

Item No. 1

Application Reference Number P/20/2380/2

Application Type: Outline planning permission
Date valid: 22/01/2021
Applicant: David Wilson Homes – East Midlands
Proposal: Outline application for up to 150 dwellings, together with new open space, landscaping and drainage infrastructure, with all matters reserved except for access

Location: Land at Barkby Road
Queniborough
Leicestershire

Parish: Queniborough
Case Officer: Mark Pickrell

Ward: Queniborough
Tel No: 07852720913

Background

The application has been referred to Plans Committee by Councillor Grimley on the grounds of highway concerns, the development being located outside of the limits of development and the impact on the already over capacity schools and medical facilities in the area.

Description of the site

The application site lies to the south of Queniborough, abutting the settlement boundary and the rear of properties to the south of Avenue Road. The site extends from Barkby Road at the eastern extremity to the boundary of Queniborough Industrial Estate to the west. The site encompasses two fields, with the southern boundary delineated by an existing hedgerow.

The site is relatively flat agricultural land (formerly a tree nursery) with a public right of way crossing from Avenue Road, Queniborough to Syston.

The site is within Flood Zone 1 with the lowest risk of flooding. The site is not in a Conservation Area and does not have any particular heritage or biodiversity constraints in terms of designations.

The proposals also include off-site highway works at Rearsby Road / Syston Road / Queniborough Road / Barkby Road crossroads. Trees in the area between the crossroads and The Ringway are subject to a group Tree Preservation Order. The crossroads and the Tree Preservation Order is not within the designated Conservation Area of Queniborough.

Description of the Proposals

The application is an outline application for up to 150 dwellings along with open space, landscaping and associated infrastructure. All matters are reserved for future approval except for access.

The Design and Access Statement sets out the site area as being 5.84 ha, currently used as grassland (agricultural). Vehicular access is proposed via Barkby Road with a total residential area of 3.59 ha with the remaining expected to be used for drainage, infrastructure and open space. It is proposed that the site can accommodate up to 150 dwellings, of which 40% would be provided as affordable housing. The average net density would be 34 dwellings per hectare.

In addition to the residential parcel, the proposals include off site highway works to create additional highway capacity at the Rearsby Road / Syston Road / Queniborough Road / Barkby Road crossroads with a left-hand turn lane from Rearsby Road. These works would utilise the existing footpath to minimise the extent of encroachment into the current grass verge. The alignment of the new highway would encroach into the existing verge by 0.5m. The proposed works to trees to facilitate the revised highway layout as set out in the Arboricultural Impact Assessment include the following:

- Removal / Judicious pruning of T12 (Lime tree close to the corner of Rearsby Road and Queniborough Road)
- Removal of T1 and T2 (Sycamores on western side of Rearsby Road, not within TPO)
- Works within root protection area of T5 (Lime), T6 (Maple) and memorial tree

The application has been subject to amended documents and plans as the application has progressed. The following documents are relevant to the application:

- Biodiversity Impact Assessment (as amended)
- Arboricultural Impact Assessment, Method Statement and supporting letter (as amended)
- Proposed junction improvements – Barkby Road Crossroads
- Landscape Note
- Travel Plan (as amended)
- Transport Assessment (as amended)
- Location Plan (as amended)
- Illustrative Layout Plan (as amended)
- Proposed Access Junction Layout
- Location Plan
- Conceptual Plan
- Landscape and Visual Appraisal and Landscape Note
- Flood Risk Assessment
- Archaeological Desk Based Assessment
- Noise Survey and Assessment
- Planning Statement
- Design and Access Statement

Development Plan Policies

Charnwood Local Plan Core Strategy 2006-2028 (Adopted 9th November 2015)

Policy CS1 - Development Strategy: sets out the development strategy for the Borough. This includes a direction of growth which focuses housing development primarily to the Leicester Principal Urban area, Loughborough and Shepshed with three Sustainable Urban Extensions. Seven service centres are identified to deliver 3,000 houses. Queniborough is one of 12 settlements classed as 'Other Settlements' which, collectively, are expected to provide at least 500 dwellings within settlement boundaries over the plan period. Small Villages and Hamlets will be protected for development supporting local needs.

Policy CS2 – High Quality Design: requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – Strategic Housing Needs: supports an appropriate housing mix for the Borough and sets targets for affordable homes provision. In Queniborough 30% affordable homes are sought on sites of 10 dwellings or more.

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 CS12 – Green Infrastructure: protects and enhances green infrastructure assets including addressing the identified needs in open space provision.

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

Policy CS15 – Open Space, Sports and Recreation: deals with open space and requires all new development to meet the standards in the Open Space Strategy.

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

Policy CS17 – Sustainable Transport: seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

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

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

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

Borough of Charnwood Local Plan 1991-2006 (adopted 12th January 2004) (saved policies)

The saved policies of the Local Plan (2004) are more than five years old and, similarly to the Core Strategy, do not carry full weight. However, it is considered that those saved policies are still considered to be consistent with the aims and objections of the NPPF and the more recently adopted Core Strategy and therefore carry some weight.

Policy ST/2 – Limits to Development: seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.

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

Policy CT/1 – General Principles for areas of the countryside, green wedge and local separation: restricts new development to that which is small-scale and where it meets certain criteria.

Policy CT/2 – Developments in the Countryside: indicates in areas defined as countryside, development acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and safeguards its historic, nature conservation, amenity and other local interest.

Policy CT/4 – Development in Areas of Local Separation: In areas of local separation (in this case part j Queniborough/Syston) development acceptable in principle will only be permitted where the location, scale and design of development would ensure that the predominantly open and undeveloped character of the area is retained; and the already narrow gap between settlements is not reduced.

Policy TR/18 – Parking in New Development: seeks to set the maximum standards by which development should provide for off streetcar parking.

Queniborough Neighbourhood Plan

The Queniborough Neighbourhood Plan has been through referendum and was “made” in June 2021. The policies contained within now form part of the development plan.

Policy Q1: Parking: requires that new development adheres to CBC’s parking standards.

Policy Q5: Infrastructure: supports new development where it contributes to new or improved infrastructure.

Policy Q6: Countryside and Landscape: seeks to protect the character of the landscape and countryside. Countryside is defined as areas outside of the Limits to Development where new development will be required to protect the character of the landscape and maintain the separate identity of Queniborough, Syston and East Goscote, unless the land is allocated for development in a development plan document. The area between Queniborough and Syston (including the application site) is defined as being within an area of separation.

Policy Q7: Green Infrastructure and Q8: Ecology and Biodiversity seek to protect and enhance green infrastructure assets and local ecological features and habitats. Q8 requires new development to demonstrate an overall net gain in biodiversity.

Policy Q10: Queniborough Lodge: allocates land for some 132 dwellings at Queniborough Lodge. This seeks to address the Neighbourhood Plan’s assessed housing need, based on the Core Strategy (2014).

Policy Q12: Housing mix: requires new developments of five or more dwellings to demonstrate how it will meet the housing needs of older households.

Policy Q14: Design: seeks to ensure that new development reflects the distinctive and traditional character of Queniborough.

Minerals and Waste Local Plan (2019)

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

In terms of Charnwood, Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met. Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

Other material considerations

The National Planning Policy Framework 2021 (NPPF)

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 11dii). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies and states that conflict is unlikely to be 'significant and demonstrable' unless 4 criteria are met. Local Planning Authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

Section 8: Promoting healthy and safe communities

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

Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle

movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

Section 12: Requiring well-designed places

The NPPF recognises that good design is a key aspect of sustainable development and that high quality, beautiful, sustainable and inclusive design should be planned for positively (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding and coastal change New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Planning Practice Guidance

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

The National Design Guide (2019)

This document sets out the Central Government's design guidance which is intended to encourage, promote and inspire a higher standard of design in respect of development proposals.

Leicestershire County Council Local Transport Plan (LTP)

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

Leicester and Leicestershire Housing and Economic Needs Assessment (HENA) (June 2022)

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

Charnwood Design SPD (2020)

The adopted in Design Supplementary Planning Document is a working document intended to encourage, promote and inspire higher design standards in development throughout Charnwood.

The Leicestershire Highway Design Guide (2018)

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

The Crime and Disorder Act 1998

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

Housing Supplementary Planning Document (2017)

The Housing provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan in respect of Policy CS3: Strategic Housing Needs - for affordable housing.

Landscape Character Appraisal

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

Technical Housing Space Standards (2015)

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, but it is included in submitted Policy H3 of the emerging local plan and is therefore a material consideration for which appropriate weight must be given.

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.

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

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

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

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

Environmental Impact Assessment Regulations (2017)

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 and location of the application proposals, it is not considered that the application would constitute EIA development.

The Draft Local Plan 2021-2037

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. Further hearing sessions were held in October 2022 to address the specific matter of Leicester's unmet need. Following the further consideration of this issue by the Planning Inspectorate it is expected that hearing sessions will resume early next year. At this stage the emerging Local Plan is given limited weight in the assessment of this application.

The application site was considered through the SHLAA but discounted from being an allocation in the local plan and therefore, the site would be outside of but adjoining the settlement boundary of Queniborough in the countryside and within an area of local separation. Development in areas of countryside and local separation are addressed by draft Policies DS1 and EV/3.

Planning Guidance for Biodiversity June 2022

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

Relevant Planning History

Application site

The site has been subject of a previous outline planning application as follows:

App. Ref.	Description	Decision
P/18/0309/2	Outline Application (considering access only) for up to 150 new dwellings with associated works including open space, landscaping, drainage and access from Barkby Road and pedestrian link to Chestnut Close. Development affects Public Right of Way 184	Refused 01/06/2018

Related applications

Also material to the determination of this application are the following applications and decisions:

App. Ref.	Site address	Description	Decision
P/22/0263/2	Main Street, Queniborough	Various works to following trees as set out in supporting work schedule: Acer Pseudoplatanus, 210005, Aesulus Hippocastanum, 210055, Acer Pseudoplatanus, 210065. Robinia Pseudoacacia. 210080, Aesulus Hippocastanum. 210085, Acer Pseudoplatanus. Acer Plaitanoides. 210165, Acer Pseudoplatanus	Approved 08/06/22

P/22/1449/2	Main Street, Queniborough	Fell 1 x horse chestnut 210080 due to disease Reduce to approx 6m 1 x false acacia 210095 due to disease and structural damage	Pending
P/20/2349/2	Land off Boonton Meadow Way, Queniborough	Application for Outline Planning Permission for residential development for up to 50 no. dwellings, with associated landscaping, open space, drainage infrastructure and access and the demolition of number 65 Glebe Road Queniborough to facilitate the development of an emergency access (Outline access only to be considered)	Approved 08/11/22
P/21/0491/2	Land East of Cossington Road, Sileby	Outline planning application for up to 170 dwellings (including affordable housing) with all matters reserved other than access together with associated landscaping and other infrastructure (appeal ref. APP/X2410/W/21/3287864).	Refused 17/09/21 Appeal allowed 13/06/22

Response of Consultees and Other Comments Received

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

Consultee	Response
LCC Highway Authority	Comments received 16/09/2022 relating to amended details, including impact on crossroads. The impacts of the development on highway safety would not be unacceptable, and when considered with other developments, the impacts on the road network would not be severe. TPO street trees at Queniborough Crossroads have been considered and, subject to conditions, LCC are content that impacts on highway safety and street trees would not be severe.

LCC Developer Contributions	<p>No objections subject to S106 contributions to provide sufficient capacity to support need arising from proposed development as follows:</p> <ul style="list-style-type: none"> • Early Years Education – No request • Libraries - A contribution of £4,541.40 for improved resources at East Goscote Library. • Primary School – £642,460.00 • Special School - £84,672.65 • Waste – A contribution of up to £7,750.50 is requested to maintain existing local waste facilities at Mountsorrel HWRC site and provide additional capacity for the proposed development.
LCC Lead Local Flood Authority (LLFA)	No objections subject to conditions relating to a detailed drainage system, ongoing maintenance and infiltration testing.
NHS (Leicester, Leicestershire and Rutland Integrated Care Board)	Comments assess capacity at local GP surgeries (The County Practice, Syston Health Centre and The Jubilee Medical Practice, Syston Health Centre) and find that existing practices are operating at full capacity and request contributions of £76,366.47 to provide approximately 30sqm of additional accommodation to meet their proportionate share of the population increase of 363 patients arising from this development.
NHS – University Hospitals of Leicester	S106 contribution of £71,184.00 requested to source additional, suitably qualified agency based staff to work alongside the permanent workforce in order to meet additional demand from an additional 282 acute interventions during the first year of occupation of each unit of the accommodation in the development.
Charnwood Affordable Housing	40% affordable housing required (77% rent, 23% shared ownership). The housing mix and type has not been provided and will need to take into consideration and meet the requirements of the Housing SPD.
Charnwood Biodiversity	Based on updated BIA information received 21/10/2022, Charnwood’s Ecologist is content that an appropriate assessment of the baseline value of the site has been established and that there is reasonable likelihood for any detailed layout to achieve ‘no net loss’ in biodiversity habitat, subject to detailed assessment of any detailed plans which should be provided as part of any future reserved matters and provision made to secure appropriate mitigation, if necessary.

Charnwood Landscape	<p>Based on amended and updated submissions Charnwood's Landscape Officer finds that the proposals would erode an essential part of the area of separation and, when taken with previous development in the Area of local Separation, is of the view that the overall integrity of the designation would be compromised such that the impact would be significant and demonstrable and not mitigated by landscaping.</p> <p>In relation to broader landscape impact, the proposals would detract from the character of the countryside and the harm may be mitigated to a degree by tree planting and amenity green space, the illustrative landscape plan does not afford sufficient depth to achieve mitigation.</p> <p>With regard to impact of highway works on the trees subject of a Tree Preservation Order, it is noted that the trees are of high value to the character of the area and any loss would be significant with comments of Charnwood's Locum Tree Officer and County Council noted.</p>
Charnwood Trees	<p>No objection subject to works to the trees subject of a Tree Preservation Order trees being undertaken in accordance with AIA and Arboricultural Method Statement and conditions recommended by the Local Highways Authority.</p>
Charnwood Open Spaces	<p>No objections subject to provision of open space on site or contributions to off site provision, summarised as follows:</p> <ul style="list-style-type: none"> • Parks – 0.12ha on site • Natural and semi-natural open space – 0.72ha on site • Amenity green space – 0.17ha on site • Provision for children – 1 LEAP on site, including 20m buffer • Provision for young people – 1 NEAP, including 30m buffer or off-site contribution of £143,099 to meet development need through the provision of new or enhanced young people's provision within Queniborough • Outdoor sports facilities – 0.94ha off-site contribution of £48,247 for Syston Football Rugby Cricket and Tennis Club • Allotments – 0.12ha onsite, or £16,938 for off site provision within Queniborough • Indoor sport – Offsite contribution for 22 additional pool visits per week (this equates to an additional 3.64 sq m pool space at a cost of £68,128), 0.10 indoor courts (at a cost of £65,828) and 0.02 Indoor Bowls Rinks (at a cost of £9,720).

Charnwood Environmental Health	No objection to the principle but notes potential impact on amenity of future residents from Queniborough Industrial Estate. Should permission be granted the mitigation measures recommended in section 6 of the noise report, namely enhanced glazing, acoustic ventilation, 2m high acoustic fencing for gardens and design and layout of dwellings should be conditioned as part of the development. It is also recommended that a ground investigation and a remediation plan prepared if necessary. All demolition / construction work shall be carried out in such a manner as to minimise the risk of dust or noise nuisance.
Queniborough Town Council	<p>Object on the basis that the proposed development is not supported by the Neighbourhood Plan or the emerging Local Plan.</p> <p>This is the second application in the last year which has not been included in the Queniborough Neighbourhood Plan. Queniborough has already taken substantial growth at The Millstones and Barley Fields where an additional 50 houses were approved in February (P/20/2349/2).</p> <p>Queniborough Neighbourhood Plan allocates a site for future housing at Queniborough Lodge (HA4).</p> <p>Proposed highway mitigation at the crossroads would be unsafe and impact TPO trees.</p> <p>There is not sufficient capacity in local infrastructure and facilities to accommodate the proposed growth.</p> <p>The development would reduce the area of separation.</p> <p>The position of Queniborough Parish Council has been summarised by Counsel in comments received 14/10/22 which sets out the view that NPPF paragraph 14 should apply and that the proposals would be contrary to the Queniborough Neighbourhood Plan and the harm would be significant and should be refused.</p> <p>In the event that it is not agreed that paragraph 14 applies then the harm of the proposals are still considered to be significant and it remains an option for decision makers to refuse the application under NPPF paragraph 11.</p>
Syston Town Council	Refers to Highway Authority comments and raises concerns about the additional stress on local surgeries and schools.
Barkby and Barkby Thorpe Parish Council	Objects to the proposals due to various issues summarised as the erosion of the green boundary between Syston, Queniborough and Barkby, added congestion, impact on existing capacity issues at local services and facilities, the site not being an allocation site, traffic generation in Barkby.

Barkby and Barkby Thorpe Action Group (BABTAG)	Refers to previous refusal on the site. Objects on the basis of erosion of green boundary between Syston, Queniborough and Barkby as well as increased traffic and additional pressure on local services and facilities.
Cllr Grimley	Concerns related to highways, development outside the limits of development and impact on the already over capacity schools, medical facilities.
Leicestershire County Councillor (James Poland)	Objects on basis of refusal reasons on 2018 application, development being contrary to emerging Neighbourhood Plan and impact on trees at crossroads and area of separation.
MP Argar	Reiterates objections from the constituency, including the reasons of 1) there having been extensive development in the village which is already placing a strain on local services and facilities; 2) that infrastructure in the village is already at capacity; 3) loss of green space and biodiversity; 4) erosion of Area of Local Separation; and 5) impact on traffic. Comments acknowledge Charnwood's lack of 5 year housing land supply but recommends refusal.
Campaign to Protect Rural England	Object to the proposals on the basis that the principle of the development in the countryside is contrary to policy and would result in coalescence. The development would also have a negative impact on capacity of schools and surgeries as well as traffic.
Environment Agency	There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.
Sport England	The proposed development does not fall within Sport England's remit.
Natural England	No comments

Third Party Representations

A total of 65 neighbours were consulted as part of this application. At the time of writing 155 objections have been received and a further 90 comments. No letters of support have been received. A summary of the issues raised in the objections is provided below:

- Lack of capacity in local services, including schools and doctor's surgery
- Impact of additional traffic and associated impact on key junctions in locality
- Impact on the area of separation between Syston and Barkby
- Limited access to employment in Queniborough to support the amount of development
- Insufficient capacity in schools and GPs to support more housing
- Inadequate shopping facilities in the area to support the development
- Impact on drainage and flooding

- Impact on ecology, including protected species and birds
- The application is not infill development, as required by policy
- There has already been significant development in Queniborough and the village can't sustain further development
- The Core Strategy requirement for 'other villages' to provide a total of 500 dwellings has already been exceeded
- The development would cause traffic noise and pollution
- The development would compromise safe pedestrian and cycle access
- The development would detract from the character of the village
- The development would be contrary to the Neighbourhood Plan
- Loss of green space
- Loss of privacy
- Loss of habitat
- Increase risk of crime
- Already have the development at Millstones and Barkby Road, there is no need for more housing in Queniborough
- Impact on properties on Avenue Road

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those "saved" policies within the Borough of Charnwood Local Plan 1991-2006 (2004) which have not been superseded by the Core Strategy (2011-2028), Minerals and Waste Local Plan (2019) and the content of the Queniborough Neighbourhood Plan (2021).

The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance and as such that there is no reason for them to be given reduced weight. As the Core strategy is now five years old, the Planning Authority cannot currently demonstrate a 5-year supply of housing land (3.04 years) and, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused.

Part i) of NPPF paragraph 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 nationally designated areas such as SSSI's, designated Local Green Space, AONBs and designated heritage assets. In this case, although there is an Area of Separation designated via the Local Plan and the Neighbourhood Plan, the site is not in an area specifically protected by the NPPF and therefore the NPPF's presumption in favour of sustainable development and the 'tilted balance' established by paragraph 11d) applies.

This application is for outline planning permission with all matters reserved except for access, as explained at the beginning of this report, the key considerations are as follows:

- Principle of development and housing land supply
- Landscape and settlement character
- Infrastructure capacity
- Highways and transport impact
- Layout and the indicative masterplan
- Relationship to neighbouring properties
- Flooding and drainage
- Ecology, wildlife and trees
- Loss of best and most versatile agricultural land
- Infrastructure

Principle of development and housing land supply

The principle of development is guided by development plan policies CS1 of the Charnwood Core Strategy (2015) and saved policy ST/2 of the Borough of Charnwood Local Plan (2004). Policy ST/2 and Proposals Map of the Charnwood Local Plan identify Limits to Development for various settlements in the Borough. Policy CS1 of the Core Strategy outlines the development strategy for the Borough and the distribution of sustainable growth. Queniborough is designated as an 'Other Settlement' based on the range of services and facilities that exist within the settlement, including primary schools, employment opportunities, shops, accessibility to doctors' surgeries, recreation and leisure facilities, and regular public transport to larger settlements.

Policy CS1 seeks to provide at least 500 new homes within the Other Settlements and aims to respond positively to sustainable development which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies elsewhere in the Charnwood Core Strategy. For land outside these Development Limits, policies CS11 and Local Plan Policies CT/1 and CT/2 apply which seek to control development outside of a relatively narrow set of criteria.

The site is in the countryside and located in an Area of Local Separation (ALS), as defined in the Local Plan. Saved policy CT/4 and Core Strategy Policy CS11 seek to protect and maintain the undeveloped character between settlements, unless new development clearly maintains the separation between the built-up areas. Protection of the countryside (land outside of the settlement limits), and particularly within the area of separation between Queniborough and Syston, is also provided by Neighbourhood Plan Policy Q6. Whilst the development would be within the Area of Separation, the policy does not preclude the principle of all development and some development may be acceptable if it clearly maintains separation.

The impact on the Area of Separation is addressed in greater detail in the 'Landscape and Settlement Character' section of this report, below. In summary, it is considered

that the extent of development proposed would detract from the separate identities of the villages.

Queniborough Neighbourhood Plan was “made” in June 2021 and forms part of the development plan. As such policy Q6 applies which seeks to protect and maintain the character of the landscape, including maintaining the separate identities of Queniborough, Syston and East Goscote.

As Paragraph 11 d of the NPPF is engaged and there is a made Neighbourhood Plan, consideration has also been given as to whether the provisions of paragraph 14 apply. This paragraph identifies that significant or demonstrable harm can arise where there is a made Neighbourhood Plan in place, provided all of the criteria of the paragraph are met.

The Queniborough Neighbourhood Plan was made in June 2021 and is less than two years old. The Neighbourhood Plan bases its assessment of housing need on the Core Strategy’s allocation of at least 500 dwellings across ‘other settlements’ and allocates land for some 132 dwellings at Queniborough Lodge. The latest 5 year land supply monitoring report demonstrates that the Authority has 3.04 years of deliverable housing sites. The Authority’s housing delivery is more than 45% of that required over the previous three years. Noting that there are different opinions on this matter and based on recent Counsel advice received by the Council on this issue in respect of application P/20/2349/2, it remains considered that criteria b) of NPPF paragraph 14 has not been met such that the NPPF’s ‘significant and demonstrable’ provisions within paragraph 14 do not apply. This is consistent with the Council’s decision in relation to application P/20/2349/2 (Boonton Meadow Way) referred to above. Nevertheless, the policies of the Queniborough Neighbourhood Plan have been adopted and remain relevant, albeit in the context of NPPF paragraph 11d.

The Council are in the process of preparing a new Local Plan and this has recently reconvened to consider the specific matter of Leicester’s unmet housing need with on-going sessions awaiting further notice. The new Local Plan is not adopted and the policies relating to the delivery of housing and allocated housing sites are subject to objections such that it can only be given limited weight in the determination of this application. It is noted, however, that the emerging Local Plan allocates the site as being in the countryside and, based on the evidence base for preparation of the Local Plan, retains the designation of the area between Queniborough as Syston as an Area of Local Separation where draft policy EV/3 would apply. Policy EV/3 would effectively replace CS11 in that only development that “preserves the settlement identity” and “clearly maintains the physical and perceptual separation between the built-up areas of settlements” would be supported.

It should be noted that Policy DS1 of the new local plan makes clear that in circumstances where a five year supply of deliverable housing land cannot be demonstrated and are being considered under para 11 d of the NPPF, proposals for residential development are only likely to be permitted where they accord with the settlement hierarchy, adjoin the limits to development, do not prejudice the delivery of infrastructure and accord with other development plan policies. This is a material

consideration but only limited weight can be afforded to this policy given the stage of the local plan process.

Given the current lack of a 5-year supply of housing land (which stands at 3.04 years), and the age of policies CT/1, CT/2, CT/4 and ST/2 the weight that can be ascribed to them would be reduced. Furthermore, only limited weight can be afforded to the submitted Local Plan. In these circumstances, the presumption in favour of sustainable development (NPPF paragraph 11d,(ii)) applies and requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF taken as a whole. The identified conflict with the Development Plan is considered to be 'harmful' within this exercise and will be considered within the overall planning balance for the proposal at the end of this report, to be weighed against the benefits.

Landscape and Settlement Character

In terms of the Core Strategy, saved policies of the Local Plan and the Neighbourhood Plan, this site is outside of the settlement limits of Queniborough and within a designated area of local separation (ALS) where Core Strategy CS11, saved Local Plan policies CT/1, CT/4 and Neighbourhood Plan Policy Q6 apply. These policies set out that development will be restricted except in the circumstances that the scale and design of the development would ensure that the predominantly open and undeveloped character of the area is protected and maintained.

It is noted that a scheme for up to 150 dwellings (ref. P/18/0309/2) was refused planning permission in 2018 on the same site, at a time when the Council could not demonstrate a five year housing land supply, on the basis that the site was outside of the settlement boundary and would cause harm to the area of separation and was therefore contrary to policies of the Core Strategy and saved policies of the Local Plan. Each application is to be determined on its own merits but it is recognised that the current application is essentially the same as the previous proposal, albeit with the addition of highway alterations at the crossroad, and that the policy context has evolved with the Queniborough Neighbourhood Plan, updated NPPF and emerging Local Plan with supporting evidence base and the current housing supply position.

The detail of scale, design and layout, as well as landscaping, would be assessed through reserved matters; however, the current application includes a Landscape and Visual Appraisal and supporting statements which, based on the potential landscaping and indicative layout, finds that the landscape character has the potential to absorb the development whilst retaining an adequate gap to protect the separate identities of Queniborough and Syston with the inclusion of a landscaped boundary on the southern edge of the site.

The site's location in an area of separation is of particular importance. The ARUP Green Wedges and Areas of Local Separation Addendum (May 2019) provides a recent assessment of the value of the area of separation between Queniborough and Syston to the character of the area in direct response to the promotion of this site through the

Local Plan process. In direct response to representations made for this site and in relation to consideration of the most appropriate boundary for ALS-j, the report states:

“ALS-J provides a critical gap between Queniborough, East Goscote and Syston. At the time of the assessment, the housing development to the east of Barkby Road had yet to be constructed and the southernmost built edge of Queniborough provided a durable and the most suitable boundary for the AoLS between Queniborough and Syston. The defined boundary was therefore appropriate.”

Since the time of the report, land to the east of Barkby Road has been developed, with residential development extending further south than the southern boundary of the application site. Land to the east of Barkby Road is outside of the Area of Local Separation and not directly encroaching towards Syston but does affect the setting of the site. It is noted that the southernmost edge of Queniborough (rear of properties on Avenue Road) is unchanged since the time of the report and can be considered to remain as a *“durable and the most suitable boundary for the AoLS between Queniborough and Syston”* to achieve the purposes of the Area of Local Separation.

A landscape sensitivity assessment of SHLAA sites (LUC, March 2019) includes an assessment of this site (PSH316). The assessment breaks down the elements of the countryside around the site and provides an independent assessment of its sensitivity to development. In terms of perceptual and experiential qualities on a scale of low, moderate or high, the assessment finds that the site is of moderate sensitivity to development, taking into account its horticultural use at the time of the assessment due to it retaining *‘rural characteristics, despite their close association with existing development’*. In terms of form, density, identity and setting of existing settlement development the site is noted to *‘play a positive role in maintaining the separation and identity of Syston and Queniborough’* and is of moderate sensitivity to development. The overall assessment of landscape sensitivity to a development scenario based on 2 – 3 storey residential housing was found to be *‘moderate’*, though it was noted that there are opportunities to increase tree cover at the settlement edges to enhance the well wooded character of the village and the self-contained character of the Wreake Valley.

Whilst limited weight can be assigned to the emerging Local Plan, the submission version retains the designation of the land between Queniborough and Syston as an Area of Local Separation due to its role in retaining the separate identities of the settlements, except in the circumstances that it can be demonstrated that proposals would maintain the separate identities of Queniborough and Syston, similar to the provisions of the adopted Development Plan.

Queniborough Neighbourhood Plan includes Policy Q6: Countryside and Landscape, which seeks to protect the character of the landscape and countryside, including maintaining the open and undeveloped character of areas of separation in line with CS11. This site would be outside of the settlement boundary and would therefore be contrary to Policy Q6 unless it is demonstrated that the separate identities of Queniborough and East Goscote would be maintained.

It is noted that the site would extend as far south as Queniborough Industrial Area and would not project further south than properties on the eastern side of Barkby Road. However, the existing space between Queniborough Industrial Estate and Syston is the narrowest separation between Queniborough and Syston and the physical separation distance in that specific area is not typical of ALS-j. The area is relatively flat and with low hedgerows which allow clear visibility between the rear of properties in Queniborough and Syston with the associated perception of there being limited separation. The development would erode a notable part of the area of separation, particularly when viewed from the public right of way and Barkby Road, albeit in the context of recent development to the east of Barkby Road.

The proposals suggest that substantial landscaping could be provided on the southern boundary which has the potential to mitigate the perception of reduced separation and address the LUC (March 2019) suggestion that there could be potential to increase tree cover on the settlement edges to enhance the well wooded character of the village and the self-contained character of the Wreake Valley. It is reasonable to expect that full details of landscaping could be secured through reserved matters.

It is considered that the overall scale of the development would present an incursion into a relatively narrow and open section of countryside between Queniborough and Syston which would have an impact on the physical and perceived separation between Queniborough and Syston. It is reasonable to expect that the amount of landscaping shown on the illustrative layout could mitigate the impact from outside views of the site to a certain extent but the overall layout of housing in this location would still have a notable impact on the appearance of this area of countryside and physically reduce the amount of space between settlements. It is therefore considered that the extent of built development encroaching towards the northern edge of Syston would have an adverse impact on the area of separation such that it would detract from the separate identities of the villages which would be contrary to Core Strategy Policy CS11, saved Local Plan policies CT/1 and CT/4, neighbourhood plan policy Q6 and emerging policies DS1, C1, EV1 and EV3. However, the potential to introduce a robust landscaped edge to the settlement could reduce the overall harm. Within the 'planning balance' under NPPF paragraph 11d), this is considered to be harm of some significance.

In addition to the impact on the area of separation, the proposals include alterations to the layout of Barkby Road / Queniborough Road / Rearsby Road / Syston Road crossroads to provide an additional left hand turn land from Rearsby Road onto Queniborough Road. The proposals include the widening of the carriageway and relocation of the footpath onto The Ringway. The crossroads are in the core of the village, though outside of the conservation area, and alongside the crossroads is a group of trees that are subject to a Tree Preservation Order. While highway safety is considered in a separate section of this report, the highway works would have an impact on the trees and relates to the wider impact of the proposals on the character of the area.

In this instance, the proposed highway works would have the following impact on trees (as detailed in the submitted Arboricultural Impact Assessment (AIA)):

- T12 (Common Lime on eastern side of Rearsby Road) – The AIA recommends removal but LCC recommend retention but with judicious pruning (not part of TPO group)
- T1 and T2 (Sycamores on western side of Rearsby Road) – To be removed (not part of TPO group)
- T5 and T6 (Common Lime and Norway Maple) – works within root protection area

It is noted that permission has recently been granted to undertake various works to trees within the Tree Preservation Order with further proposals to pollard to fell 1 x horse chestnut and reduce to 6m 1 x false acacia pending determination.

The loss of two trees on the western side of Rearsby Road is regrettable due to their contribution to the sylvan character surrounding the crossroads in the core of the village but the trees are not part of the group Tree Preservation Order, their location is physically constrained and the impact of their loss is to be weighed in the planning balance accordingly. The Local Highway Authority and the Council's Tree Officer are content that the works to the trees set out in the Arboricultural Impact Assessment would not have a significant impact on the integrity of the group Tree Preservation Order and that, with appropriate conditions, the harm would not be significantly adverse as to justify refusal on their own merits.

In conclusion, it is considered the proposals would fail to maintain the separate identities of Queniborough and Syston and would detract from the character of the countryside in this location. On that basis, it is considered that the proposals would conflict with the development plan; however, there is potential to reduce the level of harm to a certain extent by securing a robust landscaping strip on the southern boundary. Nevertheless, given the loss of physical space between settlements, there will remain a degree of harm to landscape interests which is to be weighed in the planning balance.

Infrastructure capacity

Queniborough is defined as an 'Other Settlement' in the Core Strategy. The supporting text for policy CS1 defines an 'Other Settlement' as having four or more services and facilities that could serve some day to day needs of the people that live there but otherwise do not have a good range of services or facilities. Some development was envisaged as part of the Core Strategy to protect and potentially increase the services and facilities within the 'Other Settlements' but it is noted representations from local residents have raised concern over a lack of facilities and insufficient capacity to accommodate further growth in Queniborough.

Policy CS1 makes provision for small scale development within the village boundaries. However, with up to 150 dwellings and the site being located outside of, but adjoining, the settlement boundary this site cannot be considered to be small scale or within the settlement. However, it is noted that the site is effectively abutted by existing development on three sides. Due to the scale and location of the development it would be contrary to policy and the supporting text which sets out that the level of services and facilities available in the village is inadequate to support growth of this scale.

This application has been subject to consultation with LCC Developer Contributions team and the NHS with regard to capacity in local services and facilities.

In terms of educational needs there is an existing undersupply of primary school places in the vicinity and LCC Education advise this development would give rise to a need for up to 45 x primary school pupils, 26 x 11-16 year olds, 5 x post 16 pupils and 2 SEND pupil. LCC Education have advised that the nearest primary school to the site is Queniborough Church of England and there is potential to create capacity at the school to accommodate the demand created from this site, subject to contributions being agreed in a s106 legal agreement. There is existing capacity at Wreake Valley Academy to accommodate secondary and post 16 education pupils from this development such that contributions are not necessary to address the need for post primary school children from this development. Early years providers are available in the vicinity but capacity is limited and any deficit could be overcome through S106 contributions, subject to agreement.

In terms of impact on health care, the NHS have advised that there is limited capacity at The County Practice and Jubilee Medical Practice to be able to accommodate the additional demand from this development. However, the consultation response sets out that S106 contributions could facilitate the extension of these practices to meet the additional demand which would be generated by this development but it is noted that there are existing capacity issues and the NHS request that if contributions are to be secured that they are scheduled to accommodate early occupations.

It is noted that comments on the original submission were received on behalf of University Hospitals, Leicester. While it is appreciated that the development could give rise to a degree of impact on hospitals in the area, the information provided does not provide sufficient clarity to show that there would be an increase in demand directly attributed to this development to meet the requirements of The Community Infrastructure Levy Regulations 2010 (Regulation 122).

The development would create additional demand on open spaces and civic amenity. However, similarly to education and NHS needs, consultee comments do not object to the principle of the development and set out financial contributions which would provide new facilities and improvements to existing facilities to cope with the extra demand arising from this development to be secured in a s106 legal agreement.

The limited range of services and facilities in Queniborough would result in residents of this site being required to travel for some of their day to day needs but S106 contributions can reasonably mitigate the additional demand on specific local services and facilities that could arise from this development to the extent that it is considered that the development would not cause significant adverse impact on the capacity of local services and facilities.

Subject to S106 legal agreement to secure appropriate obligations, the proposals are considered to be in accordance with CS3, CS13, CS15, CS17 and CS2 and NPPF paragraphs 54 – 56.

Highways

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

The proposal seeks approval for access which would be via a T junction onto Barkby Road and is accompanied by a Transport Assessment and safety audit. The statement sets out that the proposed dwellings would generate 116 two-way traffic movements in a peak hour along with 9 pedestrian journeys, 4 cycle journeys, and 6 bus journeys in a peak hour. The statement sets out that the majority of the additional journeys can be accommodated by the existing highway network but that existing delays at the Queniborough Road / Rearsby Road / Barkby Road / Syston Road crossroads would be made worse.

Following initial objections from the Local Highway Authority, further information was submitted by the applicant, including detail of off-site works to improve capacity at the Queniborough Road / Rearsby Road / Barkby Road / Syston Road crossroads. These include alterations which consist of widening the carriageway to allow creation of a left hand turn lane onto Rearsby Road. The highway works would require works to TPO street trees which are within the County Council's ownership.

Based on the additional information, the Local Highway Authority are now satisfied that safe access to the site can be achieved and that the traffic impacts generated by the site can adequately be addressed by off-site highway improvements to the extent that there are no highway objections, though this is subject to details being secured through planning conditions and a S106 legal agreement. In relation to impact on trees (subject of Tree Preservation Order), they are content that the works required to facilitate the road widening can be achieved without compromising their asset, subject to contributions and conditions.

Access is a detailed matter for consideration and the Local Highway Authority are content that the access onto Barkby Road and associated traffic mitigation measures to increase capacity at Rearsby Road / Queniborough Road junction is suitable and the wider impact of additional traffic on the local highway network is acceptable, subject to the highways works which could be secured through planning conditions and a S106 legal agreement. On that basis, the proposals are considered to comply with policies CS2, CS17, TR18 and paragraph 109 of the NPPF.

Housing mix

Policy CS3 of the Core Strategy and Policy Q12 of the Queniborough Neighbourhood Plan help define housing mix for this site. Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the up to 150 (up to 60) units should be

affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed. Neighbourhood Plan Policy Q12 requires new housing development to have regard to recent assessments of housing need within Queniborough with particular focus on older households and smaller homes.

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

The proposal is in outline and includes provision of 40% affordable homes. The size, type, and design of these are not currently known although it is anticipated that much of this detail would be established by later reserved matters. It would, however, be important to set down parameters relating to, the tenure mix and size of units required at outline stage and it is suggested that these could be included in a S106 legal agreement and a planning condition could be used to do this should permission be granted.

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

<i>Affordable social / affordable rented</i>	
1 bed	35%
2 bed	35%
3 bed	25%
4+ bed	5%

<i>Affordable home ownership</i>	
1 bed	20%
2 bed	40%
3 bed	30%
4+ bed	10%

Market	
1 bed	5%
2 bed	30%
3 bed	45%
4+ bed	20%

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

It is considered that a proposal which complies with Policies CS3 and Q12 could be achieved. The provision of up to 60 affordable units is also considered to be a significant benefit of the scheme which is to be weighed within the planning balance.

Indicative Layout

The application is for outline planning permission with all matters reserved except for access. The submission documents include an indicative layout, parameters plan and design and access statement. These documents set out the potential scale and density of development on the site along with potential recreational space, drainage and landscaping.

Whilst the detail of layout and house design would cumulatively define the character of the development and could be determined through reserved matters, it is reasonable to expect that the general layout of the site could provide for up to 150 dwellings (subject to details of density and house types) whilst meeting the drainage and recreational needs of the development. Furthermore, the sensitive location of the site within an area of separation has sought to be addressed through soft landscaping along the southern boundaries. The details of landscaping would need to be thoroughly assessed to ensure that it maximised potential to protect the appearance of separation. However, based on the information provided, there is scope for the development to achieve a design and layout that incorporates a degree of mitigation for any impact on the location and create a soft landscaped edge to the village, as suggested as being a potential opportunity by the LUC Landscape Study (2019).

The indicative layout does highlight potential issues, however, particularly the potential impact on residential amenity of neighbouring properties on Avenue Road and treatment of the public right of way which runs through the site. Any reserved matters application would be expected to demonstrate that adequate distance and privacy is afforded to existing properties in the vicinity of the site, both in terms of proximity of built form to adjoining property as well as overshadowing and protection of privacy. Similarly, any reserved matters application would be expected to maximise the amenity value of the public right of way through appropriate treatment of the route with potential to enhance views through the site towards Syston as far as possible as well as ensuring surveillance and optimising the amenity value for the site.

The indicative details demonstrate that there is potential for an appropriately designed development to be achieved at this site. It also is reasonable to expect that conditions could be included in any approval that requires any future reserved matters to include landscape details that are in broad accordance with the parameters plan. It is, therefore, officer's opinion that the indicative design and layout is acceptable and is in accordance with Core Strategy CS2, saved Local Plan policy EV/1, Queniborough Neighbourhood Plan Policy Q14 and the overarching aims of the NPPF section 12.

Relationship with neighbouring properties

The site is located to the immediate south of properties on Avenue Road and existing buildings of Queniborough Industrial Area.

The indicative layout seeks to respond to the potential adverse impact from the industrial area by retaining space along the western boundary of the site to provide drainage and create separation between the industrial area and residential property. The resultant distance between potential dwellings and existing industrial buildings is likely to be adequate to protect residential amenity, subject to the detailed design and layout of the development and acoustic mitigation recommended by Charnwood's Environmental Health Officers.

As set out above, the indicative layout shows proposed dwellings in close proximity to residential property on Avenue Road. Whilst there is no detail on height or design of the buildings, the relationship between proposed and existing dwellings would need to be acceptable. Details would need to be assessed through reserved matters, but it would be expected that any development of the site ensures that there is an appropriate relationship with existing property to protect amenity and private enjoyment of existing and proposed dwellings.

Whilst it is appreciated that development of the site would result in a significant change to the appearance of openness in the area for existing dwellings and the detailed design and layout of the development can only be assessed through reserved matters, the indicative plan demonstrates that, subject to some changes from the layout shown on the indicative layout, there is potential to achieve a suitable layout without causing significantly adverse impacts on the residential amenity and privacy of existing properties.

Flood risk and drainage

The majority of the site is located within flood zone 1 with the lowest risk of flooding. Policy CS16 of the Core Strategy seeks to ensure that the development is not at risk of flooding and that it does not cause flood risk elsewhere.

The application includes a Flood Risk Assessment which provides a detailed assessment of the site and potential drainage solutions. The indicative layout includes potential drainage features within the site based on topography with a drainage basin in the western aspect of the site. The LLFA agree that the proposals can make adequate provision for drainage within the site and that adequate investigation has been undertaken to inform any future reserved matters relating to the detailed design and layout of the site.

It is reasonable to expect that the proposal can be satisfactorily drained and that there would be no flood risk to future or existing residents. As a result, it would comply with Core Strategy Policy CS16 and Neighbourhood Plan Policy Q16.

Ecology and biodiversity impact

Policy CS13 of the Core Strategy and Policy Q8 of the Queniborough Neighbourhood Plan seek to ensure protected species are not harmed as a result of development proposals and, wherever possible, they should seek to enhance ecological benefit through landscape and drainage solutions. Saved Policy EV/1 of the Local Plan and Policies CS2, CS11, CS12 and CS15 of the Core Strategy seek to ensure that appropriate designs and layout are provided which deliver high quality development and the provision of appropriate green infrastructure is also a relevant consideration in this context. The NPPF also seeks to achieve biodiversity net gains and evidence has been provided to demonstrate how this could be achieved. The Council's Senior Ecologist has reviewed the application and the supporting documents.

The site is currently undeveloped agricultural land adjoining a settlement. The site has no particular wildlife or ecological designation and there are no recorded protected species within the site. Nevertheless, the site does provide an important greenfield area with mature planting on some borders. As such it provides a natural edge to the village and it is noted that comments received have referred to wildlife on the site.

It is noted that this is an outline application with approval sought for access only. The detailed design and quantum of development and open space would be determined at the reserved matters stage which would inform the actual impact on ecology from development of the site. Nevertheless, a baseline ecological assessment has been undertaken and agreed with CBC's Ecologist as well as a Biodiversity Impact Assessment based on the indicative layout having been undertaken. While there are some areas of dispute with the proposed biodiversity value of the site, the process has shown that it is reasonable to expect that provision can be made to avoid a net loss of habitat, either by on site provision (preferred), provided by the applicant on another site that they own or via off-setting contributions payable to the Council. On that basis, the Council's Ecologist does not object to the principle of the proposals based on full details being assessed based on any future reserved matters proposals.

As a result, there is no objection on biodiversity or ecology grounds to the principle of the development but should outline planning permission be granted this should be on the basis that a full and detailed assessment will be undertaken to support any reserved matters to ensure no net loss and biodiversity gains where practicable. Planning conditions could be attached to secure a detailed habitat mitigation strategy accompanied by a full biodiversity impact assessment and to ensure biodiversity was protected during the construction phase. Accordingly, the proposal is considered to comply with Development Plan policy CS13 and policy Q8.

Loss of agricultural land

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

Natural England designate the site as predominantly grade 2 agricultural land (grade 1 being the most valuable, grade 5 being least). Whilst the economic and other benefits of the existing agricultural land at this site are noted, it is of good quality but not to the extent that it would render the principle of the development as being unacceptable. The proposals are therefore to be considered on the balance of housing need versus any significant and adverse impact. In this case, it is considered that the loss of grade 2 land does not represent a significant or adverse loss that, on its own, would outweigh the benefit of providing housing and associated infrastructure on the site.

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

Infrastructure

Policy CS24 states that new development should contribute either on or off site to any infrastructure arising as a result of the proposal. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development based on the full proposals of 150 dwellings.

LCC Waste	A contribution of up to £7,750.50 is requested to provide additional capacity for the proposed development at Mountsorrel HWRC site.
LCC Libraries	A contribution of £4,541.40 for improvements to the library and its facilities, including, but not limited to, books, materials, or associated equipment or to reconfigure the internal or external library space to account for additional usage of the venue at East Goscote Library.
LCC Education	<ul style="list-style-type: none"> • Primary Schools - £642,460.00 (Queniborough Church of England Primary School) • Special Schools - £84,672.65 (Birch Wood (Melton Area Special School))
NHS	Healthcare contributions towards improving capacity at local surgeries consisting of £79,366.47 at the County Practice and Jubilee Medical Practice with contributions scheduled from first occupation.
Open Space	<ul style="list-style-type: none"> • Parks – 0.12ha on site • Natural and semi-natural open space – 0.72ha on site • Amenity green space – 0.17ha on site

	<ul style="list-style-type: none"> ● Provision for children – 1 LEAP on site, including 20m buffer ● Provision for young people – 1 NEAP, including 30m buffer or off-site contribution of £143,099 to meet development need through the provision of new or enhanced young people’s provision within Queniborough ● Outdoor sports facilities – 0.94ha off-site contribution of £48,247 for Syston Football Rugby Cricket and Tennis Club ● Allotments – 0.12ha onsite, or £16,938 for off site provision within Queniborough ● Indoor sport – Offsite contribution for 22 additional pool visits per week (this equates to an additional 3.64 sq m pool space at a cost of £68,128), 0.10 indoor courts (at a cost of £65,828) and 0.02 Indoor Bowls Rinks (at a cost of £9,720).
LCC Highways	<p>Contributions towards:</p> <ul style="list-style-type: none"> ● Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). ● Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £510.00 per pass). ● Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures. ● This travel plan will be monitored by LCC officers for the five-year duration of its life. Fees for this service are set at £6,000 for a full travel plan. ● Improvements to Public Footpath 184 between the development site and Avenue Road. ● Raised kerb provision at the nearest two bus stops Syston Rd (adjacent Barkby Rd) – 260007805 and at Syston Road (opposite Avenue Rd) - 260007804 at a cost of £3,500 per stop to support modern bus fleets with low floor capabilities.

Affordable housing	40% (77% rent, 23% shared ownership with the mix of affordable house sizes to be agreed at reserved matters stage)
NHS University Hospitals Leicester	S106 contribution of £71,184.00 requested to source additional, suitably qualified agency based staff to work alongside the permanent workforce in order to meet additional demand from an additional 282 acute interventions during the first year of occupation of each unit of the accommodation in the development.

The majority of these contributions are considered to be compliant with the requirements of Community Infrastructure Levy Regulation 122 although there are concerns that the contributions sought with regard to indoor sports facilities would not be so. This is because they are based on a national threshold that does not take into account existing provision or local need or circumstances. In addition, open space requirements for inclusion in any future reserved matters application (parks, natural and semi-natural open space, amenity green space and provision for children – 1 LEAP on site, including 20m buffer) are more appropriately addressed as conditions.

As a result, contributions towards indoor sport provisions are not necessary to make the development acceptable in planning terms but the rest of the contributions are considered to meet the requirements of regulation 122. Similarly, and as referenced above, requests from University Hospitals, Leicester are not considered to comply with CIL regulation 122 and it is advised that these should not be included within the S106 legal agreement.

Subject to a resolution to grant planning permission, details for a S106 legal agreement could be negotiated to secure infrastructure contributions on a pro-rata basis to meet the demands arising from the final number of dwellings which could be agreed through reserved matters.

Conclusion and planning balance

As there is currently an insufficient supply of deliverable housing sites (3.04 years), this application is to be determined on the basis of para 11d and the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

The development is situated adjacent to Queniborough, which CS1 defines as an ‘other settlement’ and a sustainable location for small scale residential development within its boundaries. This site is not small scale, is not within the defined settlement boundary and is in an area of local separation, but it is acknowledged as abutting existing development on three sides.

The development would provide up to 150 new dwellings, of which 40% would be affordable homes, at a time when there is an acute need for these and that would be a significant benefit of the scheme. These would be provided adjacent to a settlement in the Borough where there is a reasonable level of local facilities and a bus service to Loughborough and Leicester. The site offers the potential for quality design and an acceptable mix of housing. These matters should be afforded significant weight.

There are no technical constraints relating to highways or flooding that cannot be mitigated. Biodiversity impact and landscaping can be secured by way of planning condition, reserved matters and S106 legal agreement. There would be no harm to heritage assets or archaeology.

Weighed against this is the conflict with Development Plan policies relating to the Countryside and Area of Separation. The proposed development would be contrary to the relevant provisions of saved Policy CS1 and ST/2 based on its location outside the settlement boundary of an 'other settlement'. Policy CS11, Local Plan policies CT/2, and CT/4, and Neighbourhood Plan Policies Q6 seeks to protect the countryside and Areas of Local Separation with development only accepted in such areas if it clearly maintains the separation between the built-up areas of these settlements and the particular landscape characteristics of the area.

Taking into account the Charnwood Landscape Officer's comments, there would be harm to the particular characteristics of this part of the landscape and the Area of Local Separation would not be maintained due to the physical loss of space and the perceived encroachment of Queniborough towards Syston in a relatively flat and open area of countryside. The failure to fully maintain the separation of Queniborough and Syston would be contrary to adopted and emerging policy, however, it is noted that this would be contained in an area abutted by existing development on three sides and that this is an outline application with potential for conditions and reserved matters to be agreed. These could include greater detail on landscape mitigation than shown on the submission documents such that impact could be reduced to a certain extent and achieve the opportunity recognised by the LUC (2019) assessment of SHLAA sites to increase tree cover at the settlement edges to enhance the well wooded character of the village and the self-contained character of the Wreake Valley. However, a substantial increase to landscaping is likely to affect the developable area of the site and the number of units reasonably achievable and, therefore, the overall benefit of the development towards the provision of housing.

Although the emerging Local Plan can only be given limited weight, Policy DS1 sets out that sustainable development will be supported where it maintains the function of areas of local separation and goes on to state that these designations are integral to the spatial strategy to deliver growth whilst conserving and protecting the character of the Borough. DS1 makes reference to situations where there is not a 5 year housing land supply and states that proposals adjoining settlements are only likely to be permitted where they accord with other development plan policies, if not then the proposals will be considered to have significant adverse impacts. In this case, the application would be contrary to policy EV3 and therefore be viewed as causing significant adverse impact.

An assessment of the impact of residential development on an Area of Local Separation may be assisted by an appeal decision at land east of Cossington Road, Sileby (P/21/0491/2). While it should be noted that this is a different site with different physical constraints and issues, it does share some similarities to the site which is subject of this application and gives an indication of the material considerations to be taken into account as part of the planning balance. The appeal proposals were for up to 170 dwellings outside of, but abutting, the settlement boundary of a service centre (not an 'other settlement') and within a relatively narrow area of undeveloped greenfield between settlements designated as an area of local separation with proposals which would reduce the physical space of the Area of Separation but otherwise included a significant area of landscaped open space. The application was refused including a reason based on a failure to maintain the Area of Separation. However, the Inspector found that *"the proposed development would have a harmful effect on the character and appearance of the area in relation to the effect on landscape character and the physical reduction of the ALS. Therefore, it would not accord with CCS Policy CS11 (first bullet), CLP Policies CT/1, CT/4 and ST/2, and SNP Policy G1"*. The Inspector went on to find that *"Conversely, the development would maintain the separate identities of Sileby and Cossington and clearly maintain the separation between the built-up areas in accordance with CCS Policy CS11"* and concluded that, given the 3.34 years housing land supply at the time of the appeal (which is now 3.04 years) and that the emerging Local Plan was still some way off from adoption with unresolved issues, including Leicester's unmet housing need, the overall harm of the development did not significantly outweigh the benefits.

It is also noted that permission has previously been refused for similar proposals on this site (P/18/0309/2). Since that refusal there have been changes to the applicable material considerations, including revised NPPF (including housing need assessment methodology) and the Queniborough Neighbourhood Plan having become part of the Development Plan. However, Charnwood also has a persistent and worsening 5 year housing land supply with progress of the new Local Plan only recently having reconvened for the specific purpose of reviewing the HENA (2022) and associated approach to accommodating Leicester's unmet need, with further progress of the new Local Plan subject to agreement of significant issues such that the weight that can be assigned to emerging policies remains limited. The above mentioned appeal decision signifies that Area of Separation designation, in itself, is not sufficient to be regarded as 'significant and demonstrable' harm when weighed against benefits of a scale similar to this application. While the previous refusal for similar proposals on this site is noted, this application is to be determined on its own merits in the context of the current policy situation and 5 year housing land supply position.

The proposals subject of this application include works to a crossroads within the centre of Queniborough and representations on this element are noted, however, the Local Highway Authority raise no objections to the proposed road widening and accept that, based on these, there would be sufficient capacity within the local highway network to accommodate arising traffic. It is noted that the highway widening would impact trees but there are no objections from the Local Highways Authority owners of the trees or the Council's Tree Officer to the details of the work set out in the Arboricultural Impact Assessment, subject to planning conditions relating to implementation of the works.

The impacts of the proposed development on local infrastructure can either be offset within the application site or otherwise secured via commuted payments to improve facilities in the area.

There would be some harm from the loss of a small amount of best and versatile agricultural land but this in itself is not considered to be significant given the history of the site and the availability of land in the area.

The proposal is in conflict with the Queniborough Neighbourhood Plan; however, its policies do not meet a specified housing need and thus one of the criteria set out in NPPF paragraph 14 is not met, such that conflict with it is not regarded to be, in itself, 'significant and demonstrable' harm.

In conclusion, there are no technical reasons that would prevent approval, such as highways or drainage, but it is recognised that the proposals would fail to protect the separate identities of Queniborough and Syston through an erosion of physical and perceived space which would be contrary to adopted and emerging policies, and is therefore accounted for as significant harm. This is to be weighed in the planning balance of NPPF paragraph 11 d) whereby any adverse impact would need to significantly and demonstrably outweigh the benefits and, considering that the Council can only demonstrate 3.04 years supply, the benefit of providing housing, including affordable housing is also significant. Furthermore, as this is an outline application with potential for conditions and reserved matters to be agreed, there is reasonable scope that they be mitigated to a certain extent, reducing their harmfulness, and appeal decisions on this matter give an indication of the weight to be assigned to such harm versus the benefit of providing much needed housing.

Given that there is scope to impose conditions to mitigate harm to the area of separation to a certain extent, it is considered that, overall, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

The application is therefore recommended to be supported subject to appropriate planning conditions being attached and contributions being secured to support local infrastructure as part of a S106 Legal Agreement, as set out below.

RECOMMENDATION

RECOMMENDATION A:

That authority is given to the Head of Planning and Growth and the Head of Governance and Human Resources 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:

Affordable housing	40% (77% social or affordable rent, 23% shared ownership) and unit sizes
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Provision of public open space	<ul style="list-style-type: none"> a. Provision for young people – 1 NEAP, including 30m buffer or off-site contribution of £143,099 to meet development need through the provision of new or enhanced young people’s provision within Queniborough b. Outdoor sports facilities – 0.94ha off-site contribution of £48,247 for Syston Football Rugby Cricket and Tennis Club c. Allotments – 0.12ha onsite, or £16,938 for off site provision within Queniborough
Highways improvements	<ul style="list-style-type: none"> a. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). b. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £510.00 per pass). c. Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures. d. This travel plan will be monitored by LCC officers for the five-year duration of its life. Fees for this service are set at £6,000 for a full travel plan. e. Raised kerb provision at the nearest two bus stops Syston Rd (adjacent Barkby Rd) – 260007805 and at Syston Road (opposite Avenue Rd) - 260007804 at a cost of £3,500 per stop to support modern bus fleets with low floor capabilities.
Education and early years	<ul style="list-style-type: none"> a. Primary schools (£642,460 or per dwelling equivalent) for the provision, improvement, remodelling or enhancement of education facilities at Queniborough Church of England Primary School or any other school within the locality of the development, or the construction of a new school. b. Special schools (£84,672.65 or per dwelling equivalent) for the provision of additional capacity at Birch Wood or pooled, where appropriate, to provide additional capacity at the school nearest to the development.
Libraries	£4,541 (or per dwelling equivalent) for East Goscote Library

Waste	£7,750.50 (or per dwelling equivalent) for Mountsorrel HWRC
Healthcare contributions	Improving capacity at local surgeries consisting of: a. The County Practice and Jubilee Medical Practice - £79,366.47 (or per dwelling equivalent)
Biodiversity Mitigation	To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. a. To submit an updated Biodiversity Impact Assessment b. To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. c. Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council.

RECOMMENDATION B:

That subject to the completion of the S106 agreement in recommendation A above, grant Conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions.

Planning conditions:

1. Application for the approval of the reserved matters shall be made within two years of the date of this permission and development shall commence within three years of the date of this permission or within two years of the date of approval of the last of the reserved matters, whichever is the later.

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.

2. 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.

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.

3. The development hereby approved shall be carried out in broad accordance with the following plans and approved documents and provisions therein:
 - a. Travel Plan (ADC, June 2021)
 - b. Transport Assessment (ADC, 2021)
 - c. Landscape and Visual Appraisal (Golby and Luck, 2018)
 - d. Flood Risk Assessment (Race, 2017)
 - e. Drainage Strategy Plan (Race, 2018)
 - f. Noise Survey and Assessment (Assured Acoustics, 2018)
 - g. Arboricultural Impact Assessment and Method Statement (FPCR, 2022)
 - h. Arboricultural Impact Assessment Supporting Letter (FPCR, 2022)
 - i. Design and Access Statement (Pegasus, 2018)

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

4. The landscaping details submitted pursuant to condition 2 above shall include provision for the following:
 - a. Parks – 0.12ha on site
 - b. Natural and semi-natural open space – 0.72ha on site
 - c. Amenity green space – 0.17ha on site
 - d. Provision for children – 1 LEAP on site, including 20m buffer
 - e. The treatment proposed for all ground surfaces, including hard surfaced areas;
 - f. Planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt along the southern boundary of the site;
 - g. Finished levels or contours within any landscaped areas;
 - h. Any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.
 - i. Functional services above and below ground within landscaped areas; and. all existing trees, hedges and other landscape features, indicating clearly any to be removed.
 - j. A programme for the implementation of the landscaping details, to include phasing and timescales

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

5. No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, public open spaces/play areas/tree planting areas and other incidental open spaces, other than domestic gardens, has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with policies CS2 and CS11 of the Core Strategy.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with policies CS2 and CS11 of the Core Strategy.

7. The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels. The development shall be implemented in accordance with the approved details.

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

8. The development shall not be occupied until a Landscape and Biodiversity Management Strategy has been submitted in accordance with the agreed reserved landscape matters and agreed in writing by the local planning authority. Thereafter, works will be carried out in full and in accordance with the agreed timescales within the Landscape and Biodiversity Management Strategy.

REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensures compliance with policies CS2 and CS14 of the Development Plan and associated national and local guidance.

9. Prior to the commencement of the development hereby approved an Arboricultural Method Statement, prepared in accordance with BS 5837: 2012 Trees in Relation to Design, Demolition and Construction, shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out only in accordance with the approved details. The Arboricultural Method Statement shall include the specification, location and phasing for the installation of tree and hedge protection measures and a schedule of all proposed tree and hedge works including the reason for such works. No trees or hedges shall be wilfully damaged, cut down, uprooted, pruned, felled or destroyed except for the trees and hedges to be removed to facilitate the development, without the prior written consent of the Local Planning Authority.

REASON: In the interests of the health and amenity value of the trees and hedgerows and to ensure that any works to trees and hedgerows is in accordance with the approved development of the site.

10. Development shall not commence until a construction management plan has been submitted to, and approved in writing by the local planning authority. The plan shall provide for:
- a. the parking of vehicles of site operatives and visitors;
 - b. arrangements for turning vehicles;
 - c. routes for the use of construction traffic;
 - d. means of protecting pedestrians and cyclists;
 - e. a method of preventing mud from being carried onto the highway;
 - f. a method of controlling dust and debris from construction;
 - g. delivery, demolition and construction working hours.

The approved construction management plan shall be adhered to throughout the construction period for the development.

REASON: To protect the amenity of neighbouring residents and the local environment during construction.

11. No development shall take place above slab level unless details of external lighting have been submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: For the avoidance of landscape and ecological impact.

12. The details submitted pursuant to condition 2 shall include full details for the storage of refuse and materials for recycling, including bin collection points. The development shall be implemented in accordance with the approved details.

REASON: To ensure appropriate access and appearance

13. No construction above damp proof level shall be commenced until such time as details of the type, texture and colour of the materials including make and manufacturer to be used on the external surfaces of the proposed development have been submitted for the agreement of the Local Planning Authority. Only materials agreed in writing by the Local Planning Authority shall be used in carrying out the development.

REASON: To ensure that the appearance of the completed development is satisfactory.

14. No dwelling shall be occupied until such time as details of the way in which any children's play areas are to be laid out and landscaped including details of boundary treatment and any structures to be erected and a programme of implementation has been submitted to and agreed in writing by the Local

Planning Authority. The play areas shall be provided in accordance with the approved details and programme.

REASON: To ensure such areas are properly laid out and landscaped in the interests of general amenity.

15. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure appropriate assessment and mitigation of potential sources of contamination.

16. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing ADC1659-DR-001 Rev P2 have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

17. No part of the development shall be occupied until such time as the offsite works at Rearsby Road / Queniborough Road / Barkby Road / Syston Road shown on Tree Protection Plan drawing number 8151-T-03 Rev A have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

18. The development hereby permitted shall be carried out in accordance with the Travel Plan ADC1659-C which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).

19. No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted and approved in writing by the Local Planning

Authority, including improvements to Public Footpath 184 between the development site and Avenue Road. Such a scheme shall include provision for their management during construction, fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers (attached for information). Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

REASON: to protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

20. 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 implemented in accordance with the approved details.

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

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

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

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

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

23. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

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

24. No development shall commence until details of the noise attenuation measures required to achieve levels in accordance with BS8233:2014 as outlined in the Noise Survey and Assessment produced by Assured Acoustics (reference AAL-17-0065 Report R1 dated 24/01/2018) have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the noise mitigation measures have been provided in accordance with the approved details and shall thereafter be retained in perpetuity.

Reason: To protect the reasonable residential amenity of future occupants from existing sources of noise.

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, Q1, Q4, Q5, Q6, Q7, Q8, Q9,, Q12, Q13, Q14 and Q16 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> To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk

4. The point of contact for LCC supervision during excavation work with air spade/soil vacuum:

Stewart Marshall - Forestry & Arboriculture Officer

Stewart.marshall@leics.gov.uk

077703 46754

Paul Griffiths – Forestry & Arboriculture Officer

Paul.griffiths@leics.gov.uk

07973 241462



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