifers (undifferentiated and Secondary B).</p> <p>Recommends a condition in relation to land contamination.</p>
Severn Trent	<p><b>NO OBJECTION</b></p> <p>Confirmed that former private sewers on the site which have transferred to the responsibility of Severn Trent Water Ltd, which are not shown on the statutory sewer records, but are located on application site.</p> <p>Foul water Drainage – prior to any discharge into water sewer location in Ashby Road the applicant should apply for a S106 under the Water Industry Act. New</p>

	<p>Connections –Prior to any new connections (including the re-use of existing connections) to the public sewerage system, the developer will need to submit Section 106 application forms.</p>
Environmental Health	<p><b>NO OBJECTION</b></p> <p><b>Contamination</b></p> <p>The applicant shall be required to demonstrate that landfill gas is not present and will not arise in the future. A condition will be applied to any consent to ensure a contamination study to prepared and submitted to the LPA prior to any works being carried out on the site.</p> <p><b>Noise</b></p> <p>A condition should be imposed to any planning permission to ensure the final design at reserved matters consist glazing and acoustic ventilation systems to habitable rooms to be implemented as part of the design due to the proximity of the site to the A512.</p> <p><b>Dust and air quality</b></p> <p>Recommends a condition should be imposed for a construction method statement is submitted prior to any development taking place at the site to ensure the amenities of the surrounding residents is protected.</p>
Minerals Planning	<p><b>NO OBJECTION</b></p> <p>Following the submission of the Minerals Assessment –</p> <p>No objection to the proposed development and no comments from a waste perspective either.</p>
National forest Planning	<p><b>COMMENTS</b></p> <p>The site area is stated as being 2 hectares and in accordance with the requirements of the National Forest Strategy (2014 – 2024) and policy CS12 of the Charnwood Local Plan 2011 -2028 Core Strategy, 20% of the site area (or 0.4ha) should be provided as dedicated woodland planting and landscaping.</p>
Natural England	<p><b>NO COMMENTS</b></p>

<p>Housing Strategy &amp; Support CBC</p>	<p><b>Seeks 20% (10 Homes)</b> affordable housing on the site at an appropriate mix and with <b>77% for affordable rent and/or social rent (8 homes) and 23% shared ownership (2 homes).</b></p>
<p>Leicestershire County Council – Highways</p>	<p><b>NO OBJECTION</b></p> <p>Does <b>not object</b> to the proposal in principle subject to a number of conditions to provide the following:</p> <ul style="list-style-type: none"> <li>• Construction traffic management plan</li> <li>• Access implementation</li> <li>• Visibility splays</li> <li>• Off-site works implementation</li> </ul> <p><b>OBLIGATIONS</b></p> <p>Travel pack – can be supplied by LCC at £52.85 per pack</p> <p>6 Month bus passes, two per dwelling – can be supplied by LCC at £360 per pass.</p> <p>STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.</p> <p>Raised kerb provision at the following two bus 260008405: Ashby Road West, (adjacent to Iveshead Road) and 260008408: Charnwood Road, (opposite Iveshead Road) at a cost of £4,000 per stop to support modern bus fleets with low floor capabilities.</p> <p>Initially contributions towards improvements to the A512 were sought; however following an Inspectors decision on a site (APP/X2410/W/21/3281964 Land to the west of Iveshead Road, Shepshed, Leicestershire, LE12 9ER) this means that the LHA is no longer in a position to justify the highway contribution requests. Therefore this contribution is no longer sought.</p>
<p>Leicestershire County Council - Education</p>	<ul style="list-style-type: none"> <li>• <b>Primary School Sector</b> – It is confirmed that Newcroft Primary School has a deficit of 18 pupil places.</li> </ul> <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 <b>£275,340.00</b>.</p> <ul style="list-style-type: none"> <li>• <b>Secondary School Sector</b> - The site falls within the catchment area of Iveshead School where there is a deficit of 520 pupil places. There are no other schools within a three-mile walking distance of the site. A claim for an education contribution in this sector of <b>£181.180.00</b> is therefore justified.</li> <li>• <b>Post 16 Sector</b> – It is confirmed that <b>no contributions</b> are required for Post 16 Sector.</li> <li>• <b>Special needs School Sector</b> - It is confirmed that <b>no contributions</b> are required from the Special Needs sector.</li> </ul>
Leicestershire County Council - Libraries	Seeks a <b>£1,510</b> contribution towards the enhancement of Shepshed Library
Leicestershire County Council - Waste Management	The County Council's Waste Management Team considers that <b>£2136.00</b> contributions are required for the HWRC at Shepshed resulting from this development.
Open space	<p>Need to ensure the open space requirements are met.</p> <p><b>Parks &amp; Amenity Green Space</b></p> <p>On site in the form of accessible multi-functional green space areas (minimum 0.17Ha)</p> <p><b>Natural &amp; Semi Natural Open Space</b></p> <p>Defined habitat areas should be identified and created within the proposed on-site open space (minimum 0.24Ha) . These areas should be laid out and managed for their ecological/wildlife value in accordance with a Landscape and Biodiversity Strategy/Management Plan for the development. Alternatively, an off-site contribution (£11,366) towards improvements at Morley Quarry nature area should be sought.</p>

### **Provision for Children**

On site LEAP to be provided – (Equipment and design to be approved by CBC prior to commencement of development).

A 20 metre minimum buffer between the equipped area and nearest dwelling is required.

Provision for children is defined as equipped play space to meet the needs of children 0 – 12 years. Facilities should be inclusive and accessible to all.

Alternatively, an off-site contribution of £13,333 towards the provision or improvement of children’s play facilities in Shepshed should be sought.

### **Provision for Young People**

Provision for young people is defined as equipped play space to meet the needs of older children (12 years plus). Facilities/equipment should be challenging and appeal to teenagers. Provision should be inclusive and accessible to all.

It is recommended that an off-site contribution of £47,700 is sought towards the provision or improvement of Young Peoples facilities in Shepshed.

(Combined area of 0.03Ha)

### **Outdoor Sports Facilities**

Recommend an off-site contribution of £16,465 to provide new, or improve the capacity of, existing outdoor sport provision to meet the needs of the development and mitigate the impact of increased demand on facilities and existing residents.

- Charnwood’s *Playing Pitch Strategy (PPS) 2018* identified a need for two additional full sized 3G pitch in the Borough by 2036. As the sub-area with the greatest level of current and future demand, it recommended that sites in Soar Valley be prioritised for a new 3G AGP i.e. Cedars Academy;

1. A full sized 3G FTP at Cedars Academy, Birstall;
2. A full sized 3G FTP in the Loughborough area (exact site TBC);

	<p>3. A small sided (0.5) 3G FTP at Iveshead School, Shepshed;</p> <p>4. A small sided (0.5) 3G FTP in the Anstey area (exact site TBC).</p> <p><b>Allotments</b>  Recommend an off-site contribution of £5,646 for the creation of additional allotment provision within Shepshed.</p>
Shepshed Parish Council	<p><b>COMMENTS ONLY</b></p> <p>Concern is expressed at the poor location for a housing development, it is directly opposite a fuel station/shop with no safe crossing across a very busy and fast main throughfare through Shepshed off the motorway.</p> <p>However, should CBC be mindful to grant planning permission, Shepshed Town Council wishes to register it's request for S106 monies towards a potential 3G pitch in Shepshed.</p>
Charnwood Biodiversity	<p><b>NO OBJECTION,</b></p> <ul style="list-style-type: none"> <li>• subject to conditions being imposed and a S106 prepared to include:</li> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</li> <li>• To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</li> <li>• Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures on Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and/or pay the Biodiversity Impact Compensation to the Council.</li> </ul>
Charnwood Landscape and Trees	<p><b>COMMENTS</b></p> <p>Potential moderate landscape and visual harm-capable of design mitigation.</p>

	<p>Potential minor adverse effects leading to arboriculture harm – Capable of Design mitigation.</p> <p>Design mitigation would be needed to eliminate potential harms through masterplan/layout design and landscape details.</p> <p>In the event of development gaining consent it is recommended –</p> <ol style="list-style-type: none"> <li>1. That the layout design be required to provide one or more visual vistas to the Charnwood Forest; and to afford generous set back from the existing hedgerow of no less than 6m from the edge drip line and 20m from the willow tree.</li> <li>2. That the landscape details be conditioned.</li> <li>3. That the submission of an arboricultural report and arboricultural method statement be conditioned.</li> </ol>
Councillor Popley	<p>Requested the application is called in to Plans Committee, on the following grounds:</p> <ul style="list-style-type: none"> <li>• Permanent disturbance issues if granted; and,</li> <li>• Traffic issues</li> </ul>

### Other Comments Received

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

- Highway safety/parking
- Pedestrian safety

### Relevant Planning History

There is no relevant recorded planning history in relation to this site.

### Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination



of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy and the Minerals and Waste Local Plan to 2031 (2019). It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5-year supply of housing land (3.04 years at 1/4/22), 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
- Trees
- 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 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 relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Leicestershire Minerals and Waste Local Plan (2019), 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.

The application site is located in the open countryside, at the edge of the Development Limits to the settlement of Shepshed, as established under “saved” Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. Policy CS1 of the Core Strategy represents the strategic vision of the Borough and is an expression of a sustainable growth pattern. It takes the form of a hierarchical, sequential approach guiding development first to the northern edge of Leicester, then to Loughborough and Shepshed. The policy provides for at least 5,000 new homes at Loughborough including a sustainable urban extension west of Loughborough and 1,600 homes at Shepshed. The policy supports development at Shepshed to aid in the settlements regeneration and through sustainable developments that makes efficient use of the land.

Policy ST/2 defines the Limits to Development of Loughborough and Shepshed, and states that built development will be confined to allocated sites and land within Limits to Development, subject to specific exceptions (set out in policy CT/1). The proposed development of 50 dwellings is outside the defined Limits to Development of Shepshed and does not meet any of the exceptions listed in policy CT/1. Therefore, the proposed development is contrary to adopted policies CS1 and ST/2. As the development proposed is in conflict with CT/1 it is therefore unacceptable in principle and Policy CT/2 is not engaged.

In the period between the base date of 2011 and the latest full monitoring period of 31st March 2022, 5,371 homes have been completed and committed at Loughborough and Shepshed up to 2028. Therefore, an additional 50 dwellings would not represent an overprovision of growth within this tier of the hierarchy and additional development would not therefore undermine the spatial strategy and strategic vision for Loughborough as set out in Policy CS1.

Policy CS11 of the Core Strategy is also relevant as the site is located in the countryside. The policy requires new developments to protect landscape character and sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments, mitigate impact on tranquility and maintain the separate identities of our towns and villages. These impacts are considered later in

this report.

Policies CS1 and CS11 of the Core Strategy and policies ST/2 and CT/1 of the Borough of Charnwood Local Plan are considered the most important for making a decision on this planning application because they relate to the supply of housing and also the consideration of effects upon areas of countryside more generally.

The NPPF is a material consideration in the determination of this application. The NPPF sets out that policies should be reviewed every 5 years and that Local Planning Authorities should identify a supply of specific deliverable sites to provide a minimum of 5 years' worth of housing. As of 9th November 2020, the Core Strategy became more than 5 years old. As required by NPPF paragraph 74, where Local Plans are more than 5 years old local housing need is to be assessed based on the standard methodology set out in national planning guidance. The standard methodology requires delivery of 1,160 dpa. The Local Planning Authority can currently demonstrate 3.04 years housing land supply (at 31/3/22) and the Core Strategy is more than five years old. The housing supply position is set out in Appendix A and includes the response to the submitted Statement of Case in relation to Five Year Housing Land Supply.

Accordingly, as the application involves the provision of housing, policies CS1 and ST/2 are considered out of date. Policy CS1 can be given moderate weight as the overall growth strategy for the Borough is based upon directing development to the most sustainable locations, in accordance with the NPPF. The weight that can be given to ST/2 is limited as the defined limits to development restrict housing development. Policies CS11 and CT/1 are both over 5 years old, but are considered up to date as they are broadly consistent with national planning policy and do not have such a direct relationship with the supply of housing so can be given significant weight.

As the application relates to the provision of housing, and the Council cannot demonstrate a 5 year supply, the presumption in favour of sustainable development set out in paragraph 11d) of the NPPF applies. Paragraph 11d) states:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i. The application of policies in this Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Paragraph 11d has two parts, part (i) and part (ii) known as the ‘tilted balance’. The

report below sets out which part is considered to apply to this proposal.

In conclusion, the proposed development of 50 dwellings in this open countryside location is contrary to the adopted Development Plan, policies CS1, ST/2 and CT/1. Compliance with policy CS11 is considered later in this report. It is considered that weight can be given to the adopted policies, in the context of their age and the lack of 5 year supply. Policy CS1 can be given moderate weight, policy ST/2 limited weight and policy CT/1 significant weight.

The Emerging Charnwood Local Plan The emerging Local Plan has been submitted for examination and is a material consideration. Examination dates have been set for June and July 2022 and as such the Plan is well advanced. Emerging policy DS1 sets out the pattern of development for the Borough, and shows that 12% of new homes are to be allocated to Shepshed.

Emerging policy DS1 states that new development is to be confined to allocated sites or within Limits to Development. Policy DS3: Housing Allocations proposes to allocate (HA41) (Land South of Ashby Road Central) for 49 dwellings, with contribution to be made for education in the Borough.

It is acknowledged that the emerging Local Plan is not yet adopted. However, weight can be given to the emerging policies, as set out in NPPF paragraph 48. Policy DS1, DS3 and C1 have all been submitted for examination and are thus at an advanced stage in preparation. There are unresolved objections to DS1 in relation to the amount of housing proposed and the spatial strategy. There are only two unresolved objections to C1 relating to brownfield land and a specific site. Emerging policies DS1, DS3 and C1 are considered to be consistent with the NPPF. Therefore, overall it is considered that limited to moderate weight can be given to these policies in the determination of this application. The site is directly adjacent to another site allocation and H40 Land Fronting Ashby Road and Ingleberry Road, and both allocations demonstrate the Council's vision for Ashby Road and for Shepshed as a whole, in the provision of new housing in a regeneration Urban Area. It is considered that the emerging policies can be given limited to moderate weight, in accordance with NPPF paragraph 48. The conflict with the emerging policies will be considered further in the planning balance below. However, based on the above assessment of the adopted development plan and the new local plan the principle of the development is acceptable.

## **Housing Mix**

NPPF para 60 requires that in addition to providing land to boost the supply of homes, that the needs of groups with specific housing requirements are addressed. Policy

CS3 accords with this and outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and seeks that 20% of the 50 units should be affordable. The policy requires all new housing to be built to lifetime homes standards, where feasible. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be provided. The policy generally accords with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy. Lifetime Homes standard has been superseded by the new Building Regulations Part M4(2) and M4(3).

This policy generally accords with the National Planning Policy Framework and does 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 the policy. The proposal is in outline and includes an undertaking to provide 10 affordable homes (20%). The size, type, tenure and design of these are not currently known, although it is anticipated that much of this detail would be established by later reserved matters.

It would, however, be important to set down parameters relating to, for example, the size of units required at outline stage and it is suggested that the s106 legal agreement could be used to do this. The Leicestershire Housing and Economic Development Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

The Leicestershire Housing and Economic Development Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

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

Emerging policy H1 seeks a mix of house types, tenures and sizes to meet overall needs in the Borough in line with up to date evidence. Policy H2 seeks at least 10% of new market homes on major sites to meet Building Regulations Part M4(2) standards for accessible and adaptable and an appropriate proportion of affordable

homes to meet M4(2) and/or M4(3). Policy H4 seeks 30% affordable housing from major housing developments (67% affordable homes for rent and 33% affordable homes for ownership). However, this is not yet an adopted development plan document and the provision of 20% affordable housing is required by the development plan and will be pursued in this instance, due to the weight of the emerging Local Plan.

With regards to housing mix, it is considered that a proposal which complies with policy CS3, and emerging policies H1, H2 and H4 could be achieved, subject to conditions. A condition to secure that the new dwellings meet lifetime homes standard is not sought as the standard is superseded. A condition is recommended to secure development in accordance with the new Building Regulations standards, as the emerging policy H1 is at an advanced stage, is in accordance with the NPPF paragraph 130 and has limited objections. An appropriate housing mix will be considered at reserved matters stage, in accordance with the latest evidence of need. The provision of 10 affordable units would be secured in the S106 agreement and is also a significant benefit of the scheme which should be given weight within the planning balance.

### **Landscape and Visual Impact**

The long-term vision for Charnwood is to maintain landscape identity such as the Charnwood Forest, where developments necessary for future jobs and home is expected to protect the special and distinctive qualities of these landscapes. Whilst protecting the character of landscapes that include the Charnwood Forest, it is accepted that there are opportunities to provide for new home and jobs within the attractive landscape of Charnwood forest as a backdrop.

Landscape and Visual impact Policies CS2 and CS11 of the Core Strategy and saved policies EV/1 of the Local Plan (2004) 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.

The Charnwood Landscape Character Assessment (CLCA) provides a landscape sensitivity and capacity study for the urban edges of Leicester, Loughborough and Shepshed to broadly assess the capacity of these landscapes to accommodate development. It is confirmed in the CLCA that the landform is rolling with gentle slopes and broad valleys in intensive arable cultivation with wooded fringes. Garendon Park is within this area. The principal settlement of Shepshed dominates this relatively small landscape character area with other smaller villages located outside Charnwood Borough boundary.

## Landscape

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The site is currently an undeveloped unmaintained grassed field, sited between housing developments to the west and east and industrial uses across the A512. The site elevates in a southerly direction from the main road, with the Charnwood Forest in the backdrop. Established hedgerow defines the boundaries of the site with the northern boundary having some significant trees within the boundary hedgerow. The landscape characteristic of the locality is sensitive to change from a combination of rising landform in conjunction with the Charnwood Forest, the rising slopes of which afford increasing prominence with views. Hedgerows and associated trees are also sensitive to change.

The Charnwood Landscape Sensitivity Assessment and Addendum (2021) assess this application site as PSH483 Land South of Ashby Road, Shepshed. This identifies the site as 'a rectilinear peri-urban field extending southward off Ashby Road on the southern edge of Shepshed. The ground rises up toward the southern hedgerow. Morley Hill and Quarry Reserve, a Regionally Important Geological Site, forms a prominent low backdrop to the south. The field is bounded by hedgerows with sparse tree cover mainly to the south and southwest. The site is of little historic significance and has always been part of the local field system. There are no special features of note.' It is identified that the key landscape features that would be sensitive to change are views south toward hills and woodland of the Charnwood Forest; rising landform; and hedgerows. It concludes that development mitigation would require retention of hedgerows with enhancement plus the provision for high canopy strategic tree planting to break up built form for distant views. Any development should also open up and frame distant views to the hill and woodlands which are strong attributes of the Charnwood Forest. Development should be low density with generous wood pasture parkland to reflect being in the Charnwood Forest. The overall landscape sensitivity is identified as low-moderate for 2-3 storey residential housing and/or retail.

The LVA that accompanies the application acknowledges that the site provides a rare green undeveloped frontage, it also acknowledges that the majority of the road nearby is fronted by either housing, or primarily, industrial type sheds.

The landscape assessment (LVA) is mainly based on the expectations of adopted

planning policy and the landscape characteristics found in the CLCA, including the gentle rolling landform, the wider extent of the arable farmland, the sites relationship with the Charnwood forest, and varied field patterns with enclosures of mainly hedgerows with some walls. It also explains the CLCA acknowledges the land landscape characteristics have some forced changes in relation to the expansion of settlements and related infrastructure.

The LVA acknowledges that hedgerows are a strong feature of both the local landscape and the site. It is concluded that as long as the proposed development retains and reinforces the existing hedgerows, negligible adverse effects are expected on the landscape fabric. Additional native tree planting, especially along the northern and southern boundaries would reinforce these vegetated boundaries in the long term. Whilst the LVA expects the construction stages of the development to not have long term adverse impacts on the landscape, it is confirmed that hedge protection fencing should be installed prior to works commencing to protect the existing hedges.

It is further concluded in the LVA that beneficial effects could arise in the long term from the implementation of an appropriate landscape scheme and landscape and ecological management plan (LEMP) that responds to and restores local landscape. This should focus especially on boundaries. It is anticipated in the LVA that these measures can be adequately secured by landscape conditions attached to a planning consent.

The Senior Landscape Officer having reviewed the LVA explains that the Landscape Sensitivity Assessment of SHLAA Sites (March 2019) assessed a site PSH436, which PSH483 falls within, as part of a wider composite assessment of 13 sites, all bar one of which lie to the south of Ashby Road. It evaluated the landscape sensitivity to 2-3 storey residential housing to be low-moderate sensitivity. It is considered by officers that the characteristics of the locality which are sensitive to change are the combination of rising landform in conjunction with the Charnwood Forest, the rising slopes of which afford increasing prominence with views. Hedgerows and associated trees are also sensitive to change. The existing filtered views of the settlement from many vantages south of Ashby Road and the visual connection to the Charnwood Forest's rising landform, hills and woodland are of importance, and such visual connections should be retained and facilitated from Ashby Road.

The National Forest Strategy (2014 – 2024) and policy CS12 of the Charnwood Local Plan 2011 -2028 Core Strategy, expect that 20% of the site area (or 0.4ha) should be provided as dedicated woodland planting and landscaping, and it is considered the landscape character for the development should incorporate the Charnwood Forest setting, in accordance with this policy, such as providing wooded elements or wood pasture with relatively lower housing density. This is to be secured by condition.

Whilst the development of the site presents opportunities to contribute positively to the settlement and to create a high-quality landscape solution to integrate it into Shepshed.



The illustrative concept and the LVA picks up on some aspects of the recommendations but not all

It is acknowledged, there would be some moderate harm to the landscape character, overall, the development accords with policies CS2, CS11 and CS12 of the Adopted Core Strategy and the Landscape Character Appraisal (2012), and it is not considered to be significant or demonstrable to justify the refusal of planning permission solely on landscape grounds. A robust landscape condition is imposed to ensure the implementation of a landscape planting scheme to include a high canopy strategic tree planting scheme, to ensure all landscape mitigation measures are secured, furthermore a condition should be imposed to ensure the hedgerows that form the existing boundary treatments are retained.

### **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 Ashby Road (VP1 & VP2), Crowson Close (VP3), Morley Lane, Cricket Club (VP4), Morley Lane Quarry nature reserve (VP5) and Iveshead Lane (VP6).

Viewpoint 1 and 2 confirms that the visual viewpoint from Ashby Road shows a hedge on the southern boundary of the site is visible in the background which is much larger in size. The hill to the south is visible in the rear, partially covered by the woodland associated with Morley Quarry Local Nature Reserve, located 150m south west of the site is partly covered by open pastoral land. The LVA considers the effects on this part of the landscape to have a **moderate adverse** with the potential for adverse effects to reduce in time as an appropriate tree lined frontage develops. A landscape condition to be secured by condition on any approval would assist in softening impacts in this regard.

Viewpoint 3 is located on the pavement on the northern side of Ashby Road Central looking east along the road. The viewpoint lies opposite the turning to Crowson Close, with the dwellings off the Ashby Road Central cul-de-sac visible in the foreground. The industrial buildings to the north are primarily screened by a row of cherry trees. The frontage hedge of the proposed development site is visible running along the roadside. The woodland to the east associated with the neighbouring quarry is visible in the background. The view is also illustrative of neighbouring residential properties. It is confirmed that ground level views from the dwellings immediately adjacent to the site would be generally screened by the dense nature of the western boundary hedge.

Again, tree planting along this boundary would in the long-term help to reduce any adverse visual effects caused by new building development on views from, in particular, first floor windows of the properties to the west of the site. Officers having viewed the site, concur with this and further landscape planting to be secured by condition would assist further retaining reasonable levels of amenity. The LVA considers a Moderate adverse effect reducing to slight adverse in the long term with the appropriate mitigation.

Viewpoint 4 from Morley Lane Quarry nature reserve to the south looks over a boundary hedge across the grounds of the cricket club. The field boundary of the cricket pitch contains a number of mature trees that visually enclose the space. Glimpsed views are available of the northern boundary of the site, which contains of a sizeable mature hedge, and the landscape in the far distance (approximately 2km+). The houses located off Crowson Close, partially screened by a hedge and mature trees, are visible in the left-hand side of the view. As the hedge is proposed to be retained, it is considered that glimpse views of the new rooftops would be visible from this viewpoint and the LVA considers that **slight adverse effect during construction, reducing to negligible adverse post construction.**

Viewpoint P5 is from the highpoint in Morley Quarry Local Nature Reserve to the south west of the site, it is a short section of path provides a long distance fairly expansive view to the north, across Shepshed itself and the wider landscape. The view is framed in the foreground by the tops of the quarry trees on the left and an area of scrub gorse on the right. The eastern half of the proposed development site is visible below as the western half is screened by the trees in the foreground. The site is visible over the top of the southern boundary hedge. The built forms of Shepshed are clearly visible in this view, including neighbouring industrial building and the petrol station opposite the entrance to the site. The proposed development would be clearly visible in the relative foreground of the view, extending the apparent extent of built form towards the viewer. The LVA considers this view is have **Moderate** adverse reducing to slight adverse as the landscape develops. Officers consider the addition of large stock size tree planting along the southern and northern boundary would soften views of the new development and 'soften' the urban edge, which should be secured by a condition imposed on any planning consent.

Overall, officers consider the Charnwood Forest landscape is visible from Ashby Road. The LVIA confirms this and the visual connection from some vantages south of the site. The illustrative concept plan does not however pick up the potential to provide vistas within the site southwards to the Charnwood Forest, and the illustrative layout should not be approved as the layout of the development has potential to provide such vistas, and this should be sought at the reserved matters stage of the planning process. It is officers view that the development would have a **moderate visual** adverse effect, however, this could be mitigated through design. It is recommended that the layout be required to provide one or more visual vistas to the Charnwood forest, and to afford a

generous set back from the existing hedgerow to the north of the site of no less than 6m from the edge drip line and 20 m from the existing willow tree that sits in the existing northern hedgerow and a robust landscaping scheme, also to be secured by condition, along with as stated above a condition to retain the trees and hedgerow .

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

### **Arboriculture**

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

It is confirmed there will be no loss of trees or hedgerow apart from the site access. This can be secured by condition. There is likely to be only minor to moderate harm for hedgerow containing mature willow and semi mature ash and hedgerow to west, east and north of the site.

The illustrative plan indicates an intention to plant trees to street, rear gardens and all hedgerow to break up built form and limit visibility from the west and south. However, officers consider that a species of trees growing need to be a magnitude of in size capable of growing above and superior to the roof scape of the proposed development.

As mentioned above in the landscape section of this report, the landscape condition will need to secure the planting of large scale trees to mitigate harm and to intergarate the new landscape with the Charnwood forest.

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 and CS11. However, a suitably worded condition should be imposed that requires the submission of an arboricultural report and a arboricultural method statement is submitted as part of the reserved matters application to ensure the hedgeow and trees are retained and protected during the construction stages of the development.

### **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 and a Biodiversity Impact Assessment. It is confirmed in the assessment an active clay quarry and landfill site are located to the east of the site; to the south is Morley Quarry Local Nature Reserve and Morley Lane Field Local Wildlife Site as well as areas of agricultural land. A phase 1 Habit survey was carried out and the habitats within the site and surrounding land were appraised for their suitability to support

protected or notable species, or assemblages that could be sensitive to the development proposals, in accordance with 'Guidelines for Preliminary Ecological Appraisal'

The assessment explains that Bats are a protected species, the majority of bats recorded and confirmed to originate from within the urban areas to the north and west of the proposed site, the closest record being 462m from the site, north of Iveshead Road. The ash and crack willow trees on the northern boundary of the site within the hedgerows were semi mature and lacked features typically used by bats. The trees were, therefore, assessed as having negligible bat roost potential.

Whilst the existing hedgerows are confirmed to be generally of poor quality, they do provide suitable commuting and foraging habitat for bats. The hedgerows are also part of a local hedgerow network and connect with several woodlands to the south, extending the dispersal and foraging opportunities for bat, and it is recommended in the assessment the trees noted above and the hedgerow are retained and improved in a landscaping scheme to be provided at reserved matters stage. It is also confirmed that the rough grassland and hedgerows provide foraging and resting opportunities for amphibians. The ponds at the clay pit and landfill site are within 500 metres to the east and may provide suitable breeding habitat for great crested newts. There are two small ponds located to the west and north of the site that are within 500m distance. However, both ponds are isolated by significant barriers including residential areas and main roads.

A LVA suggests an ecological corridor could be provided along the northern boundary of the site, and officers consider this corridor along the northern boundary should be incorporated into the final layout and trees along the northern boundary are retained and protected during the development, as per the condition suggested above in the landscape section of the report.

The Borough Council's Senior Ecologist has also 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. The guidance in relation to biodiversity states that on-site provision of biodiversity should be made, or if necessary, an off-site provision within a site owned by the applicant, and only as a last resort a monetary off-site can be made. Officers have made a full and comprehensive assessment of the biodiversity details submitted to date with the details submitted in the outline submission. Following the assessment, it is confirmed there may be a net loss of biodiversity in excess of 40%. In this regard it is necessary that an updated BIA is submitted with the final proposed layout at reserved matters stage, and a S106 should be prepared to ensure any biodiversity shortfalls on site, can be mitigated against by an offsite contribution.

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 either on site or a contribution for enhancement off site. 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 worded conditions and S106 in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

## **Design and Layout**

Policies CS2 seek high quality design for new development. This policy generally accords with the National Planning Policy Framework and does 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 the policy.

As this proposal is in outline, 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 50 dwellings with access, open space, and an attenuation pond.

As already above mentioned the site is allocated (H41) in the Draft Local Plan and this is given moderate weight in the officer recommendation. The site is located adjacent to housing to the west and another site allocation HA39 and H40 is sited directly adjacent to the east. Therefore in relation to the siting of the development, this is consistent with the long term vision of Charnwood Council in the regeneration of Shepshed and developments facing Ashby Road connecting the built forms to the east and to the west.

The illustrative plan indicates a ring road around the development with minor roads linking the development, it also indicates the access to Ashby Road on the eastern side of the site with some linkage pathways to the Ashby Road, and a new external pathway is proposed (see the highways section below for more detail).

However, as stated above in the landscape and visual impact section, officers consider that the site layout as submitted does not provide sufficient vistas through the development to the Charnwood Forest to mitigate harm of the visual appearance of the development, and a layout indicating sufficient vistas through the site should be provided in the reserved matters stage of the 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.

## **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 incorporated into the development. It is considered by the Councils Open Space team that any open space provision 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 children and young people and this should be provided with a 20-metre buffer from the nearest dwelling. In addition, provision should be made off site for young people, defined as equipped play space to meet the needs of older children (12 years plus).

The following open space provision is required for the development, in accordance with policy CS15:

Typology	Minimum requirement	On-site or off-site contribution
Parks and Amenity Green Space	0.17Ha	On site
Natural and Semi-natural open space	0.24ha	On site/or off site (£11,366)
Provision for children	0.03ha (combined provision of equipped activity zone)	On site LEAP or off-site contributions £13,333.00
Provision for young people		
Outdoor sports facilities	n/a	Offsite contribution
Allotments	0.04ha	Offsite contribution

The final design and layout will need to be agreed at the reserved matters stages of the planning process. It is also recommended by officers that a contribution is sought to improve an existing outdoor sport provision to meet the need of the development and to mitigate the impact of the increased demand to facilitate the existing and future residents. A further contribution is secured to provide for an off-site contribution for the creation of additional allotment provision within Shepshed.

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 off-site contributions. A condition can be imposed to any planning consent to ensure the above quantum of on-site open space are secured at the reserved matters stages of the process and the S106 will secure the on-site provision and off-site contributions. Accordingly, the proposal is considered to comply with policy CS15 of the Development Plan.

### **Amenity Impacts on the existing and future residents**

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 west of the site. However, 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 development 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 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.

## **Noise**

A noise assessment is submitted with the application, due the sites location, adjacent to the A512, and the siting of the Shell garage opposite the site.

The assessment confirms that the noise sources in relation to the application are:

- road traffic noise from the adjacent Ashby Road Central;
- noise breakout from the Shell garage car jet washer; and,
- fan / extraction / motor noise breakout from the commercial premises to the north of the development site

It is concluded in the assessment that the areas within the site that would be directly north (close to the A512) and are at a medium to medium/high risk of the noise and disturbance, it is therefore recommended in the report that an active ventilation be applied to all noise sensitive rooms at the north façade of the proposed dwelling.

Charnwood Council Environment Health team agree with this assessment and it is recommended a condition is imposed to any consent to ensure the final design at reserved matters stages consists of glazing and acoustic ventilation systems to habitable rooms at the northern edge of the development. The noise specific design should be implemented prior to any residents occupying the development, to safeguard the future resident's amenity against undue noise and disturbance from the A512 and noise related issues from the Shell garage operations found at adjacent to the north of the site.

### **Air quality**

The applicant has submitted an Air Quality Assessment, which has been prepared in order to determine baseline conditions at the site, consider its suitability for the proposed end-use and assess potential impacts associated with the scheme. The assessment concludes that, whilst during construction phase of the development there is potential for air quality impacts, because of dust emissions, assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities was predicted to be not significant. Based on the assessment results, air quality issues are not considered a constraint to the proposed-end use. Whilst the Air Quality Assessment suggests the impacts to not be significant, this is based on an assumption that good practice dust control measures will be implemented. To ensure the good practices are followed in relation to dust control during the development stages, Charnwood Environmental Health Officers consider it necessary to impose a condition to control dust and air quality during construction of the development. A condition will therefore be imposed to ensure a construction method statement is submitted to the LPA prior to the development taking place at the site.

### **Contamination**

In to human health/nuisance aspect, The Councils Environmental Health Team have raised concern of the location of the site in relation to the distance of a former landfill waste disposal site. It is considered that there may be a possible of risk from migrating landfill gas, due to this relationship. A intrusive ground investigation is therefore recommended to assess the actual contaminative status of the subject site including the presence of ground gases, before commencement of any development works.

A condition should therefore be applied to this consent to ensure the applicant demonstrates that landfill gas is not present and will not arise in the future. An agreed scheme to investigate and where necessary deal with landfill gas shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented and a completion statement provided to the satisfaction of The Local Planning Authority, and this survey shall be undertaken by competent person(s). The proposal could, therefore, following careful design and the submission of further details at reserved matters stages of the process, comply with the provisions of policies CS2



and EV/1 along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

## **Highway Matters**

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

Paragraph 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 transport statement including appendices A – J, and a travel plan accompanied the application submission and the County Highways Authority (LHA) were consulted.

The LHA made comments in response to the application on the 14<sup>th</sup> March 2022, explaining the application as submitted do not fully assess the highway impact of the proposed development and further information is required.

The highwaya response was prepared following a review of the following documents which have been submitted to the LPA in support of the planning application:

- Transport Statement (TS) prepared by HSP Consulting dated August 2021;
- Site Location Plan submitted on 15 September 2021;
- Visibility Splays drawing no. AR-HSP-00-00-DR--C-202 (Appended to the TS);
  - General Access Arrangement of Proposed Access drawing no. AR-HSP-00-00-DR-C-200 (Appended to the TS);
- Proposed Layout, drawing no. 19.011/02a; and
- Framework Travel Plan (TP) prepared by HSP Consulting dated August 2021. The site is understood to be vacant undeveloped land and is currently accessed via a field access from Ashby Road Central (A512).

The further information required concerned:

- Site access
- Access design
- Trip Generation information

It was however confirmed that as the internal layout with only access to be determined at this stage, the submitted indicative site layout and matters such as the proposed numbers of parking spaces have not been reviewed or considered by the LHA in preparing this response. However, the TA suggests that the internal road network would be put forward for adoption and accordingly, the LHA advises that the proposals

will be required to be designed in accordance with the prevailing Leicestershire Highways Design Guide (LHDG) when a future reserved matters application is submitted.

### Off Site Implications

The existing pedestrian infrastructure will be improved in connection with the proposed development, with a proposed 2m wide footway on the south side of Asjhby Road from the proposed vehicle access for a distance of 80m to the west. This will then tie into the existing pedestrian infrastructure on the south side of Ashby Road as demonstrated on the proposed off-site highway works, drawing no. AR-209. However, it appears that there may be insufficient width available behind the layby to allow a 2m footway and the existing 1m strip. The Applicant should check the position of the existing land boundary relative to the edge of highway at this location and identify any requirements for land transfer. The Applicant was advised to contact the LHA's Highway Record Enquiry to check the highway boundaries extents.

It was also noted **at this time** the LHA will seek a contribution of £8,000 from the Applicant towards raised kerbs at the following two stops should the LHA advise approval of the application: Ashby Road West, (adjacent to Iveshead Road), 260008408: Charnwood Road, (opposite Iveshead Road).

### Transport Sustainability Pedestrian Accessibility

The LHA confirm that the site is considered to be located in a sustainable location with access to a number of local amenities and public transport facilities that are within a 2km walking distance. Cycle Opposite the development site, there is a shared pedestrian and cycle footway along the north side of the carriageway of Ashby Road Central which continues east of the M1 to provide a link to Loughborough. Access to this can be achieved via the new pedestrian footway link which ties into existing crossing facilities on Ashby Road. Bus. The nearest bus stops to the site are the northbound stop on Charnwood Road 320m to the northwest of the site; and the westbound stop on Ashby Road West, 380m to the west of the site. The bus services

**Table 5.3: Bus services serving nearest bus stops to the site**

Service number	Operator	Route	Weekday daytime frequency	Days of operation
16	Arriva	Coalville – Shepshed - Loughborough	Hourly	Monday - Saturday
126	Arriva	Leicester - Loughborough - Shepshed	4 evening services	Monday - Friday
Skylink Nottingham	Trent Barton	Nottingham - Long Eaton – Airport - Coalville	Hourly	Monday - Sunday

and frequency are listed in the table 5.3 which has been extracted from the TS and shown below:

To the east of the site there are further stops on Ashby Road East (eastbound stop) and Leicester Road (northbound stop) which are a circa 500m walk from the site. In addition to the services outlined in Table 5.3, these stops are served by the following services:

- Arriva 127 which runs from Leicester to Shepshed via Birstall, Rothley, Mountsorrel;
- Quorn and Loughborough with services every 15 minutes Monday to Friday; and
- Winson Coaches 129 which runs between Loughborough and Ashby De La Zouch via Shepshed with five services per day in each direction.

Rail  
Rail.

The closest railway station to the development site is Loughborough Station, which is 7km to the east, accessible via an 8km (24 minute) cycle ride or alternatively a short bus journey via service 16 operated by Arriva.

**The development is therefore considered to be acceptable in relation to sustainable transport modes.**

The applicant submitted a full transport technical note to address the issues raised above from the LHA on the 27<sup>th</sup> April 2022 and the LHA were re-consulted. A full response was received by the LHA on the 24<sup>th</sup> May 2022 where it was confirmed the LHA had removed their objection following the submission of the transport technical note – (TNN) to the development as:

### **Site Access**

The LHA are satisfied that a retrospective Section 50 permit has been obtained for the speed survey relied on by the Applicant. The LHA are now satisfied that visibility splays of 2.4m x 65m in both directions on Ashby Road (A512) at the proposed vehicle access are demonstrated in Appendix C of the TTN. As highlighted in Appendix C, the visibility splay to the west of the proposed vehicle access does not conflict with the existing layby. The LHA noted that in pre application advice it advised that the stagger distance between the proposed site access and Petrol filling station was considered acceptable and therefore accept the proposed 22m stagger distance. The LHA have reviewed Appendix D which demonstrates the entry and exit of a refuse vehicle from Ashby Road (A512). The LHA are satisfied that a refuse vehicle can satisfactorily enter and exit the site in a forward gear. Trip Generation Table 1 which has been extracted from the TTN below shows the anticipated vehicle traffic generation of the development based on the trip rates contained within planning application reference: P/20/1347/2 at 62 Iveshead Road, Shepshed proposing the erection of 63 dwellings.

**Table 1: Anticipated Vehicle Trip Rate and Traffic Generation**

	AM Peak (08:00 - 09:00)			PM Peak (17:00 - 18:00)		
	arrive	depart	2 way	arrive	depart	2 way
50 dwellings						
trip rate / dwelling	0.11	0.55	0.66	0.53	0.23	0.76
traffic generation	6	28	33	27	12	38

Table 1 highlights that 33 two-way vehicle movements will be generated in the AM peak of 08:00 – 09:00 and 38 two-way vehicle movements in the PM Peak of 17:00 – 18:00. The LHA now considers the vehicle trip rates robust. Table 3 below which has

**Table 3: Traffic Impact on Neighbouring Junctions**

Development Impact	Two Way Trips					
	AM Peak			PM Peak		
	IN	OUT	Two Way	IN	OUT	Two Way
Ashby Road / Charnwood Road / Iveshead Road Junction	4	8	12	8	3	11
Ashby Road / Leicester Road / Ingleberry Road Junction	2	19	21	19	8	27
Ashby Road East / M1 / A512 Junction	1	17	18	16	7	23

been extracted from the TNN shows the traffic generation impact of the development during the AM and PM Peak on nearby junctions in the vicinity of the site.

### **Junction Capacity Assessments**

The site access capacity assessment has been re-run to take into account the 2011 Census origin / destination distribution along with the revised vehicle trip rates and traffic generation. Table 5 below which has been extracted from the TNN demonstrates the results of the junction capacity assessment, which shows that all movements are below the 0.85 (85%) threshold and therefore, the proposed access junction will operate within practical capacity.

**Table 5: Junction Capacity Assessment – Proposed Site Access Junction**

	AM Peak Hour (07:00 - 08:00)			AM (08:00 - 09:00)			PM Peak Hour (17:00 - 18:00)		
	Queue (veh)	Delay (s)	RFC	Queue (veh)	Delay (s)	RFC	Queue (veh)	Delay (s)	RFC
<b>2023 With Development</b>									
Site Access (Left and Right)	0.06	10.72	0.06	0.09	10.82	0.08	0.04	11.21	0.04
Ashby Road (Turning Right)	0.01	6.52	0.01	0.01	6.56	0.01	0.02	7.12	0.02
<b>2026 With Development</b>									
Site Access (Left and Right)	0.06	10.93	0.06	0.09	11.03	0.09	0.04	11.47	0.04
Ashby Road (Turning Right)	0.01	6.57	0.01	0.01	6.60	0.01	0.02	7.19	0.02

#### A512 Shepshed Highway Improvements Contribution

The following junctions would not have sufficient capacity to cater for traffic related to the proposed development without the improvement schemes which have recently been completed at both junctions.

- A512 / Charnwood Road / Iveshead Road Signal-Controlled Crossroads; and
- A512 / Leicester Road / Ingleberry Road Signal-Controlled Staggered Crossroads.

Accordingly, the LHA considers that a proportionate contribution should be made to the schemes at both junctions, in line with the contributions made by other developments in the vicinity. The LHA has therefore applied the same methodology to the Ashby Road Central site, as has been employed with respect to the other sites impacting on the A512 in Shepshed where contributions have been made or sought. The contribution sum at each junction is based on the average two-way peak hour change in trips at each junction as a percentage of the agreed flow envelope at each junction from the 'Shepshed Cumulative Impact Assessment (SCIA) - Transport Study - Additional Report' dated 26 August 2014, which is then applied to the latest scheme cost for each junction. The following contributions are therefore identified:

- A512 / Charnwood Road / Iveshead Road: £34,838.22
- A512 / Leicester Road / Ingleberry Road: £63,610.14
- Total: £98,448.35 The LHA advises that the above contributions should be sought through the Section 106 Agreement.

## Off-Site Implications

Having reviewed the off-site works, the LHA agreed that a 2.5m width footway with a 0.5m grass verge which has been proposed by the Applicant is considered acceptable.

Based on the above assessment in relation to highway safety, the application is considered to accord 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, subject to conditions to secure:

- A construction traffic management plan,
- Access arrangements to be provided prior to the occupation of the development.
- Approved vehicular to be provided prior to the first occupation of the development
- Approved off site works proposed access to be provided prior to the first occupation of the development

Following the comments received from the LHA on the 24<sup>th</sup> May 2022, the applicant has since been in consultation with the LHA in relation to the proposed obligations, with particular reference to the obligations requirements for the improvements to the A512.

It was identified that the following junctions would not have sufficient capacity to cater for traffic related to the proposed development without the improvement schemes:

- A512 / Charnwood Road / Iveshead Road Signal-Controlled Crossroads; and
- A512 / Leicester Road / Ingleberry Road Signal-Controlled Staggered Crossroads.

Since providing those comments on the 24<sup>th</sup> May, the LHA are aware of planning application P/21/0027/2 at Iveshead Road, Shepshed, which was allowed at appeal and where the Inspector decided that the LHA's request to recover forward funding for the A512 junctions did not meet the CIL tests. On the basis of the above, the LHA is no longer in a position to justify the highway contribution requests towards the A512 works. The LHA therefore repeats its previously as noted above the the contributions requirements are set out in the relevant section of this report. below, but with the removal of the request for a contribution to the A512 works.

The application is however, still considered by officers to accord 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.

## **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.

Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the site is located within Flood Zone 1 being at low risk of fluvial flooding. However, there is an area at the north west corner of the site at very high risk of surface water flooding. The applicant was proposing to discharge surface water drainage via an attenuation basin, located in the aforementioned very high surface water flood risk area, into an adjacent Severn Trent Water (STW) surface water sewer under Ashby Road. The LLFA confirmed that the principle of this had not been agreed from STW and it was considered this should be agreed at outline stage to demonstrate the site has a viable outfall for surface water drainage.

The STW consultation response confirms that the details contained in drawing DS001 Rev A, shows the connection for foul discharge is viable via discharge into the foul water sewer at a manhole within the verge of Ashby Road Central, subject to a S106 of the Water Industry Act 1991 approval before breaking into the network Surface Water Drainage. The surface water drainage is therefore acceptable, subject to such approval before breaking into the network.

For any new connections (including the re-use of existing connections) to the public sewerage system, the developer will need to submit Section 106 Water Industry Act 1991 application forms.

The LLFA following further consultation have confirmed that subsequent to the previous LLFA response the applicant has provided the Developer Enquiry response from STW to show that the proposed outfall is acceptable should infiltration not be viable.

However, a number of conditions are to be imposed on any consent, such as, a surface water scheme, a surface water management scheme during construction and a long-term maintenance of drainage scheme is also required prior to the first occupation of the development.

In further relation to flood risk issues, the Emerging policy DS3(HA41) states that development proposals for this site will be supported where they are accompanied by a Flood Risk Assessment which responds to the evidence of flood risk on site and

demonstrates how mitigation of those risks, including securing appropriate site access arrangements, can be satisfactorily achieved so as to meet the exception test. This is because the north of the site is at risk of surface water flooding. Whilst the EA and LLFA have not objected to the scheme on flood or drainage grounds, the policy team have confirmed that during the consultation process for the Draft Local Plan the following were identified as points that needed to be resolved in relation to flooding:

- Development is limited to the 86% of the site outside of the Risk of Flooding from Surface Water zones and therefore should be steered towards the western side of the site. It should be noted that the surface water flood risk bisects the site and therefore consideration is needed regarding access to the north-western portion of the site.
- If flood mitigation measures are implemented then they are tested to ensure that they will not displace water elsewhere (for example, if land is raised to permit development on one area, compensatory flood storage will be required in another).
- Space for green infrastructure should be considered in the areas of highest flood risk. A particular area for consideration would be the north-western corner which is affected by surface water flows.
- There are potential access issues due to surface water ponding along the northern boundary, so access would need to be to the road from the north-eastern boundary

#### Officer response

Bullet point 1 – the illustrative layout plan is not to be approved as part of the outline consent and the positioning of the development will be agreed at reserved matters stage.

Bullet point 2 – This point has been addressed in the FRA and the EA and LLFA have not objected to the scheme.

Bullet point 3 – In accordance with the comments made, the illustrative layout plan indicates a sustainable attenuation pond can be accommodated within the site close to the boundary northern of the site with the A512.

Bullet point 4 - In accordance with the comments made, the illustrative layout plan indicates the access to be located at the north eastern boundary of the site.

The Environment Agency has also confirmed the site is not located in a particularly high sensitivity setting from a groundwater protection point of view, and no objections are raised from a flood risk perspective, however, along with the Charnwood Environment Health Team it is recommended that a condition is imposed in relation to



land contamination, due to the location of the site adjacent to the gravel pit, land fill area. The contamination and recommended condition is fully discussed at the amenity section of this report. The proposal can therefore be considered acceptable in relation to flood risk and surface water drainage, subject to conditions being imposed. The application is considered to be compliant with policy CS16 of the Core Strategy and Paragraph 112 of the NPPF and emerging policy DS3(HA41).

### **Minerals impact**

The application area lies within a minerals safeguarding area for brick clay and the site is located adjacent to the existing Shepshed Quarry which extracts brick clay.

Policy M11 of the Leicestershire Minerals and Waste Local Plan states that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area in any of 5 circumstances. Applications for non-mineral development in such areas, should be accompanied by a Mineral Assessment of the proposed development on the mineral resource beneath or adjacent to it. In order to comply with Policy M11 of the Leicestershire Minerals and Waste Local Plan, the minerals team confirmed the applicant is required to submit a minerals assessment and demonstrate compliance with the criteria outlined in the policy.

The assessment must also demonstrate that the proposed dwellings which would be in close proximity to the quarry workings would not inhibit the quarry from being able to comply with their planning conditions, particularly in terms of noise and dust and therefore would not impact upon existing site operations and the ability to produce and stockpile clay onsite. Additionally, views from the proposed development to the quarry workings and any potential impacts of the quarry workings on the local amenity of any future residents should be taken into consideration. The applicant, during the application stage has submitted the full and detailed minerals and waste assessment, as required by policy M11. The Assessment confirmed that the Brick clay extraction in the adjacent Shepshed Clay Quarry has now ceased with the operator indicating that all viable reserves within the quarry are exhausted and furthermore that no substantial reserves exist within adjacent areas.

Following re-consultation taking place, it is confirmed that Leicestershire County Council as the Mineral Planning Authority removed their objection to the development, and no comments are considered necessary from a waste perspective.

### **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.

Emerging policy DS3(HA41) states that the development of the site will be supported where the development contributes to the reasonable costs of the provision of a new 3 form entry primary school located at site HA32 (land off Tickow Lane South, Shepshed).

Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development:

Education	<ul style="list-style-type: none"> <li>• <b>£275,340.00</b> in order to provide 15 Primary school places anticipated by the proposed development for the provision, improvement, remodelling or enhancement of education facilities at Newcroft Primary Primary School or any other school within the locality of the development, or towards the construction of a new primary school</li> <li>• <b>£181.180.00</b> in order to provide 10 Secondary school places anticipated by the development by improving, remodelling or enhancing existing facilities at Iveshead School or any other school within the locality of the development.</li> </ul>
Libraries	<ul style="list-style-type: none"> <li>• £1510.00 contribution towards the enhancement of Shepshed Library.</li> </ul>
Leicestershire County Council Waste Management	<ul style="list-style-type: none"> <li>• £2136.00 is required to contribute towards waste management at the HWRC at Shepshed resulting from this development</li> </ul>
Open Space	<ul style="list-style-type: none"> <li>• Parks and amenity green space: on site 0.17ha multi-functional green space areas.</li> <li>• Natural and semi-natural green space: on site 0.24ha Defined habitat areas should be identified and created – (alternatively a £11,366.00 should be sought towards improvement at Morley Quarry nature area).</li> <li>• Provision for children: 0.03ha on site (combined with the young persons provision) LEAP for 0-12 year olds to be provided or alternatively an off-site contribution of £13,333 towards the provision or improvement of children’s play facilities in Shepshed should be sought.</li> <li>• Provision for young people: 0.03ha on site (combined with the childrens provision) is defined as equipped play space to meet the needs of older children (12 years plus). Facilities/equipment should be challenging and appeal to teenagers.</li> </ul>

	<p>Provision should be inclusive and accessible to all. An off-site contribution of £47,700 is sought towards the provision or improvement of Young Peoples facilities in Shepshed.</p> <ul style="list-style-type: none"> <li>• Outdoor sports facilities: An off-site contribution of £16,465 to provide new, or improve the capacity of, existing outdoor sport provision to meet the needs of the development and mitigate the impact of increased demand on facilities and existing residents.</li> <li>• Allotments: An off-site contribution of £5,646 for the creation of additional allotment provision within Shepshed.</li> </ul>
Affordable Housing	20% of the dwellings to be affordable housing with 77% for affordable rent and/or social rent and 23% shared ownership.
Biodiversity	<ul style="list-style-type: none"> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</li> <li>• To submit a updated Biodiversity Impact Assessment</li> <li>• To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</li> <li>• Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures on Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and/or pay the Biodiversity Impact Compensation to the Council.</li> </ul>
Leicestershire Highways Authority	<ul style="list-style-type: none"> <li>• Travel pack – can be supplied by LCC at £52.85 per pack</li> <li>• 6 Month bus passes, two per dwelling – can be supplied by LCC at £360 per pass.</li> <li>• STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.</li> <li>• Raised kerb provision at the following two bus 260008405: Ashby Road West, (adjacent to</li> </ul>

	Iveshead Road) and 260008408: Charnwood Road, (opposite Iveshead Road) at a cost of £4,000 per stop to support modern bus fleets with low floor capabilities.
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A Financial Viability Assessment (FVA) was submitted to determine whether or not the proposed development at Land South of Ashby Road, Shepshed can deliver the planning obligations required has been carried out, by external consultants (Aspinall Verdi) as the applicant contested the financial obligations requested by the LPA. Following the viability review of the affordable housing requirement, Education, libraries and civic amenity contributions, it was confirmed the site is viable.

At the time of the viability review taking place the Highways Authority, Charnwood Open Space and potential biodiversity obligations had not been confirmed, and therefore did not form part of the review.

Since the review Charnwood Open Space have confirmed the amount of contribution required and the applicant is **now agreement with all the required obligations to be secured in the S106.**

However, the Highways Authority have since confirmed a reduction in the amount on contributions initially sought for improvements to the A512 following an Inspectors decision on a site (APP/X2410/W/21/3281964 Land to the west of Iveshead Road, Shepshed, Leicestershire, LE12 9ER), means that the LHA is no longer in a position to justify the highway contribution requests. The applicant is in agreement with the obligations sought.

The Biodiversity officer has confirmed that a further BIA is necessary at the reserved matters stage of the application and a S106 should be prepared for potential off-site contributions to be sought, as it is considered they could be at least a 40% net loss, but this matter cannot be resolved until the final layout is submitted with the reserved matters application.

These contributions outlined above considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24 and are necessary to make the development acceptable in planning terms in accordance with the requirements of CIL regulation 122.

### **Planning Balance and Conclusion**

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

As there is currently less than 5 years supply of deliverable housing sites (3.04 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. It is not considered that 11di) applies to this proposal as the site is not protected for its habitat value or heritage value and the assessment shows that there would not be a clear reasons for refusal of the proposed development for reasons of ecological or heritage impact. Therefore, part 11dii) applies to the proposal and permission should be granted unless any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. The development would provide up to 50 new units of which 20% would be affordable homes, at a time when there is an acute need for these. The site offers the potential for high quality design and an acceptable mix of housing. These are significant benefits of the proposal.

The adopted Development Plan does not support housing development in this open countryside location outside of settlement limits, but the Plan is out of date and the Council cannot currently demonstrate a 5 year supply of deliverable housing sites. Therefore, this reduces the weight that can be given to policies CS1, ST/1, CS11 and CT/1. However, this needs to be balanced with the limited to moderate weight that can be given to emerging policies DS1 and DS3 which allocates the site for housing (as part of the larger allocation (HA41 for 49 dwellings with contributions to towards education). Both the adopted and emerging plans recognise that Shepsted is a sustainable settlement and close to local facilities and therefore the compliance of the proposal with the overall development strategy for the Borough is given neutral weight in the planning balance.

The proposal is located within open countryside and there is identified harm to the landscape character of the area but with the suggested conditions to secure an appropriate layout and additional tree planting screening from Ashby Road and the developments intergartion with the Charnwood Forest the harm can be mitigated. The development would therefore comply with adopted policies CS11 and EV/1 and emerging policy EV/1 which seeks to retain and enhance the character and identity of Woodthorpe. The adopted policies can be given significant weight and the emerging policy limited to moderate weight. Overall, the harm is mitigated and this weighs neutrally in the planning balance.

The design and layout of the scheme is for future consideration at reserved matters stage. The illustrative Plan is not considered appropriate. With conditions to secure the retention of the existing trees and hedgerow, and appropriate vistas through to the Charnwood Forest, and the new dwellings to meet space standards, the development could meet policies CS2, CS11 and EV/1. These policies can be given significant weight. At this stage, the design benefits of the scheme can be given neutral weight.

Subject to the addition of provisions within the S106 agreement to secure a pathway

link to the east and to the west it is considered that the future development of adjacent land, including draft allocation DS3(HA39 and HA40), would not be sterilised by this proposal. This can be given neutral weight. To permit the outline application before a masterplan is prepared would be contrary to emerging policy DS3 (HA41). This policy can be given limited to moderate weight. Therefore, the conflict with the policy can be given limited to moderate weight at this stage.

The development will provide on and off-site open space, and contributions towards outside sport This would be policy complaint open space. Policy CS15 is given significant weight. The delivery of open space is a benefit of the development and can be given moderate positive weight.

The noise impact on new dwellings can be controlled by mitigation and construction impacts can be mitigated also. The development will comply with policies CS2 and CS16 and emerging policies DS5 and EV11. Adopted policies can be given significant weight and emerging policies limited to moderate weight. The mitigation of impacts can be given neutral weight in the planning balance.

The air quality and contamination impacts on existing and future occupiers can be mitigated by details and land contamination assessments being submitted at reserved matters. The development will comply with policies CS2 and CS16 and emerging policies DS5 and EV11. Adopted policies can be given significant weight and emerging policies limited to moderate weight. The mitigation of impacts can be given neutral weight in the planning balance.

There is no objection from the highways authority to the proposed access arrangements, subject to conditions and S106 obligations. This would allow compliance with CS18 and is given neutral weight in the planning balance. The sustainable transport links are sufficient to serve the development, and the offsite works will provide a connecting pathway either side of the site, in accordance with policy CS17 and emerging policy CC5. These policies can be given significant and limited to moderate weight respectively. The applicant and local highways authority have not sought to secure improvements to the A512, following a recent appeal decision the emerging site allocation DS3(HA41) but this policy can be given limited to moderate weight. Given that all other highways impacts are acceptable, the lack of bus service can be given moderate negative weight.

The proposal is outline, and the impact on biodiversity will depend upon the final layout and design. It is considered that a net gain in biodiversity can be secured in the S106 agreement, with a Biodiversity Impact Assessment to be submitted at reserved matters stage. The proposal would comply with policy CS13 which is given significant weight. Emerging policies EV6 and EV7 can be given limited to moderate weight. The net gain can be given limited positive weight.

The impact on minerals will be neutral and policy M11 is given full weight. The impact is neutral overall.

The S106 contributions and provisions will deliver necessary infrastructure to make the development acceptable in planning terms. These are considered to be neutral in the planning balance. Applying the tilted balance in paragraph 11dii), it is not considered that the identified adverse impacts (namely the lack of a masterplan for the site as part of the emerging housing allocation), would significantly and demonstrably outweigh the benefits of the development (namely the delivery of housing including affordable housing, the delivery of open space, a net gain in biodiversity and construction employment and future benefits to the local economy), when assessed against the NPPF taken as a whole.

**Conclusion**

The site is within a sustainable location and the harm identified is not considered to be significant and demontstable to outweigh the benefits of the scheme. Therefore it is recommended planning permission is granted subject to conditions and S106 contributions and obligations outlined in this report.

**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"> <li>• £275,340.00 in order to provide primary school places anticipated by the proposed development At Newcroft Primary Primary School or any other school within the locality of the development, or towards the construction of a new school.</li> <li>• £181,180.00 in order to provide secondary school places anticipated by the developmentat Iveshead School or any other school within the locality of the development.</li> </ul>
Libraries	£1510.00 contribution towards the enhancement of Leicestershire Library.
Leicestershire County Council - Waste Management	The County Council's Waste Management Team considers that <b>£2136.00</b> contributions are required for the HWRC at Shepshed resulting from this development.
Open Space	<ul style="list-style-type: none"> <li>• Parks and amenity green space - 0.17ha - on site</li> <li>• Natural and semi natural open space 0.24Ha on site.</li> </ul>

	<ul style="list-style-type: none"> <li>• An on-site children equipment/facilities (LEAP) (alternatively off-site contribution £13,333.00).</li> <li>• Provision for young people for older children (12+) off-site contribution of £47,700.00</li> <li>• off-site contribution of £16,465.00 to provide new, or improve the capacity of, existing outdoor sport provision - 3G pitch(es) (in Shepshed)</li> <li>• Off-site Allotments within Shepsted £5,646.</li> </ul>
Affordable Housing	20% of the dwellings to be affordable housing with 77% for affordable rent and/or social rent and 23% shared ownership.
Biodiversity	<ul style="list-style-type: none"> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</li> <li>• To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</li> <li>• Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures to the Approved Biodiversity Mitigation and Enhancement Scheme and/or pay the Biodiversity Impact Compensation to the Council.</li> <li>• To provide an updated biodiversity Impact Assessment.</li> </ul>
Highways	<ul style="list-style-type: none"> <li>• Travel pack – can be supplied by LCC at £52.85 per pack</li> <li>• 6 Month bus passes, two per dwelling at £360 per pass.</li> <li>• STARSfor (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.</li> <li>• Raised kerb provision at the following two bus Ashby Road West, (adjacent to Iveshead Road) and Charnwood Road, (opposite Iveshead Road) at a cost of £4,000 per stop to support modern bus fleets with low floor capabilities.</li> </ul>



## **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 – 26<sup>th</sup> October 2021 General Arrangement of Proposed Access Plan AR-HSP-00-00-DR--C-200 – 15<sup>th</sup> September 2021 (Appendix A of Transport Assessment (HSP Consulting, C3622, August 2021) General Arrangement of Proposed Access (Footpath) Plan AR-HSP-00-00-DR--C-201 - 15<sup>th</sup> September 2021 (Appendix A of Transport Assessment (HSP Consulting, C3622, August 2021) Framework Travel Plan (HSP Consulting, C3622, August 2021) - 15<sup>th</sup> September 2021</p> <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>Notwithstanding the illustrative layout plan and the details contained in the Landscape Visual Assessment submitted on the 15<sup>th</sup> September 2021, the layout details submitted pursuant to condition 2 shall include a detailed</p>

	<p>layout plan indicating one or more vistas to the Charnwood forest; planting which meets the National Forest Planting Guideline; and a generous set back from all existing hedgerows of no less than 6 metres from the edge drip line and 20m from the willow tree on the southern boundary of the site.</p> <p>REASON: To ensure the development integrates into the landscape, surrounding area and provides a soft screen to the urban edge, in accordance with policies CS2, CS11, CS12 and CS14 of the Development Plan.</p>
5.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none"> <li>i) the treatment proposed for all ground surfaces, including pathways and all other hard surfaced areas;</li> <li>ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants; including a high canopy strategic tree planting scheme wooded tree planting area within the site;</li> <li>iii) finished levels or contours within any landscaped areas;</li> <li>iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.</li> <li>v) functional services above and below ground within landscaped areas; and</li> <li>vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.</li> <li>vii) All proposed boundary treatments</li> </ul> <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 urban edge, in accordance with policies CS2, CS11 and CS14 of the Development Plan.</p>
6.	<p>The details submitted pursuant to condition 2 shall include an arboricultural report and an arboricultural method statement that identifies the existing trees and the hedgerow to be retained (apart from the access point) and to ensure the trees and hedgerows to be retained are protected during construction.</p> <p>The development shall carried out in accordance with the approved arboricultural report and the arboricultural method statement</p>

	<p>REASON: To ensure the long term retention and protection of the trees and hedgerow to be retained at the site in accordance with policies CS2 and CS11.</p>
7.	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and of the Development Plan and associated national and local guidance.</p>
8.	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> <li>i. An on-site LEAP facility</li> <li>ii. Parks and amenity green space 0.17ha minimum</li> </ul> <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policy CS15.</p>
9.	<p>In accordance with the recommendations of the Noise Assessment (HSP Consulting, September 2021, P4810-R1-V3), the details submitted pursuant to condition 2 above shall include a detailed design schedule to include details of building envelope, glazing and acoustic ventilation systems to habitable rooms.</p> <p>The development shall be carried out in full accordance with approved details and the noise protection design shall remain in place in perpetuity.</p> <p>REASON: To protect the amenities of the future occupiers of the development in accordance with Policy CS2 of the Core strategy and EV/1 of the Local Plan.</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 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.</p>

11.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on General Arrangement of Proposed Access drawing number AR-HSP-00-00-DR--C-200 have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021). In accordance with CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development.</p>
12.	<p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 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 traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021) and policy CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development.</p>
13.	<p>No part of the development shall be occupied until such time as the offsite works shown on General Arrangement of Proposed Access drawing number AR-HSP-00-00-DR--C-201 have been implemented in full.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021) and Planning Policy CS18 of the Core Strategy and TR/18 of the Local Plan.</p>
14.	<p>No development shall commence on the site until such time as a construction method statement is submitted to the LPA for approval – the details shall include:</p> <ul style="list-style-type: none"> <li>• Measures to control noise during construction,</li> <li>• Storage of oils, fuels, chemicals, plant and materials used in constructing the development</li> <li>• Measures to control the emission of dust and dirt during construction</li> <li>• Hours of work on site, including deliveries and removal of materials</li> <li>• storage and treatment of waste</li> <li>• Location of temporary buildings and associated generators, compounds, structures and enclosures.</li> </ul> <p>The development shall be carried out in accordance with the approved construction method statement.</p>

	<p>REASON: In the interests of residential amenity in accordance with Policy CS2 of the Core strategy and EV/1 of the Local Plan.</p>
15.	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and completed prior to first occupation.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS13, CS15 and CS16.</p>
16.	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS13, CS15 and CS16.</p>
17.	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.</p> <p>Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS13, CS15 and CS16.</p>

18.	<p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element and 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. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS13, CS15 and CS16.</p>
19.	<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 in accordance with the approved details.</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>
20.	<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, for a period of 5 years from the date the development begins.</p> <p>REASON: The hedges and trees are an important feature in the area and its retention is necessary to help screen the new development in accordance with Development Plan policies CS2 and CS11.</p>
21.	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p>

	<p>REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site in accordance with Development Plan policies CS2 and CS11.</p>
22.	<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"> <li>1) Boundary treatments</li> <li>2) Lighting Strategy</li> <li>3) Construction Ecological Management Plan (CEMP) to protect features during the construction phase.</li> </ol> <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>
23.	<p>A. Site Investigation Information</p> <p>No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:</p> <ol style="list-style-type: none"> <li>(i) details of previous land uses;</li> <li>(ii) a site investigation survey of the extent, scale and nature of contamination;</li> <li>(iii) an assessment of the potential risks to: <ul style="list-style-type: none"> <li>• human health,</li> <li>• property,</li> <li>• adjoining land,</li> <li>• groundwaters and surface waters,</li> <li>• ecological systems and archaeological sites and ancient monuments.</li> </ul> </li> </ol> <p>B. Submission of Remediation Scheme where contaminated is found which poses unacceptable risks, as determined by the local planning authority in its response to (A), no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The scheme shall include:</p> <ol style="list-style-type: none"> <li>(i) an options appraisal and remediation strategy;</li> <li>(ii) remediation objectives and remediation criteria;</li> <li>(iii) remediation works to be undertaken;</li> </ol>

- (iv) a verification scheme providing details of the data that will be collected in order to demonstrate that the works set out in (iii) have been completed and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme should be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

C. Implementation of Approved Remediation Scheme where a detailed remediation scheme has been required and approved under (B), no occupation of any part of the permitted development which has been identified in the scheme as being subject to contamination shall take place until the approved scheme has been implemented and the verification report, including the results of sampling and monitoring carried out in accordance with the approved verification scheme to demonstrate that the site remediation criteria have been met, has been submitted to and approved in writing by the local planning authority. The report shall, if required by the local planning authority, also include a reassessment of the long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The long-term monitoring and maintenance proposals shall be implemented as finally approved.

D. Reporting of Unexpected Contamination If, during development, contamination not previously identified is found to be present at the site:

- (i) it shall be reported to the local planning authority within 1 working day;
- (ii) no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until site investigations have been carried out and a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination will be dealt with;
- (iii) the remediation strategy shall be implemented as approved
- (iv) no occupation of any part of the permitted development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until:
  - a. the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the local planning authority;
  - b. if required by the local planning authority, any proposals for long-term



	<p>monitoring of pollutant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the local planning authority.</p> <p>(v) the long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite receptors, in accordance with the National Planning Policy Framework (2019 as amended) (paragraphs 118c and 178).</p>
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Informative Note(s):

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

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

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

10. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
11. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.



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