

Item No. 3

Application Reference Number P/21/0869/2

Application Type:	Outline Planning Permission	Date Valid:	15 th April 2021
Applicant:	Swithland Homes		
Proposal:	Outline application for up to 40 dwellings with all matters reserved except access.		
Location:	97 Gynsill Lane, Anstey.		
Parish:	Anstey Parish	Ward:	Anstey
Case Officer:	Linda Walker	Tel No:	07534224519

1.0 Background

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation, as the development is a major application set outside the settlement limits for Anstey, and therefore represents a departure from the adopted development plan. The application has also been subject of 'call in' by Cllr Taylor.
- 1.2 The description of the application originally proposed upto 50 dwellings, and this description has since amended proposing upto 40 dwellings, more akin with the allocation for 30/35 dwellings, identified in the housing allocation policy.
- 1.3 The application is in outline. All matters are reserved apart from access.
- 1.4 Cllr. Deborah Taylor has requested the application is called in to Plans Committee, on the following grounds:
 - The amount of housing in Gynsill Lane; and,
 - Traffic issues

2.0 Description of the application site

- 2.1 The application site comprises a residential property and garden (97 Gynsill Lane) and former nursery to the rear (97a) with associated buildings. The site is to the rear of an existing group of housing developments situated to the south of Gynsill Lane and between the centre of the village of Anstey and the A46 (Leicester Western Bypass). It is 1.40 hectares and takes access from Gynsill Lane. The site sits close to the edge of the Borough boundary, and to the south of Anstey, north of Glenfield, which is under the administrative area of Blaby District Council. The site frontage is within the Anstey village settlement limits; the developable area mostly sits outside the village limits. The site is relatively flat, with a slight incline in a south eastly direction from the access/highway where the disused buildings are sited, from the past nursery.
- 2.2 Existing housing developments are situated to the northwest in linear form, along Gynsill Lane and a further in-depth housing development abuts part of the southwestern edge of the site, which is accessed from Nursery Rise to the south.

- 2.3 A dense hedgerow defines the other part of the of the southwestern, along with the southern boundary. An open green wedge of land lies beyond the site to the south and the existing developments exist further to the east of the site.
- 2.4 The site is located in a flood zone 1 area, the least likely area to flood. The site is not in a designated Conservation Area, nor are there any listed buildings in close vicinity to the site. In addition, there are no archaeology constraints in the locality. There are no protected trees within the site or abutting the sites boundaries.

3.0 Description of the proposal

- 3.1 The application is for outline planning permission, proposing upto 40 dwellings with all matters reserved apart from the access.
- 3.3 An indicative layout plan indicates 38 dwellings (albeit the application description is upto to 40) with a mix of semi-detached, small terrace and some detached dwellings. The existing pond is be retained and there is an area of land dedicated to a LEAP and a detention basin (SuDs feature).
- 3.4 This Outline Planning Application is accompanied by the following supporting information:
- Design and Access Statement
 - Indicative layout plan
 - Topographical survey
 - Flood Risk Assessment and Flood report
 - Transport Report and further accompanying information
 - Ecological Report and Biodiversity Impact Assessment

4.0 Development Plan Policies

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

Charnwood Local Plan Core Strategy

- Policy CS1 - Development Strategy
- Policy CS2 - High Quality Design
- Policy CS3 - Strategic Housing Needs
- Policy CS11 - Landscape and Countryside
- Policy CS13 - Biodiversity and Geodiversity
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS 18 - The Local and Strategic Road Network
- Policy CS 24 - Delivering Infrastructure
- Policy CS25 - Presumption in favour of sustainable development

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

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

- Policy ST/2 Limits to Development
- Policy CT/1 General Principles for areas of countryside
- Policy CT/2 Development in the Countryside
- Policy EV/1 Design
- Policy TR/18 Parking in New Development

5.0 Other material considerations

The National Planning Policy Framework (NPPF 2021)

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

- Section 2: Achieving sustainable development
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 12: Requiring well-designed places.
- Section 14: Meeting the challenge of climate change, flooding and coastal change

5.2 Planning Practice Guidance

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

5.3 National Design Guide

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

5.4 Leicestershire Housing and Economic Needs Assessment (HENA) – 2022

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

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

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

5.6 Design Supplementary Planning Document (January 2020)

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

5.7 Leicestershire Highways Design Guide

The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking expected to be provided in new housing development.

5.8 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'.

5.9 Technical Housing Space Standards (2015)

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

5.10 Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

5.11 Equality Act 2010

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

5.12 The Draft Charnwood Local Plan 2019-37

This document was submitted for examination in December 2021. It sets out the Council's strategic and detailed policies for the plan period 2019-37. A number of hearing sessions have been held on some matters in June 2022. 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, hearing sessions will resume early next year.

At this stage the emerging Local Plan is generally given limited weight in the assessment of planning applications depending on the degree of contention there is with its policies through the Examination process.

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

- Policy DS1: Development Strategy
- Policy DS2: Leicester and Leicestershire Unmet Needs
- Policy DS3: Housing Allocations
- Policy DS5: High Quality Design
- Policy SC1: Service Centres
- Policy C1: Countryside
- Policy H1: Housing Mix
- Policy H3: Internal Space
- Policy H4: Affordable Housing
- Policy EV1: Landscape
- Policy EV2: Green Wedges
- Policy EV3: Areas of Local Separation
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7: Tree Planting
- Policy EV9: Open Spaces, Sport and Recreation

5.13 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.

5.14 Neighbourhood Plan

An application for the Anstey Neighbourhood Plan has been made to Charnwood Council (CBC) (2019). The policy team have recommended that the designation of the whole of the Parish, identified on the Neighbourhood Area application map, as a Neighbourhood area. However, the Anstey Neighbourhood Plan is still in the process of being prepared for submission, examination and adoption and as such carries no weight.

6.0 Relevant Planning History

Reference	Description	Decision
97 Gynsill Lane		
P/14/1112/2	Erection of 2 storey extension to side of dwelling (revised scheme of P/10/1652/2)	Granted – 15/08/14

P/10/1652/2	Erection of 2 storey extension to side of dwelling	Granted – 17/2/00
P/08/2993/2	Erection of bungalow to rear of existing house	Appeal dismissed
P/00/2186/2	Single storey extensions to rear and side and insertion of 1 dormer to front and 3 to rear of detached dwelling	Granted - 12/12/00
97A Gynsill Lane		
P/93/1037/2	Retention of standing for one caravan (renewal 88/0294/2)	Granted 21/06/93
P/88/0294/2	Retention of standing for one caravan	Granted 30/03/88
P/82/2900/2	Retention of one caravan	Granted 08/12/82
P/77/1520/2	Continued standing of one caravan	Granted 08/09/77

7.0 Responses of Consultees & Other Comments Received

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

Consultee	Response
Leicestershire Lead Local Flood Authority - LCC	<p>Leicestershire County Council as Lead Local Flood Authority (LLFA) advises that:</p> <p>The site is located in a flood zone 1 area being a low risk from flooding. No objections to the application subject to conditions being imposed relating to drainage.</p>
Housing Strategy & Support CBC	<p>In accordance Policy CS3 and the NPPF the Applicant is required to provide a minimum of 30% (15) of the dwellings on site as Affordable Dwellings.</p> <p>Of the 15 Affordable Dwellings, a minimum of 67% (10) should be for social/affordable rent and up to 33% (5) shared ownership.</p> <p>This is to ensure that a minimum of 10% on-site provision is in the form of affordable homeownership as per the requirements of the NPPF. This is a slight departure from the mix identified within the Housing SPD.</p> <p>The housing mix indicated by the applicant does not meet identified housing need as evidenced within the HENA and Anstey Housing Needs Study. It is recommended that the following mix is applied:</p> <p>Affordable/Social Rent</p> <ul style="list-style-type: none"> • 1 bed 2 person house/maisonette with the GF having a level access shower. • 2 bed 4 person house • 3 bed 5 person house • 4 bed 7 person house

	<p>The adopted SPD seeks to secure affordable housing as meeting NDSS and M4(2) of building regulations and accommodate the following: -</p> <ul style="list-style-type: none"> • 1 bed: 2 person household • 2 bed: 4 person household • 3 bed: minimum 5 person household • 4 bed: minimum 7 person household <p>House type drawings should show a proposed layout to demonstrate the property meets the appropriate household size in the next planning phase.</p> <p>In accordance with Policy HSPD8 the Affordable Housing should be distributed across the site in clusters of no more than 10 dwellings. This should be indicated on the Affordable Housing Scheme provided prior to the next planning phase.</p> <p>The tenure split and housing mix will need to be included within the S106, as should the above requirements on space standards, clustering and layout.</p> <p>The cascade element within the Adopted Housing SPD should be included within the S106 Agreement.</p>
<p>Leicestershire County Council – Highways</p>	<p>No objections subject to conditions:</p> <ul style="list-style-type: none"> • Implementation of agreed access • Vehicle visibility splays • Pedestrian visibility splays • Drainage details • Off-site works to be implemented • Construction management plan submitted for approval <p>Planning obligations:</p> <ul style="list-style-type: none"> • Travel pack (one per dwelling) (£52.85 per pack) • 6 months bus pass (two per dwelling) (£360 per pass) • Raised kerb at the nearest two bus stops to the site to support modern bus fleets £5,000.00 per stop (£10,000.00) • Information display cases at two nearest bus stop on Gynsill Lane £120.00 each (£240.00).
<p>Leicestershire County Council - Education</p>	<ul style="list-style-type: none"> • Early Years – No Contribution sought • Primary School Sector – £4377.70 contribution per dwelling towards provision, improvement, remodelling or enhancement of education facilities at The Latimer Primary School, Anstey • Secondary School Sector - £17,876.60 contribution per dwelling towards provision,

	<p>improvement, remodelling or enhancement of education facilities at Martin High School, Anstey.</p> <ul style="list-style-type: none"> • Post 16 Sector – No contribution is sought • Special needs School Sector – No contribution is sought
Leicestershire County Council - Libraries	£1510 contribution towards the enhancement of Anstey Library.
Leicestershire County Council - Waste Management	£2584.00 contribution towards improvement of the HWRC at Mountsorrel HWRC site
Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS)	£24,153.60 contribution towards increasing the capacity of The Anstey Surgery and the Glenfield Surgery, to be paid prior to first occupation.
Charnwood Open Spaces	<p>Raises no objection subject to on-site/off-site contributions:</p> <ul style="list-style-type: none"> • 0.04ha on-site accessible multi-functional green space area • 0.24ha on-site natural and semi-natural open space • 0.06Ha Amenity Green Space • One on-site LEAP (Provision for Children) • One on-site equipment/ facilities for Young People Local alongside LEAP or off-site contribution of £47,700.00 • £16.469.00 off-site contribution for Outdoor Sport facilities • £5.646.00 off-site contribution for creation of additional allotments. <p>Off-site Indoor sports:</p> <ul style="list-style-type: none"> • Swimming pools £22.709.00 • Indoor Courts £21.974.00 • Bowling rinks £3.240.00
Natural England	No objections
Charnwood Landscape	<p>No objections - subject to conditions</p> <ul style="list-style-type: none"> • Tree Landscape proposals incorporating tree planting • Tree protection • Arboricultural method statement – to demonstrate how arboricultural impacts will be mitigated
Charnwood Biodiversity	No objection subject to obligations as part of S106 are prepared to include:

	<ul style="list-style-type: none"> • To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. • To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. • 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/or pay the Biodiversity Impact Compensation to the Council. <p>Following planning conditions also need to be imposed:</p> <ul style="list-style-type: none"> • Lighting Scheme • Construction Environmental Management Plan • Boundary Treatment • Landscape & Habitat Management Plan
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Neighbours & Ward Councillors consulted

<p>Cllr Deborah Taylor & Cllr Paul Baines</p>	<p>Concerns raised regarding:</p> <ul style="list-style-type: none"> • Access onto busy road • Limited bus services • Schooling in Anstey • Safety of pedestrians accessing footpaths • Request for a signalled crossing across Gynsill Lane <p>Welcome the new footway proposed and the improvement to bus stops.</p>
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<p>Anstey Parish Council</p>	<p>Concerns raised regarding:</p> <ul style="list-style-type: none"> • Access onto busy road • No access to footpaths • Overdevelopment of site • Outside the built up limits • Lack of infrastructure
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Responses to publicity

From	Comments
<p>12 letters of objection received from local residents</p>	<p>The majority of objections received are concerned by the over development of village over the past 10 years in general – all other applications for larger developments in the village are also referred to and those objections include:</p> <ul style="list-style-type: none"> • Objections to other larger developments in Anstey • Road infrastructure/highway safety/pedestrian safety

	<ul style="list-style-type: none"> • Is there a need for more housing in Anstey • Additional parking improvements • Childrens safety around the schools • Improvements to doctors surgery • Improvements on-street parking Groby Road & Bradgate Road • Congestion on surrounding roads • Pollution • Clearer road markings required at Nook roundabout • Relocation of bus stop on Leicester Road • Issues from other developments no being resolved (not stated the issues) • Improvements to open green space and wildlife • Listen to the people of Anstey • Limited school places • Impact on trees • Nursery not selling goods to the public for many years and can't be considered in relation to traffic movements • Noise and disturbance • Isolated development in a small green wedge • Loss of privacy to occupiers of 99 Gynsill Lane
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8.0 Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), Minerals and Waste Local Plan (2019).
- 8.2 The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. 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.
- 8.3 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 generally nationally designated areas such as SSSI's, designated Local Green Space, AONBs and designated heritage assets. In this case, the site is not in an area specifically protected by

the NPPF such that the NPPF's presumption in favour of sustainable development and the 'tilted balance' applies.

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

- Principle of development
- Housing mix
- Landscape & Visual Impact
- Impact on Trees
- Design & Layout
- Ecology and biodiversity
- Open Space
- Impact on residential amenity
- Land contamination
- Highway matters
- Flooding and drainage
- Planning Obligations/ S106 Contributions

9.0 Planning Assessment

9.1 Principle of the Development

- 9.1.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Leicestershire Minerals and Waste Local Plan (2019), the Charnwood Local Plan 2011-2028 Core Strategy (2015), those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004), which have not been superseded by the Core Strategy.
- 9.1.2 The application site is located in the open countryside, at the edge of the Development Limits to the settlement of Anstey, as established under "saved" Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. The principle of development is guided by local plan policies CS1 of the Charnwood Core Strategy (2015) Policy CS1 of the Core Strategy, which outlines the development strategy for the borough and the distribution of sustainable growth. Policy CS1 seeks to provide at least 3,000 new homes within and adjoining the Service Centres 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
- 9.1.3 Saved Local Plan Policy ST/2 defines the Limits to Development, and states that built development will be confined to allocated sites and land within Limits to Development, subject to specific exceptions (set out in saved Local Plan Policy CT/1). The proposed development of up to 40 dwellings is outside the defined Limits to Development of Anstey

and does not meet any of the exceptions listed in Policy CT/1. Therefore, the proposed development is contrary to adopted Local plan policies ST/2 and CT/1.

- 9.1.4 Policy CS11 of the Core Strategy is also relevant as the site is located in the countryside. The policy requires new developments to protect landscape character and sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments and maintain the separate identities of our towns and villages. These impacts are considered later in this report.
- 9.1.5 Policies CS1 and CS11 of the Core Strategy and policies ST/2 and CT/1 of the Borough of Charnwood Local Plan are considered the most important for making a decision on this planning application because they relate to the supply of housing and also the consideration of effects upon areas of countryside more generally.
- 9.1.6 The NPPF is a material consideration in the determination of this application. The NPPF sets out that policies should be reviewed every 5 years and that Local Planning Authorities should identify a supply of specific deliverable sites to provide a minimum of 5 years' worth of housing. As of 9th November 2020, the Core Strategy became more than 5 years old. As required by NPPF paragraph 74, where Local Plans are more than 5 years old local housing need is to be assessed based on the standard methodology set out in national planning guidance. The standard methodology requires delivery of 1,160 dpa. The Local Planning Authority can currently demonstrate 3.04 years housing land supply (at 31/3/22) and the Core Strategy is more than five years old.
- 9.1.7 Accordingly, as the application involves the provision of housing, policies CS1 and ST/2 are considered out of date. Policy CS1 can be given moderate weight as the overall growth strategy for the Borough is based upon directing development to the most sustainable locations, in accordance with the NPPF. The weight that can be given to ST/2 is very limited as the defined limits to development restrict housing development. Policies CS11 and Local Plan policy CT/1 are both over 5 years old and are considered to be out of date.
- 9.1.8 As the application relates to the provision of housing, and the Council cannot demonstrate a 5-year supply, the presumption in favour of sustainable development set out in paragraph 11d) of the NPPF applies. Paragraph 11d) states:

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

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

Paragraph 11d has two parts, part (i) and part (ii) known as the 'tilted balance'. The report below sets out which part is considered to apply to this proposal.

- 9.1.9 In conclusion, the proposed development of upto 40 dwellings in this open countryside location is contrary to the adopted Development Plan, policies CS1, ST/2 and CT/1.

Compliance with policy CS11 is considered later in this report. It is considered that weight can be given to the adopted policies, in the context of their age and the lack of 5-year supply. Policy CS1 can be given moderate weight, policy ST/2 limited weight and policy CT/1 reduced weight, as the development does not meet any of the exceptions listed in policy CT/1.

9.1.10 The emerging Local Plan has been submitted for Examination and is a material consideration. Emerging policy DS1 states that new development is to be confined to allocated sites or within Limits to Development. Policy DS3: Housing Allocations proposes to allocate DS3 (HA13) Land at Park View Nursery Site Off Gynsill Lane, Glenfield for 35 dwellings, with biodiversity points to be considered. The application site accords exactly with the emerging Local Plan allocation.

9.1.11 It is acknowledged that the emerging Local Plan is not yet adopted. However, weight can be given to the emerging policies, as set out in NPPF paragraph 48. Emerging Policies DS1, DS3 and C1 have all been submitted for Examination and are thus at an advanced stage in preparation. Emerging policies DS1, DS3 and C1 are considered to be consistent with the NPPF but are subject to a degree of contention. Therefore, overall, it is considered that limited to moderate weight can be given to these policies in the determination of this application. The site is enclosed by hedgerow planting, forming a natural enclosure or end to what is perceived as the built-up framework. Apart from a modest green wedge, the site is directly adjacent to another site allocation HA12 for 260 dwellings, on land fronting Gynsill Lane, and both allocations demonstrate Charnwood Council forward vision for Gynsill Lane.

9.1.12 It is considered that the emerging policies can be given limited to moderate weight, in accordance with NPPF paragraph 48. This, and the conflict with the emerging policies will be considered further in the planning balance below.

9.2 Housing Mix

9.2.1 Policy CS3 (Affordable Housing) of Core Strategy outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 30% of the units should be affordable homes to meet local needs. Similarly, paragraph 63 of the NPPF also allows for affordable housing contribution on major development sites of 10 or dwellings.

9.2.2 The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed. These policies generally accord with the NPPF and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

9.2.3 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:

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

Affordable home ownership	
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%

- 9.2.4 Core Strategy Policy CS3 requires all new housing to be built to lifetime homes standards, where feasible. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be provided. The policy generally accords with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy. Lifetime Homes standard has been superseded by the new Building Regulations Part M4(2) and M4(3).
- 9.2.5 This policy and emerging policy H1 seeks a mix of house types, tenures and sizes to meet overall needs in the Borough in line with up-to-date evidence. Policy H2 seeks at least 10% of new market homes on major sites to meet Building Regulations Part M4(2) standards for accessible and adaptable and an appropriate proportion of affordable homes to meet M4(2) and/or M4(3). Policy H4 seeks 30% affordable housing from major housing developments (67% affordable homes for rent and 33% affordable homes for ownership).
- 9.2.6 This policy generally accords with the National Planning Policy Framework and does not conflict with the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy. The proposal is in outline and includes an undertaking to provide 30% affordable homes. The size, type, tenure and design of these are not currently known, although it is anticipated that much of this detail would be established by later reserved matters and/or the discharge of s106 obligations (see comments from the Housing Strategy and Support Manager above).
- 9.2.7 It would, however, be important to set down specification of the size of units required at outline stage and it is suggested that the s106 legal agreement could be used to do this.
- 9.2.8 With regards to housing mix, it is considered that a proposal which complies with Core Strategy Policy CS3, and emerging Local Plan policies H1, H2 and H4 could be achieved, subject to conditions and the content of a s106. A condition to secure that the new dwellings meet lifetime homes standard is not proposed as the standard is superseded. A condition is recommended to secure development in accordance with the new Building Regulations standards, as the emerging policy H1 is at an advanced stage, is in accordance with the NPPF paragraph 130 and has limited objections. An appropriate housing mix will be considered at reserved matters stage, in accordance with the latest evidence of need. The provision of affordable units would be secured in the S106 agreement and is also a significant benefit of the scheme which should be given weight within the planning balance.

9.3 Landscape and Visual Impact

- 9.3.1 Policies CS2 and CS11 of Charnwood Core Strategy are concerned with protecting the landscape and ensuring new development does not result in visual harm. These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.3.2 The site lies within the outline boundary of the Charnwood Forest (sub area Rothley Brook) as defined by the Borough of Charnwood Landscape Character Assessment (LCA) (2012) though this is not apparent as it lacks key attributes of the Character Area and has a very strong association and connection to the Glenfield part of Leicester City. The Charnwood Forest Landscape Character Assessment (2019) excludes this site and land to the south of the A46, the site nevertheless forms part of the upper landform of the Rothley Brook corridor.
- 9.3.3 It includes a domestic property and a plant nursery (PSH460), an agricultural function notwithstanding its peri-urban character. The garden of 97 Gynsill Lane is mature and well treed with a pond to the frontage. The nursery is disused and in derelict condition with a pond and mature hedgerow of mainly rural in character.
- 9.3.4 The site was assessed in the Charnwood Landscape Capacity and Sensitivity Assessment Addendum February 2021 for the Borough of Charnwood. It was found to have as having a strong rural secluded character, although not performing “as a significant part of the green wedge” and although having a role in separation, of not making any significant contribution to the sense of separation between Leicester and Anstey.
- 9.3.5 Whilst the site has low sensitivity for 2-3 storey dwellings the site does have landscape features which would be vulnerable to change, and which will need effective protection, such as:
- The ponds within the site
 - The significant tree adjacent to the access
 - The tall mature trees endowed hedgerow.
 - Its minor role in supporting the functions of the Green Wedge GW-1(A)
- 9.3.6 The Green wedge opportunities would include the potential to create a link off site between the site and the nearby Public Right of Way J70, to the north of the site and the wider landscape beyond.
- 9.3.7 It is considered that providing the layout and design of the dwellings submitted at reserved matters stage responds effectively to the protection and retention of the existing landscape features, and the application is supported by the relevant mitigation /protection measures, the outline permission can be supported as overall the development would accord with policies CS2, CS11 and CS12 of the Adopted Core Strategy and the Landscape Character Appraisal (2012).

9.4 Design and Layout

- 9.4.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 supports development that is of a design, scale, layout and mass compatible with the locality and which uses materials appropriate to the

locality. These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them. Policies CS2 generally accords with the National Planning Policy Framework and does not conflict with the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy.

9.4.2 As this proposal is in outline, approval of the design and layout is not currently sought. However, an indicative layout (only) plan has been submitted that indicates the site can satisfactorily accommodate 38 dwellings with access, open space, retention of the existing pond and the installation of a Sustainable Drainage feature.

9.4.3 As mentioned, the site is allocated (H13) for 33/35 dwellings in the Draft Local Plan and this can be given limited to moderate weight. The site is located adjacent to housing to the north and southwest and a further site allocation HA12 is sited directly north of the site. Therefore, the siting of the development is consistent with the long-term vision of the Council in terms of housing designation.

9.4.4 The illustrative plan indicates two main internal roads with minor roads accessing the dwellings. However, as noted above the site is enclosed by hedgerow planting that encloses the site and forms a natural soft edge. In addition, the layout proposed does appear cramped and the detailed design submission would need to consider the following points at reserved matter stage:

- Consider the amount of housing development situated close to the hedgerow, in the main at the south and southwestern area of the site.
- Elevations facing the highway will need to display windows to principal rooms in order to provide good natural surveillance and architectural animation to the street scene.
- Avoid parked cars and parking areas dominating the street scene, where these do form part of the street scene significant landscaping will need to be incorporated to mitigate the visual impact.
- The use of shared surface streets ever for sections of adopted highway.
- Allow sufficient space for the introduction of street trees.
- Provide sufficient depth of rear gardens to avoid any potential nuisance caused by existing trees.
- Clear definition of the private and public realm.

9.4.5 If the application were to be considered acceptable, a planning condition securing specific layout detail could be attached to secure compliance with the design aspirations of the relevant policies and the NPPF (2021). Accordingly, it is considered a proposal that complied with Core Strategy Policy CS2 and Saved Local Plan policy EV/1, and national guidance in terms of design could be achieved for the site

9.5 Ecology and Biodiversity

9.5.1 Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The site is allocated for housing in the (H13) Draft Local Plan, which states development proposals will be supported providing the existing ponds on

site are retained to ensure their functioning, as part of a wider network of habitat, is not adversely affected, and any application should be supported by biodiversity impact assessment.

9.5.2 The application is supported by an Ecological Appraisal and a BIA. The Borough Council's Senior Ecologist has confirmed that the proposal's effects on biodiversity could be satisfactorily addressed by detailed measures secured by approval of planning conditions and approved as part of the detailed reserved matters application. The details to include, a biodiversity net gain on site in accordance with the approved biodiversity mitigation and enhancement scheme, submitted with the application. A number of other mitigation conditions relevant to biodiversity are also suggested, such as, boundary treatments, lighting and construction environmental management scheme, and the reason for these conditions should be clear in mentioning biodiversity mitigation.

9.5.3 Overall, it is considered that a carefully considered reserved matters application could result in a development which can ensure there is not a biodiversity net loss either on site or a contribution for enhancement off site. Core Strategy Policy CS13 supports development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity by means of imposing suitably worded conditions and S106 in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

9.6 Open Space

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

9.6.2 CBC Open Space have raised no objections subject to the open space indicated on the indicative layout plan following good design principles to create a space that is visually attractive and encourages active lifestyles. A planning condition can be imposed to secure on-site open space provision including natural and amenity green space.

Typology	Minimum requirement	On-site or off-site contribution
Accessible multi-functional green space area	0.04ha	On site
natural and semi-natural open space	0.24Ha	On site
Amenity Green Space	0.06Ha	On site
Provision for Children	1 LEAP facility within 480m of every home	On site
Provision for young people	1 LEAP facility within 480m of every home	On site equipment/ facilities for Young People Local alongside LEAP or off-site contribution of £47,700.00

Outdoor sport facilities		£16,469.00 off-site contribution for Outdoor Sport facilities
Allotments	0.04Ha	Recommends off site contribution of £5,646.00, within the vicinity of the development
Indoor Sport	1.21sq pool space	£22,943.00
	0.03sq indoor courts	£21,943.00
	0.01sq bowls rinks	£3,240.00
		It is recommended that off-site contributions in line with Sport England guidelines are sought in accordance with the Council's adopted Indoor Built Sport Facilities Strategy 2018 Priorities and Action Plan.

9.6.3 The final design and layout will need to be agreed at the reserved matters stages of the planning process. It is also recommended that a contribution is sought to improve an existing outdoor leisure provision to meet the need of the development and to mitigate the impact of the increased demand from future residents. A further contribution is secured to provide for an off-site contribution for the creation of additional allotment provision within Anstey and for outdoor sports and allotments, However the requests for off site indoor sports provision are not considered to relate to the needs of the development or to any specific project and as such do not satisfy the requirements of the Community Infrastructure Levy Regulations. Overall, it is considered that the development would provide good quality open space proportionate to its size and that shortfalls in open space provision could be mitigated against through appropriate off-site contributions. A condition can be imposed to any planning consent to ensure the above quantum of on-site open space are secured at the reserved matters stages of the process and the S106 will secure the on-site provision and off-site contributions.

9.6.4 The amount of space required is consistent with the findings of the Council's Open Space Assessment and Playing Pitch Strategy. Consequently, the proposal is considered to comply with policy CS15 of the Core Strategy.

9.7 Impact on Residential Amenity

9.7.1 Policies CS2 of the Core Strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity. Saved policy EV/1 of Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.

- 9.7.2 A number of objections have been received in relation to the development, in the main, the majority of the objections relate to the amount of development approved in Anstey as a whole, and the impact upon the local road network, and improvements to the highways in the surrounding area due to congestion. In relation to these, whilst the cumulative impact of development is a material consideration, each application needs to be determined on its own merits. This application is a housing allocation once the Draft Local Plan is adopted, and in relation to the highway detail, to be approved the highways authority have not objected to the scheme and off-site improvements are proposed under this application, such as a new footpath to connect with an existing footpath on Gynsill Lane to allow for access to the existing bus and a new pedestrian crossing point, constructed close to the site entrance.
- 9.7.3 In relation to access to facilities such as doctors and school places, contributions are sought for both through this application and can be secured through a S106 legal agreement to ensure that capacity keeps pace with the demand arising from the development.
- 9.7.4 The potential impact to trees has been noted and a condition can be imposed to ensure the trees and hedgerow are, where possible, to be retained and protected during the development.
- 9.7.5 In relation to noise and disturbance, the majority of noise and disturbance from this development will be at construction stages and a construction management plan will be submitted prior to the commencement of development and secured by a condition imposed on this planning permission.
- 9.7.6 It will however be necessary at reserved matters stage to ensure that there would be no significant overbearing impact or overlooking from the new dwellings to existing dwellings adjacent to the site. Any future developer of the site will need to design the layout, scale and appearance of the development having regard for the separation distances contained within the Design SPD (2020). It will also be necessary to ensure the position of any LEAP play areas are sufficiently distant from existing and proposed dwellings to prevent undue noise disturbance. The potential for noise and disturbance to the existing dwellings because of the new roads within the development is also a consideration. However, it is considered that the site can be suitably designed at the reserved matters stage to ensure no such loss of amenity occurs.
- 9.7.7 The amenities of the future occupiers of the development would be a consideration in the assessment of a future reserved matters application for the development if outline permission was granted. Whilst only indicative plans are submitted at this stage, it is considered that a suitably designed scheme could be provided which complied with the provisions of the Development Plan in this regard.
- 9.7.8 The proposal would, therefore, comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, National Design Guidance and the guidance set out in the Design SPD to protect residential amenity.

9.8 Highway Matters

- 9.8.1 Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure

safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Paragraph 112 of the NPPF seeks to promote sustainable travel choices.

- 9.8.2 A number of highway revisions have been submitted through the application process in relation to the access and traffic generation, due to initial highway of objections being raised in this regard.

Site Access

- 9.8.3 Following the previous Local Highway Authority observations, the revised access proposals, as shown on Edwards & Edwards **drawing number 001 Rev G**, now shows the highway corridor width to be in accordance with the standards set out within the Leicestershire Highway Design Guide (LHDG) (available at <https://resources.leicestershire.gov.uk/lhdg>). The northern footway is now shown to connect with Gynsill Lane, where an additional tactile crossing point is provided. Whilst it remains that the previously proposed tactile crossing point to the south of the site access is also proposed, given that there are no existing tactile crossing points on Gynsill Lane between the site and the A50 to the south, the LHA considers this to be beneficial. The Local Highway Authority is also satisfied that the current design continues to appropriately address issues of the previously submitted Stage 1 Road Safety Audi (RSA). The Local Highway Authority consider that the revised access proposals are therefore acceptable, subject to a condition being imposed to ensure the delivery of the access arrangement and off-site works are implemented in full prior to the first occupation of the development.

Highway Safety

- 9.8.4 It has been confirmed by the Local Highway Authority that there have been three recorded Personal Injury Collisions (PIC's) within 500m of the site within the last five years and current year to date. Each of the above were recorded as 'slight' in severity. One involved a right-turn manoeuvre however no further information relating to the remaining two is available. However, in relation to the existing site access no further are recorded in the vicinity of the existing site access.

Trip Generation/ Committed Development/ Junction Capacity Assessment

- 9.8.5 The LHA previously concluded that a revised, up to date assessment of trip distribution was required in order to ensure that the distribution reflects current distribution patterns. Subsequently, the Applicant has now submitted an assessment of trip distribution using local 2011 census journey to work data for the Charnwood 022 Middle Super Output Area (MSOA). This has identified that 60% of development traffic would route north on Gynsill Lane, and 40% would route south. The Local Highway Authority has verified the assessment and is satisfied with the proposed distribution. The trip generation, initially discussed in the

Local Highway Authority observations dated 2nd June 2021, is shown on the table below, replicated from the submitted Traffic Calculations document:

Development Trip Generation

	Arr	Dep
AM	7	27
PM	27	7

- 9.8.6 The junction capacity assessments of the site access with Gynsill Lane have been undertaken for the future assessment year of 2026. 'TEMPRO' growth factors have been applied to the base traffic survey data to provide 2026 base flows which has been verified by the Local Highway Authority.
- 9.8.7 The results of the submitted assessment indicate the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically, a value of 0.85 is seen as the practical capacity, with results higher than this more likely to experience queuing or delay. The assessment identifies a maximum Functional capacity of 0.09 in the future year 'with development' scenario. This identifies that the site access junction will operate well within capacity in the future assessment year of 2026. The Local Highway Authority is satisfied that the impact of the development has been suitably assessed and no further assessment is required, and the original concerns have been overcome in this regard.

Transport Sustainability

- 9.8.8 The site is located in Anstey Parish, it acknowledged that the A46 forms a separation from the site and this service centre. The site does however have a close relationship with Glenfield, with pedestrian pathway that provides suitable walking distance of approx. 1.3 miles to the centre of Glenfield. In relation to sustainable modes of transport, the nearest bus stops to the site are located within 110m of the site and as discussed above, off-site highway works will be sought by way of planning condition in order to ensure suitable pedestrian connectivity is provided, prior to the first occupation of the development. The nearest bus stops are served by limited services to Leicester, Coalville and Castle Donington. However, as outlined in the submitted Edwards & Edwards Report, submitted in support of this application, there are bus stops located on A50 Leicester Road within approximately 700m of the site which are served by frequent services to Leicester. Contributions will be sought in respect of travel packs and bus passes and contributions to upgrade the two nearest bus stops with raised kerbs, and timetable cases, all to be secured by a S106 legal agreement.
- 9.8.9 Based on the above assessment in relation to highway safety, the Local Highway Authority raise no objections to the application, subject to conditions to secure:
- Access arrangements to be provided prior to the occupation of the development
 - Drainage details to be approved prior to the first occupation of the development

- Offsite works as shown on drawing number 001 REVG to be implemented prior to the first occupation of the development
- A construction traffic management plan to be approved prior to any development taking place

9.8.10 In addition to the above conditions financial contributions are sought to be secured through a S106 in relation to:

- Travel packs for new residents
- 6-month bus passes (two per dwelling)
- Raised kerb provision at the two nearest bus stops
- Information display timetable cases to be provided at the two nearest bus stops

9.8.11 Consequently, the proposed development is considered to be in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan, which seek to ensure safe access is provided to new development, and policy CS17 is concerned with encouraging sustainable transport patterns.

9.9 Flood risk and drainage

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

9.9.2 The site itself is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. The Environment Agency have not made comment on the application.

9.9.3 Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 1ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a very low risk of surface water flooding.

9.9.4 The applicant has submitted a drainage strategy prepared by GeoSmart proposing that surface water drainage is discharged into a ditch at the site's northern boundary. The indicative layout plan also indicates an attenuation pond proposed and it has been confirmed by the Lead Local Flood Authority that sufficient attenuation volumes up to the 1 in 100 year return period plus increased volumes of 40% due to climate change are provided to achieve this. This will ensure that surface water is captured and released in a managed approach, such that it will not add to the watercourse and will not, therefore, exacerbate existing flooding issues. The strategy confirms that source control SuDS are provided and will be within permeable paving in the private driveways.

9.9.5 The Lead Local Flood Authority have raised no objections subject to imposition of pre-commencement planning conditions in relation to detailed surface water drainage scheme, management of surface water during construction, infiltration testing, and a management and long-term maintenance of surface water drainage system.

9.9.6 Consequently, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy and NPPF.

9.10 Sustainable construction and energy efficiency

9.10.1 There is limited Supporting statements to confirm that sustainable design measures would be integral to the proposed development and fabric first approach will be taken in accordance with industry-wide practices. However, in regard to this matter the development will be required to be constructed in accordance with building regulations, whereby the legislation, that includes sustainable measures of construction. It has however been confirmed that the proposal will provide a SuDs feature and the pathways/driveways will be constructed with permeable materials. However, it is considered that a condition should be imposed to ensure the electric vehicle charging points will be provided on each plot with ducting to shared parking bays.

9.10.2 Consequently, the proposal in the interest of air quality and climate change would comply with policy CS16 of the Core Strategy and the NPPF.

9.11 Planning Obligations/ S.106 Agreement

9.11.1 Infrastructure Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Emerging policy DS3(HA13) states that the development of the site will be supported where the biodiversity mitigation required by this policy is secured. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development:

Affordable Housing	<ul style="list-style-type: none"> • 30% of the dwellings on site as Affordable Dwellings. • Of the Affordable Dwellings, a minimum of 67% should be for social/affordable rent and up to 33% shared ownership. • The following mix is applied: Affordable/Social Rent <ul style="list-style-type: none"> • 20% bed 2 person house/maisonette with the GF having a level access shower. • 40% bed 4 person house • 30% bed 5 person house • 10% 4 bed 7 person house • All affordable housing to meet NDSS and M4(2) of building regulations and accommodate the following: - <ul style="list-style-type: none"> • 1 bed: 2 person household • 2 bed: 4 person household • 3 bed: minimum 5 person household
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	<ul style="list-style-type: none"> • 4 bed: minimum 7 person household • Affordable Housing should be distributed across the site in clusters of no more than 10 dwellings. This should be indicated on the Affordable Housing Scheme provided prior to the next planning phase. • The cascade element within the Adopted Housing SPD should be included within the S106 Agreement.
Charnwood Borough Council Open Space	<ul style="list-style-type: none"> • Provision for young people: facility every 480m of every home or an off site contribution of £47,700.00 • Outdoor Sport facilities £16,469.00 off-site • Allotments – off-site contribution of £5,646.00 within the vicinity of the development.
Sustainable Transport	<ul style="list-style-type: none"> • Travel pack (one per dwelling) (£52.85 per pack) • 6 months bus pass (two per dwelling) (£360 per pass) • Bus stop improvementstwo modern bus fleets £5,000.00 per stop (£10,000.00) • Information display cases at two nearest bus stops on Gynsill Lane £120.00 each (£240.00).
Biodiversity	<ul style="list-style-type: none"> • To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. • To submit an updated Biodiversity Impact Assessment with the reserved matters • To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. • 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
Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS)	<ul style="list-style-type: none"> • £24,153.60 additional clinical accommodation for additional patients at doctor's surgeries in Anstey and Glenfield
LCC Library Services	<ul style="list-style-type: none"> • £1510.00 contribution towards the enhancement of Anstey Library
LCC Waste management	<ul style="list-style-type: none"> • £2584.00 is required to contribute towards waste management at the at Mountsorrel HWRC site
LCC Education	<ul style="list-style-type: none"> • Primary School Sector – £4377.70 contribution per dwelling towards provision, improvement,

	<p>remodelling or enhancement of education facilities at The Latimer Primary School, Anstey</p> <ul style="list-style-type: none"> • Secondary School Sector - £17,876.60 contribution per dwelling towards provision, improvement, remodelling or enhancement of education facilities at Martin High School, Anstey.
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9.11.1 These contributions are considered to be compliant with the requirements of the Community Infrastructure Levy Regulations (Regulation 122) as necessary, related to the development and fair in scale and kind, and would allow the necessary infrastructure to meet Core Strategy policies CS3, CS13, CS15, CS17 and CS24 and the requirements of paragraph 57 of the NPPF.

10. Conclusion

- 10.1 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 of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused. The benefits of such housing provision are afforded significant positive weight.
- 10.2 The development would provide up to 40 new dwellings, of which 30% would be affordable, 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 good level of local facilities and which has been identified as a 'service centre' suitable for residential development. The site offers the potential for quality design and an acceptable mix of housing. These matters should be afforded significant weight.
- 10.3 The site is also allocated in the emerging Local Plan as site reference DS3 (HA13) which is considered to provide further weight, albeit limited, in favour of the proposal.
- 10.4 There are no technical constraints relating to highways, or flooding that cannot be mitigated, biodiversity impact/ mitigation/ net gain and landscape and trees protection can be secured by way of planning condition, reserved matters and S.106 legal agreement. There would be no harm to heritage assets or archaeology.
- 10.5 Weighed against this is the conflict with Development Plan policies. The adopted Development Plan does not support housing development in this open countryside location outside of settlement limits, but the Plan is out of date and the Council cannot currently demonstrate a 5 year supply of deliverable housing sites. Therefore, this reduces the weight that can be given to Core Strategy policies CS11 and saved Local Plan policies ST/1 and CT/1.
- 10.6 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

10.7 In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and that would be so significant and demonstrably harmful as to outweigh the benefits of providing the required housing land in a sustainable location. The benefits relate to the contribution of the proposal to the Council's housing land supply deficit and deliverability, sustainable location, affordable housing, community and other infrastructure provision, etc. The application should therefore be supported subject to appropriate conditions being attached and contributions being secured to support local infrastructure as part of S.106 Legal Agreement as set out below.

11.0 Recommendation

11.1 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	<ul style="list-style-type: none"> • 30% of the dwellings on site as Affordable Dwellings. • Of the Affordable Dwellings, a minimum of 67% should be for social/affordable rent and up to 33% shared ownership. • The following mix is applied: Affordable/Social Rent <ul style="list-style-type: none"> • 20% 1 bed 2 person house/maisonette with the GF having a level access shower. • 40% 2 bed 4 person house • 30% 3 bed 5 person house • 10% 4 bed 7 person house • Affordable housing to meet NDSS and M4(2) of building regulations and accommodate the following: - <ul style="list-style-type: none"> • 1 bed: 2 person household • 2 bed: 4 person household • 3 bed: minimum 5 person household • 4 bed: minimum 7 person household • Affordable Housing should be distributed across the site in clusters of no more than 10 dwellings. This should be indicated on the Affordable Housing Scheme provided prior to the next planning phase. • The cascade element within the Adopted Housing SPD
Charnwood Borough Council Open Space	<ul style="list-style-type: none"> • Provision for young people:

	<p>facility every 480m of every home or an off site contribution of £47,700.00</p> <ul style="list-style-type: none"> • Outdoor Sport facilities £16,469.00 off-site • Allotments – off-site contribution of £5,646.00
Sustainable Transport	<ul style="list-style-type: none"> • Travel pack (one per dwelling) (£52.85 per pack) • 6 months bus pass (two per dwelling) (£360 per pass) • Bus Stop improvements two modern bus fleets £5,000.00 per stop (£10,000.00) • Information display cases at two nearest bus stops on Gynsill Lane £120.00 each (£240.00).
Biodiversity	<ul style="list-style-type: none"> • To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. • To submit an updated Biodiversity Impact Assessment with the reserved matters • To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. • 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
Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS)	<ul style="list-style-type: none"> • £24,153.60 additional clinical accommodation for additional patients at doctor's surgeries in Anstey and Glenfield
LCC Library Services	<ul style="list-style-type: none"> • £1510.00 contribution towards the enhancement of Anstey Library
LCC Waste management	<ul style="list-style-type: none"> • £2584.00 is required to contribute towards waste management at the at Mountsorrel HWRC site
LCC Education	<ul style="list-style-type: none"> • Primary School Sector – £4377.70 contribution per dwelling towards provision, improvement, remodelling or enhancement of education facilities at The Latimer Primary School, Anstey • Secondary School Sector - £17,876.60 contribution per dwelling towards provision, improvement, remodelling or enhancement of

	education facilities at Martin High School, Anstey.
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11.2 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 any amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions.

11.3 Recommended conditions:

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

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

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

Proposed site access – Drawing NO. 001REVG

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

4. The landscaping details submitted pursuant to condition 2 above shall include:
 - i) the treatment proposed for all ground surfaces, including pathways and all other hard surfaced areas;
 - ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the west of the site;
 - iii) finished levels or contours within any landscaped areas;
 - iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.

- v) functional services above and below ground within landscaped areas; and
- vi) All proposed boundary treatments
- vii) Position and type of bins to be provided

The approved landscaping scheme shall be fully implemented prior to the first occupation of the development.

REASON: To ensure that a robust landscaping scheme for the development is provided so that the scheme integrates into the landscape, surrounding area, in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011-2028),

5. The details submitted pursuant to condition 2 shall include an arboriculture report and method statement to include:
- i) all existing trees, hedges and other landscape features, indicating clearly any to be removed.
 - ii) tree and hedgerow protection
 - iii) to demonstrate how arboricultural impacts will be mitigated
 - iv) protection of the ponds within the site
 - v) Protection of the significant tree adjacent to the access
 - vi) Protection and retention of the tall mature trees endowed hedgerow.

REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site in accordance with Development Plan policies CS2, CS11 and the NPPF.

6. The details submitted pursuant to condition 2 shall include a layout plan that identifies:
- i) elevations facing the highway will need to display windows to principal rooms in order to provide good natural surveillance and architectural animation to the street scene.
 - ii) parked cars and parking areas that are not dominated by on street parking, or landscape mitigation.
 - iii) the use of shared surface streets ever for sections of adopted highway.
 - iv) sufficient space for the introduction of street trees
 - v) provide sufficient depth of rear gardens to avoid any potential nuisance caused by existing trees.
 - vi) Clear definition of the private and public realm.

REASON: To ensure the development is designed at the outset to provide a high-quality design providing a good quality sense of place in accordance with Policies CS2 of the Charnwood Core Strategy (2011-2028), and EV/1 of the Local Plan 2004, the Design Guide and the NPPF.

7. The details submitted pursuant to condition 2 above shall include an updated Biodiversity Impact Assessment that demonstrates the amount of biodiversity net gain to be provided at the site.

REASON: To ensure that the development provides a net gain in biodiversity in accordance in accordance with Policy CS13 of the Charnwood Development Plan (2011-2028), and the NPPF

8. The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:
 - i) 0.04Ha Parks and amenity green space
 - ii) 0.24ha Natural and semi-natural green space:
 - iii) 0.06ha Amenity Green Space:

REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policy CS15 and the NPPF.

9. No development shall commence until an Ecological Mitigation Strategy is submitted and approved in writing by the Local Planning Authority. As a minimum these details shall include:
 - i) boundary treatments
 - ii) Lighting Strategy
 - iii) Construction Ecological Management Plan (CEMP) to protect features during the construction phase.

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

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Edwards & Edwards drawing number 001 Rev G have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance Polices CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan, and with the National Planning Policy Framework (2021).

11. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4m x 160m and 2.4m x 145m to the northeast and

southwest of the site access respectively have been provided. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, in accordance with Policies CS2 and CS18 of the Charnwood Core Strategy (2011-2028), and TR/18 of the Local Plan, and the National Planning Policy Framework (2021).

12. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with Policies CS2 and CS18 of the Charnwood Core Strategy (2011-2028), and TR/18 of the Local Plan, and the National Planning Policy Framework (2021).

13. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter the details shall be implemented as approved and surface water shall not drain into the Public Highway and thereafter the surface water drainage system shall be maintained in accordance with the approved details.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policies CS2 and CS18 of the Charnwood Core Strategy (2011-2028), and TR/18 of the Local Plan, and the National Planning Policy Framework (2021).

14. No part of the development shall be occupied until such time as the access and offsite works as shown on Edwards and Edwards drawing number 001 Rev G have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan, and the National Planning Policy Framework (2021).

15. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, and lead to on-street

parking problems in the area, in accordance with Policies CS2 and CS18 of the Charnwood Core Strategy (2011-2028) and TR/18 of the Local Plan, and the National Planning Policy Framework (2021).

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

The development shall be carried out in accordance with the approved drainage strategy.

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

17. 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 thereafter be carried out in accordance with the approved surface water management details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase, in accordance with policy CS16 of Charnwood Core Strategy (2011-2028), and NPPF.

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

The development shall thereafter be carried out in accordance with the approved long-term maintenance surface water drainage systems.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development, in accordance with policy CS16 of Charnwood Core Strategy (2011-2028), and NPPF.

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

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy, in accordance with policy CS16 of Charnwood Core Strategy (2011-2028), and NPPF.

20. Prior to the occupation of any dwelling a landscape and habitat management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces and ecological mitigation areas, shall be submitted to and approved in writing by the local planning authority.

The approved landscape and habitat management plan shall then be fully implemented.

REASON: To ensure that public open spaces are maintained so that they are of good quality, continued management of the ecological scheme and that drainage systems retain full function and to ensure the development remains in compliance with policies CS2, CS11, CS13, CS15 and CS16 of the Charnwood Core Strategy (2011-2028).

21. The existing hedges and trees located within the application site boundaries, other than at the point of the new access and internal roads shall be retained and maintained at all times. Any part of the hedges removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants and trees of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.

REASON: The hedges and trees are an important feature in the area and its retention is necessary to help screen the new development in accordance with policies CS2, CS11 of the Charnwood Core Strategy (2011-2028) and the NPPF.

22. Prior to the occupation of the development, full details of the electric charging points showing their proposed locations, type and specifications for each of the dwellings or shared space shall be submitted to and approved in writing by the local planning authority prior to occupation. The electric vehicle charging infrastructure shall be installed in accordance with the approved details prior to the first occupation of the dwellings or shared space and shall be retained and maintained for use at all times.

REASON: In order to secure the satisfactory development of the application site in the interest of Air quality and help mitigate climate change in accordance with policy CS2 and CS16 of Charnwood Core Strategy (2011-2028) and the NPPF. The requirements of these conditions must be complied with.

APPLICATION SITE

