

**Appendix 1 – Committee report dated 29<sup>th</sup> March 2021**

**Item No. 3**

**Application Reference Number P/20/2373/2**

Application Type: Outline Planning                      Date Valid: 12/01/2021  
Permission

**Applicant:** Swithland Homes

**Proposal:** Site for the erection of up to 18 dwellings (outline planning application considering access).

**Location:** Land to the rear of 83-89 Loughborough Road  
Hathern  
Leicestershire.  
LE12 5HY

**Parish:** Hathern                      **Ward:** Loughborough Hathern  
& Dishley

**Case Officer:** Deborah Liggins                      **Tel No:** 07864 603401

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Background

This application has been brought to plans committee as it relates to a major housing development outside current limits to development and has also been called in by Councillor K Harris who has concerns about the safety of the proposed highway access to the site.

This proposal also includes an undertaking from the applicant to enter into a Section 106 Legal Agreement to secure affordable housing, open space and to secure commuted sums to cover infrastructural shortfalls.

Description of the Application Site

The application site is located to the south-west of and to the rear of 81-89 Loughborough Road Hathern. The land is currently a rectangular parcel of agricultural /paddock land and is approximately 0.75 ha set outside the defined limits to development for Hathern and within countryside. The built form along the southern side of the A6 Loughborough Road

generally comprises two storey dwellings, set back from and set above the level of the carriageway due to a steep increase in land levels.

The site is bounded on all sides by mature trees and hedges. To the north of the site is the small Brunsleigh Croft development which was granted planning permission in 2009. The hedge along the common boundary between the two sites was required to be protected and retained under the neighbouring planning permission in the interests of providing a wildlife corridor. There were reports of bat and badger activity recorded in the locality at the time and there is further open countryside directly to the south and west of the site.

The access to the site lies opposite to the south-eastern boundary of the Hathern Conservation Area with the whole site lying outside of the Area, and the Anchor Inn (within 20m of the site entrance) is a Grade II Listed Building.

### Description of the Proposal

The application seeks outline planning permission for residential development with all matters reserved except for access which is proposed to be taken through a steep existing field access between numbers 89 and 97 Loughborough Road. The application indicates that the site could provide upto 18 dwellings.

The proposed access would be a shared private access drive which would be 5m wide with 0.5m wide clear margins either side. The proposal would entail the removal of the existing field gate and would provide a 1m x 1m pedestrian visibility splay on the northern side of the access where it meets the existing 3m wide footway of Loughborough Road.

The application includes the following supporting documents:

- Topographical Survey – this shows that the north-eastern boundary of the site lies approximately 2.5m higher than the highway boundary and that the land continues to rise a further 11.7m in height to its south-western boundary. Existing trees around the boundary of the site and existing stables and associated structures are shown on that plan.
- Heritage, Planning Design and Access Statement prepared by Aitchison Raffety. This sets out the proposal and describes the context of the site. It also identifies nearby heritage assets and the policies relevant to the determination of the application.

- Highway Statement prepared by Edwards & Edwards Consultancy Ltd – this report discusses the previously rejected development proposals on this site and that proposals for 12 and 14 dwellings on the site included no highways related reasons for refusal with the appeal inspectors also noting the proposed access was considered acceptable for the expected volume of traffic associated with those developments. The report sets out that the proposed visibility splays are located entirely within the public highway and that the improvements to the access would ensure a safe and suitable access can be achieved.
- Flood Risk Assessment prepared by Geosmart Information – this identifies that the site and additional land totalling 1.64ha is located within Flood Zone 1 and also identifies possible sources of flooding. The report concludes that the site has a low probability of flooding from fluvial, pluvial or other sources.
- Ecological Appraisal prepared by Baker Consultants – this describes the site as comprising mostly of semi-improved grassland with a mix of species poor and species rich boundary hedgerows, where trees may have potential for use by bats. The report also identifies possible mitigation measures to ensure there is no biodiversity loss overall. In addition, an active badger sett is identified at the edge of the site together with a recommendation for further survey work.
- Acoustic Report prepared by Noise Air Acoustics and Air Quality – this identifies that primary noise sources to the potential occupiers of the proposed dwellings would be generated by traffic noise from both Loughborough Road and Shepshed Road. Areas of the development would therefore have a ‘low’ to ‘medium’ risk of adverse effect and the report recommends the construction of an acoustic barrier along both side of the new access road which would assist in attenuating noise to adjacent properties arising from its use. Further recommendations are made regarding internal noise levels from within proposed dwellings whilst maintaining adequate ventilation.

### Development Plan Policies

#### *Charnwood Local Plan Core Strategy (adopted 9 November 2015)*

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

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

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

Policy CS 11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

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

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

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

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

Policy CS18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

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

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

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

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

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

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

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

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

### Other material considerations

#### *The National Planning Policy Framework (NPPF 2019)*

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 73). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). 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 61).

#### 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 111). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 103). 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 104). 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 109).

#### Section 12: Requiring well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124).

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 149). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 153) and renewable and low carbon energy development should be maximised (paragraph 154).

#### *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.

### *National Design Guide*

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy

Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### *Planning (Listed Building and Conservation Areas) Act 1990 (as amended)*

This consolidates previous legislation relating to special controls in respect of buildings and areas of special architectural or historic merit and sets out what alterations can be carried out to listed buildings and within Conservation Areas without the formal consent of the local planning authority. The Act also sets out the procedure for local authorities to consider compiling a list of properties considered to be of special architectural or historic interest and how applications affecting such assets are to be advertised. The legislation gives Local Planning Authorities a statutory duty to give special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

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

### *Landscape Character Assessment (2012)*

The Borough of Charnwood Landscape Character Assessment 2012 explains that the Charnwood Forest Area of Landscape Character is the most complex of the landscape character areas in the Borough such that five sub-areas were identified within the Borough. Its purpose is to provide a framework for the assessment of planning applications and supports Policy CS11.



The site is at the edge of the Langley Lowlands Character Area which is described as a rolling landscape with gentle slopes and broad valleys in intensive arable cultivation with wooded fringes. The eastern side of the area transitions into the Soar Valley Landscape Area.

Key Characteristics of the area are

- Rolling landform with gentle slopes
- Large arable fields
- Low hedges with few hedgerow trees
- Open views from ridgeline roads, (Oakley Road/Tickow Lane, Hathern/Shepshed Road) and the M1 Motorway
- Wooded fringes to streams in broad valleys
- Garendon Park: Grade II Historic Park and Garden
- M1 motorway divides the area
- Settlements are the western areas of Loughborough and northern Shepshed.

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

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

#### *Hathern Conservation Area Character Appraisal*

Hathern Conservation Area was designated in September 1975 and follows the meandering route through the village centre, principally along Wide Street, Dovecote Street, Church Street and The Green. The boundaries of the Conservation Area largely define the settlement as it existed in 1884 and includes a broad range of built development that is representative of the medieval and post medieval settlement and subsequent Victorians and Edwardian expansion. The boundary was revised in 2019.

The purpose of the appraisal is to examine the historic development of the Area and to describe its present appearance in order to assess the special architectural and historic interest of the Conservation Area. The appraisal will then be used to inform the consideration of management and development proposals within the Area.

The characteristics of special interest are:

- The nature of the network of narrow streets and broad junctions that make up the surviving medieval street pattern within the conservation area;
- the nature of the lanes as they cut down from the A6;
- the dominance of St. Peter and St. Paul's church tower in a number of views from within the area;

- groups of trees and individual specimens that dominate certain streets and spaces, and provide the back drop to many views within the conservation area;
- the use of terracotta details such as copings, window heads, etc and the variety of chimney pots;
- The variation of highway widths and lack of pavements;
- the variety and nature of front boundary treatments, consisting of brick, stone, hedge, with wild flowers and grasses;
- the wide range of building types that display the social and economic history of the village;
- the use of a range of local materials derived from the local geology are significant; red brick from local works is common, terracotta of local provenance, and surviving timber frame are very distinctive;
- The colours and textures that these distinctive local materials provide.

#### *Design Supplementary Planning Document (January 2020)*

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

#### Leicestershire Highways Design Guide

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance.

#### *Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)*

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. As this application is for a site of less than 5 hectares and is for less than 150 dwellings it does not stand to be screened for an Environmental Impact Assessment.

#### *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.

### *Protection of Badgers Act 1992*

Badgers are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A licence is required from Natural England where development proposals may interfere with badger setts.

### *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.

### *The Draft Charnwood Local Plan 2019-36*

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16<sup>th</sup> December 2019. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries very limited weight at the current time.

### Consultation Responses

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

Consultee		Response
Charnwood Affordable Housing	B.C	Makes a request for 40% (7) of the homes to be affordable. 5 of these should be for rent and 2 homes should be intermediate or shared-ownership homes.  This provision would accord with Policy CS3

Charnwood B.C. Open Spaces	<p>A multifunctional green space area combined with the Amenity Green Space should be provided on site and be a minimum of 0.3ha (combined). A 0.09ha of natural or semi-natural managed open space should be provided on site or an off-site contribution of £4,092 made to mitigate the impact of the development on existing facilities. A £9,600 off site contribution should be made towards a new or enhanced children's play facility within Hathern. 0.11ha of outdoor sports facilities should be provided or an off-site contribution of £5,902 to go towards the strategic improvement of facilities at Derby Road Sports Ground in Loughborough as identified in the Council's Playing Pitch Strategy 2018. 0.01ha of allotments or an off-site contribution of £2,033 for the provision of new or enhanced plots within Hathern. Indoor Sports facilities are sought based on Sport England Facility Calculator (£8,137 pools) (£7,863 indoor courts)</p> <p>If projects can be identified where necessary, these</p>
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	<p>contributions would be CIL compliant and provided the developer can secure these contributions, it is considered the proposal would accord with Policy CS15.</p>
Environmental Agency	<p>Makes no formal comment as there are no environmental constraints associated with the proposal which fall within the remit of the EA</p>
Leicestershire County Council, (LCC) - Highways	<p>The impacts of the development on highway safety would not be unacceptable and the impacts on the road network would not be severe. The proposal would accord with Paragraph 109 of the NPPF and the local highway authority does not object to the proposal.</p>
LCC Civic Amenities	<p>Makes a request for a developer contribution of £769 towards additional capacity at Shepshed Household Waste Recycling Centre.</p>
LCC Education	<p>No request is made for contributions to primary education as Hathern Primary School and others within 2 miles, overall have a surplus of places.</p> <p>A request is made for £53,735.26 towards secondary education by increasing capacity at Charnwood College in Loughborough.</p>

LCC Libraries	Requests a developer contribution of £540 towards providing additional materials & resources at Hathern Library on Greenhill. The request is based on an assumption that all the dwellings would have 2 or more bedrooms.
LCC Minerals	The application site falls within a Mineral Consultation Area for Sand and Gravel but at the most south-western edge of it. It is therefore considered unlikely that mineral extraction would occur in the future, given the site's relatively modest size and proximity to adjacent dwellings. The Mineral Planning Authority therefore raises no objection.
Hathern Parish Council	The site has a history of refused applications for fewer dwellings. The site forms part of a green wedge between the village and the proposed development on the Garendon estate, Loughborough. The development would harm the character and appearance of the countryside. The proposed access is hazardous with splays only available once exiting cars are within the footway. The development would exacerbate congestion. The noise report does not consider Brunsleigh Croft residents and the suggested noise barriers adjacent to the proposed access would be a significant imposition on the occupiers of adjacent dwellings and the street scene.
NHS	Makes a request of £9,113.62 towards the cost of providing additional capacity at Cross Street Surgery in Hathern. This is based on an assumption of an increased population of 44 persons (final figure would
	depend on the eventual number of bedrooms provided across the development)
Jane Hunt MP	Raises concerns on behalf of residents and the Parish Council about the safety of the proposed access road in terms of its lack of a right hand 'turn in' lane, lack of visibility and proximity to a pedestrian crossing and bus stop. Congestion would be increased, especially when the M1 is closed. The submitted noise report does not adequately consider noise to existing residents and the recommended acoustic barriers alongside the access would be obtrusive and not in-keeping with a small village. The area floods on a regular basis.

## Other Comments Received

Several objection letters have been received from local residents as set out below. The list below summarises the areas of concern that have been raised by residents with regard to the application. Please note all comments can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

Brunsligh Croft – 9, 10

Loughborough Road – 85, 87, 89

No address supplied – Lawrence + 1 other

- Houses would cause loss of light and sunlight exacerbated by changing ground levels
- Loss of privacy
- Loss of views
- Loss of countryside – development would be an eyesore on greenfield land
- Increased noise – the noise report is based on readings taken during the second national lockdown in November 2020.
- Adverse impact on countryside wildlife
- Vehicular access would be dangerous, being close to an existing pedestrian crossing and would lack width to provide a pavement for pedestrians walking alongside it.
- The data for the traffic assessment is unreliable due to Covid 19 reductions in air and road travel and locked down commercial premises and schools.
- Use of access would affect amenity of adjacent occupiers
- The development involving new hard-surfaced areas would lead to and worsen incidents of flooding
- Hathern has already seen enough new housing in recent years
- The identity of Hathern as a village would be lost
- The proposal will set a precedent for further development of fields

## Planning History

The following planning history is that which is most recent and relevant to the proposal:

<b>Reference</b>	<b>Application</b>	<b>Decision</b>
P/14/0966/2	Erection of 14 dwellings and associated access road	Appeal against non- determination Dismissed  05/08/2015

P/15/2168/2	Erection of 12 dwellings and associated access road (Resubmission of planning application P/14/09656/2 refers)	Refused 26/01/2016
P/17/2317/2	Outline application (considering access, layout and scale) for 10 dwellings and associated works with access proposed between 89 and 97 Loughborough Road (Resubmission and amendment to P/15/2168/2)	Withdrawn 15/03/2018

### Consideration of the Planning Issues

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

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (4.1 years), and as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight.

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

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSI's although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case the land has no landscape designation of importance and for these reasons it is not considered by officers that in this instance paragraph 11 i) would apply.

## **The main issues are considered to be:**

- The principle of the proposed development;
- Housing mix
- Landscape & Visual Impact
- Design
- Open space
- Amenity and Noise
- Heritage
- Arboriculture
- Ecology
- Soil
- Flood risk/drainage
- Highway matters
- Infrastructure

### Principle of the proposed development

The National Planning Policy Framework contains a presumption in favour of sustainable development. In order for a proposal to be sustainable it must perform an economic, social and environmental role. In this context it is considered that the proposal would provide some employment during construction, and some support to local services. The site is close to the village which has some services which the occupiers of the proposed development may support. In terms of the environmental role, the development is a green field site at the edge of an 'other' settlement in the countryside. In this regard, the proposal is contrary to the Council's spatial strategy which seeks to direct development towards higher order settlements and this conflict with the development plan is a negative in the planning balance.

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

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



The development is at odds with these housing supply policies as it comprises a development of 18 dwellings that is outside the limits to development. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, conflict with the above policies can be considered as an adverse impact but given the age of policies CS1, CT/1, CT/2 and ST/2, (all over 5 years old), the weight that can be ascribed to them would be reduced. Accordingly there is harm resulting from conflict with the development approach set out in policies CS1, CT/1, CT/2, and ST/2, which seek to direct growth away from smaller settlements, which weighs against the proposal and needs to be considered within the planning balance for the proposal.

In terms of principle overall, the proposal would result in the provision of up to 18 new houses at a time when the Local Planning Authority cannot demonstrate a five year supply of housing land and although there is some conflict with the Development Plan this does not outweigh this benefit. Accordingly the proposal is considered to be acceptable in principle.

### Housing mix

Policy CS3 of the Core Strategy helps 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 18, (7), units should be affordable. 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 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 an undertaking to provide 7 affordable homes (40%). The size, type, tenure and design of these are not currently known although it is anticipated that much of this detail would be established by later reserved matters. It would, however, be important to set down parameters relating to, for example, the size of units required at outline stage and it is suggested that the s106 legal agreement could be used to secure the 7 units and the tenure split and a condition can ensure an appropriate housing mix in terms of size is appropriate..

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

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

It is suggested that a size mix profile to reflect this. Locally identified need and the character of the area could be achieved although care would need to be taken, (as per CS3), to ensure the character of this edge of village location was not harmed by this.

It is considered that a proposal which is in accordance with Policy CS3 could be achieved. The provision of 7 affordable units is also a benefit of the scheme which weighs within the planning balance.

#### Landscape and Visual impact

Policies CS2 and CS11 of the 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.

A landscape and Visual appraisal has not been submitted with the application although the submitted Heritage, Design and Access Statement makes some assessment of landscape impact and sets out that the proposed development would also include new areas of landscaping and enhancement to existing site boundaries.

## *Landscape*

The topography of the site is such that the proposal would be unlikely to have a harmful visual impact to the surrounding higher land to the south-west and it is envisaged that the proposal would have ground levels which reduce towards the north-east and which follow existing contours. The pattern of development in developing land perpendicular to Loughborough Road has already been established to some degree by the housing on Garendon Avenue and Brunsleigh Croft, with the application site not projecting beyond the rear garden boundaries of No's 2 – 8 Brunsleigh Croft. It is acknowledged that these dwellings already impinge somewhat on the rural character of the area.

It is considered that there would be no impact to nationally defined character areas and because of the comparatively small scale of the site and the relatively low value of the landscape character overall, that there would be limited or no landscape impact to the Langley Lowlands character area. The impact would be somewhat off-set by opportunities within the proposed development for new landscaping and managed amenity areas. The proposal would, in the opinion of officers, maintain distant views and conserve the rolling rural landscape which is noted as important and it is considered that the topography of the site and its surroundings allows this. There would also be a loss of tranquility albeit on a relatively small scale.

Within the site itself, there would be significant impact on this localised landscape as agricultural land would be replaced with built form. This impact would, however, be locally limited due to the surrounding topography and vegetation and the existence of nearby housing development at Brunsleigh Croft and Garendon Avenue.

Whilst the mitigation measures go some way to reducing landscape impact they do not address the loss of rural character and this must be accepted as an area of landscape harm that arises from the development and which conflicts with elements of policies CS2 and CS11. Given the localised scale of this harm, as discussed above, it is not considered that this in itself it would be so significant or demonstrable that refusal of planning permission could be justified solely on landscape grounds. Nevertheless the identified harm should be considered as part of the planning balance along with any other harm identified and benefits.

## *Visual Impact*

Because of the proximity of existing housing either side of the application site, several respondents have commented on loss of a view or rural character, although the existence of existing housing on Garendon Avenue, Brunsleigh Croft and Loughborough Road would largely conceal views of the development from public vantage points. The site may be seen from more distant views from public footpath K73 which runs between Golden

Square and Shepshed Road approximately 225m to the north-west of the application site. An exact layout and proposed levels are not yet known and would be subject to careful consideration at a subsequent 'reserved matters' stage.

Any residential development would have some effect on the character of the area, since it would change from undeveloped to developed and so change would be an inevitable consequence. However, it is considered that as mitigating landscaping matures, any visual impact could appear reduced and it is not considered this would result in significant or demonstrable adverse impacts, although it will need to be factored into the planning balance for the proposal.

### Design

Policies CS2 and EV/1 seek high quality design for new development. 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.

As this proposal is in outline, approval of the design and layout is not currently sought and no indicative details are submitted to demonstrate how the site might be laid out. However, there is no reason at this stage to suggest that a suitable design and layout for the dwellings could not be achieved in accordance with Policies CS2 and EV/1 and the Supplementary Planning Document on Design.

### Open space

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the National Planning Policy Framework 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 it.

The applicant is aware of the need to include provision for public open space/amenity land within the eventual layout and a draft legal agreement has been submitted to include these elements. The consultation response from the Council's Open Spaces Team as set out above identifies the need for green space incorporating amenity open space, play space and a potential allotment area with this latter requirement and other elements also potentially being provided off-site through the securing of a commuted sum. Whilst there may be ample quantum of space to meet informal recreation needs, formal children's play and provision for older children or sports are unlikely to be able to be provided for within the site, given its size. However, a commuted sum to improve facilities elsewhere within the village could be secured.

Overall it is considered that the development could provide good quality open space proportionate to its size and, accordingly the proposal is considered to comply with policy CS15.

### Amenity and Noise

Policies CS2 and EV/1 require the amenity of existing and future residents to be protected. 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 it.

The proposal seeks planning permission in principle for upto 18 dwellings and any future consideration of 'reserved matters' would need to include the siting of those dwellings in relation to existing homes in order to ensure there is no unacceptable loss of privacy, sunlight, daylight and outlook. There is ample space within the site to ensure that the amenity of adjacent houses is not harmed in these ways and particular attention will be needed to the external boundary treatments.

It is acknowledged that the properties on Loughborough Road have rear elevations that would face towards the application site and particularly short gardens. Because of that, the occupiers of these properties rely on the openness of the field to achieve satisfactory outlook. It would therefore be essential that any new dwellings, occupying elevated positions were suitably sited to take account of changing levels and the presence of principal windows in existing rear elevations in order to avoid an oppressive outlook and overbearing impact.

The development itself is not predicted to have an adverse impact on the quality of life of existing residents in terms of noise although there would be a degree of disturbance throughout the development period and noise associated with residential occupation of the site in the long term. Within the development itself, noise from the use of the proposed access road could be mitigated with the inclusion of an acoustic barrier alongside the access to absorb traffic noise, although no details are submitted regarding this feature they could be required by the imposition of a planning condition. Noise arising from traffic within the development or (as identified in the submitted noise report) from Loughborough Road or Shepshed Road could be mitigated by way of a glazing and ventilation strategy that would seek to ensure sensitive rooms closest to noise sources were glazed and ventilated to reduce noise, (acoustic trickle vents). Additionally gardens areas would be adequately screened from noise nuisance by way of standard close board garden fencing or additional landscaping.

In conclusion the proposal is considered to provide acceptable standards of amenity for future residents and to be capable of being designed so that there is no adverse impact on

existing residents. This would mean it would fully comply with Development Plan Policies EV/1 and CS2.

### Heritage

Policy CS14 of the Core Strategy is concerned with heritage and seeks to ensure heritage assets are protected and conserved. This policy accords with the National Planning Policy Framework and does 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 it.

The site is not within a conservation area but the site lies adjacent to Hathern Conservation Area and the Anchor Inn which is a Grade II Listed Building. However the site is bisected from these heritage assets from the busy A6 and it is considered that the development site, located to the rear of existing buildings would be sufficiently distant to and annexed from the Anchor Inn and Conservation Area such that the proposal would not harm their significance or their settings. As such, the public benefits of the scheme do not fall to be weighed in accordance with Paragraph 196 of the National Planning Policy Framework. It is therefore considered that the proposal accords with Policy CS14 and the requirements of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) in that the development proposal would at least preserve the character or appearance of the Conservation Area.

### Arboriculture

Policies CS2 and CS11 of the Core strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges around the periphery of the site and which are indicated to be retained. 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.

Although the application is not accompanied by any assessment of existing trees or hedges in terms of their size or condition but the submitted Ecological Report comments on their species. Although the application is also not accompanied by a proposed site layout, there is no reason to consider it will be necessary to remove any of these existing landscape features. It is therefore considered that the proposal could accord with Development Plan policies CS2 and CS11.

### Ecology

Policy CS13 of the Core Strategy seeks to protect biodiversity and to ensure that where there is any loss this is avoided, mitigated or compensated. This policy generally accords with the National Planning Policy Framework and does 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 it.

The ecological reports submitted show that there are no designated sites within or immediately adjacent to the application site although there is a Site of Special Scientific Interest at Oakley Wood approximately 1.8km distant and a Local Wildlife Site at Oakley Grange, Hathern approximately 0.9km from the site.

The submitted Ecological Appraisal includes a Habitat Survey which includes a description of hedges and boundaries and the existing grassland which is horse-grazed semiimproved pasture land which is relatively poor in terms of species. None of the existing buildings on the site have been identified as providing potential habitats for roosting bats although the desk top study identified bat activity in the area. Records were dispersed between 150m and 650m distance to the application site and trees within the site have been assessed as having low potential to support roosting bats although it will be necessary to pay particular attention to the use of external lighting in the final layout of the development.

Protected bird species are also recorded within the search area although all but 2 species are associated with habitats that are not present on the site with foraging habitat being available for a number of other bird species.

There is an active badger sett at the edge of the site and any works within close proximity to it risk damage or destruction. Loss of connection to surrounding foraging land and the dispersal of the group may also have an adverse impact. If there is any requirement to damage or remove the sett, a licence will be required and under such circumstances, it would be necessary for the applicant to provide adequate compensation such as a replacement sett in a suitable undisturbed location.

The submitted report also assessed the potential for other protected species such as hedgehogs, reptiles or amphibians but these are ruled out because of the sub-optimal conditions on site.

The Hedgerow Regulations 1997 are intended to protect important rural hedgerows from destruction or damage and almost all of the hedgerows surrounding the application site would fulfil the criteria to qualify for protection under the Regulations. Mitigation measures are recommended to be made to compensate for any losses or adverse impact which may arise even through unintended consequences of altered hydrology, exposure to artificial lighting or unsuitable management if they become part of garden boundaries.

Subject to the undertaking of further recommended survey work, it would be possible to develop the site without significant ecological loss and indeed to provide a net biodiversity gain. To ensure that this was the case planning conditions would need to 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.

### Soils

Policy CS16 gives support for development that protects agricultural resources such as best and most versatile agricultural land. The application is not accompanied by any document assessing the quality of the agricultural land but strategic 2010 mapping by Natural England places the site in a belt of 'good to moderate' Grade 3 quality and although the maps are not intended as a substitute for a detailed site by site assessment, they provide a basis for the assumption that the site could be classed as falling within the description of the best and most versatile land for agriculture. Policy CS16 generally accords with the National Planning Policy Framework and does 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 it.

Whilst the development would result in the loss of some best and most versatile land it comprises a relatively small area that does not make a significant economic contribution to agricultural production or form an essential element to a larger holding.

Whilst the harm resulting from its loss must be acknowledged the low economic impact of this, (which the NPPF seeks to protect such land for at paragraph 170 b.), it would not in itself result in a significant adverse impact, or be a reason which could justify the refusal of planning permission. The proposal is considered to comply with policy CS16 in this respect.

### Flood risk/drainage

Policy CS16 of the Core Strategy seeks to ensure that development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the National Planning Policy Framework and does 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 it.

The site lies within flood zone 1 where the risk of flooding is generally low. The Flood Risk Assessment submitted with the application confirms this and also assesses flood risk mitigation measures to be unnecessary for the development proposal. A surface water drainage strategy has been prepared to ensure that surface water runoff can be managed



effectively over the lifetime of the development and to ensure that off-site flood risk is not increased as a result of the development.

Although the site has no record of flooding, neighbours and users of the A6 will attest to more recent flooding events which have closed Loughborough Road to traffic following prolonged rain or storm events.

The submitted flood risk assessment alludes to a proposed drainage strategy which is being prepared separately and which is not submitted as part of the application. This strategy would be based on an estimation of surface water run-off and the design of an effective site water management scheme. It is envisaged that a separate SuDs strategy would be submitted as part of the 'reserved matters' application for the effective management of surface water drainage and this forms a condition attached to this recommendation.

Accordingly it is considered 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 Development Plan policy CS16.

#### Highway matters

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 Loughborough Road and the application is accompanied by a Highway Report prepared by Edwards & Edwards Consultancy Ltd. The site is situated on the southern side of Loughborough Road which forms part of the Class 1 A6 and the section immediately outside the application site is subject to a 30mph speed limit and a 3m wide footway fronts the access. The existing access lacks drainage and a bound surface and the access has a gate on the highway boundary which requires vehicles to wait within the highway whilst it is opened or closed and the proposal would improve all these aspects.

The local highway authority observes that the geometry of the proposed access in terms of its width, visibility splays, kerb crossings, surfacing and gradient would all accord with its standards

### *Capacity*

The data within the submitted Highway report has been thoroughly examined by the local highway authority which considers the methodology used to calculate traffic generation is acceptable. The results indicate that a total of 13 two way trip movements during both the morning and evening peak periods which would be equivalent to 1 vehicle every 4.5 minutes. On this basis, the local highway authority is satisfied that the development would not result in severe impact on the local highway network.

### *Safety & Suitability*

It is pertinent to note that in dismissing the previous appeal for 14 dwellings at this site (under application reference P/14/0966/2), the Planning Inspector did refer to the location of the nearby pedestrian crossing and bus stops and the presence of the access to the Anchor Inn car park opposite the site but was satisfied that the access, for the relatively limited amount of traffic generated would be adequate. Whilst this development is relates to upto 18 houses, it remains the case that the proposed access, constructed in accordance with the Leicestershire Highway Design Guide standards would provide a safe and suitable access.

### *Sustainability*

The site is located at the edge of the village which is bisected by the A6 main route which runs between Derby, Loughborough and Leicester. A regular bus service operates this route and also provides connections to East Midlands Airport. Whilst the location in itself does not offer the best transport choice within the Borough the development itself is designed to maximise the potential that this location can offer. In this regard the development is considered to comply with policy CS17.

In conclusion the proposal is considered to comprise a safe and suitable access for the amount of development proposed. Although site layout details are currently unknown it would be possible to provide internal roads and parking for the scheme to an acceptable design. Although residents refer to other recent developments which have taken place in the village relatively recently, the local highway authority is satisfied that the proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choice for its location. Accordingly the proposal is considered to comply with relevant development plan policies and advice contained within the NPPF.

### 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.

Education	£53,735.26 towards secondary school provision in the area. The catchment school is Charnwood College in Loughborough and most likely to benefit from the developer contribution but other schools include De Lisle and Limehurst School also in Loughborough or Iveshead School in Shepshed
Civic Amenity	£769.00 towards additional capacity at Shepshed Household Waste and Recycling Centre
NHS	£9,113.62 towards improving Hathern Cross Street Surgery.
Open Space	Provision on site for young people (additional to children's play) or an offsite contribution of £17,172 towards facilities at Pasture Lane. Provision of onsite 0.12 ha (combined) of amenity space and park provision. Provision of 1 facility for children's play or offsite contribution of £9,600 towards a facility at Pasture Lane. Provision of 0.01ha of allotment land or off-site contribution of £2,033 for the provision or enhancement of existing allotments within Hathern. £5,902 towards the improvement of facilities at Derby Road Sports Ground in Loughborough.
Libraries	£540 to increase stock at Hathern Library

These contributions are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24. There are concerns that the contributions sought with regard to indoor sports facilities, as described in the report above are based on a national threshold that does not take into account existing provision. As a result, this particular request is not considered CIL compliant as it has not been demonstrated it is necessary to make the development acceptable in planning terms or that it is directly related and for this reason it is excluded from the above table.

### Planning Balance

As there is currently an insufficient supply of deliverable housing sites, this application would have to be determined on the basis of para 11d of the presumption in favour of

sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide upto 18 new units of which 7 would be affordable homes, at a time when there is an acute need for these. This is a significant benefit of the scheme. These would not be provided in the most sustainable type of settlement in the Borough but nevertheless in one where there are some local facilities and a bus service to higher order centres. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, noise or flooding that cannot be mitigated and ecological gain and landscape compensation can be secured by way of detailed landscape design. Impacts on infrastructure can be offset within the site or via commuted payments to improve facilities in the area.

Weighed against this there is conflict with the policies of the Core Strategy and the saved Policies of the Borough of Charnwood Local Plan which do not seek to provide new housing in this location. There would be localised harm to landscape and visual amenity as viewed from existing dwellings and the nearest public footpath. Additionally, the proposal would lead to loss of potentially what can be regarded as the best and most versatile agricultural land.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing.

#### RECOMMENDATION A:-

That authority is given to the head of Planning and Regeneration and the Head of

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

Education	£53,735.26 towards secondary school provision in the area.
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Civic Amenity	£769.00 towards additional capacity at Shepshed Household Waste and Recycling Centre
NHS	£9,113.62 towards improving Hathern Cross Street Surgery.
Open Space	Provision on site for young people (additional to children's play) or an offsite contribution of £17,172 towards facilities at Pasture Lane. Provision of onsite 0.12 ha (combined) of amenity space and park provision. Provision of 1 facility for children's play or offsite contribution of £9,600 towards a facility at Pasture Lane. Provision of 0.01ha of allotment land or off-site contribution of £2,033 for the provision or enhancement of existing allotments within Hathern. £5,902 towards the improvement of facilities at Derby Road Sports Ground in Loughborough.
Libraries	£540 to increase stock at Hathern Library
Affordable Housing	40% Affordable housing (77% for rent and 23% for shared ownership)

#### RECOMMENDATION B:-

That subject to the completion of the agreement in A above, planning permission be granted subject to the following conditions and notes:

#### Grant Conditionally

- 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: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
- 2 The development shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:- a. layout, b. scale, c. appearance, d. landscaping.  
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

3 The submission of reserved matters under Condition 2 shall include details of the design and specification of an acoustic barrier alongside the proposed access road and a glazing and ventilation strategy to reduce internal noise levels within proposed dwellings.

REASON: In order to reduce impact to the amenities of neighbouring properties arising from traffic noise and to protect the amenities of future occupiers; and in the interests of the appearance of the development.

4 The development hereby permitted shall be carried out in accordance with the following approved plans: Topographical Survey Plan  
1:1250 scale site location plan

001 Rev A - Proposed access plan

REASON: To define the terms of the planning permission.

5 The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area.

REASON: To ensure that an appropriate mix of homes is provided that meets the Council's identified need profile in order to ensure that the proposal complies with Development Plan policy CS3 and the advice within the NPPF.

6 The landscaping details submitted pursuant to condition 2 above shall include:

- i) the treatment proposed for all ground surfaces, including hard surfaced areas;
- ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees;
- iii) finished levels or contours within any landscaped areas; iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.
- v) functional services above and below ground within landscaped areas; and
- vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.

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.

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.

REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and EV/1 of the Development Plan and associated national and local guidance.

- 8 The details submitted pursuant to condition 2 above shall include the submission of a construction ecological management plan which should include the following:
- i) Updated badger survey, (immediately pre-construction), and protection measures as set out within the recommendations of the December 2020 Ecological Assessment.
  - ii) Updated bat roost assessments (immediately pre-construction), of any trees to be removed
  - iii) Protection measures relating to birds as set out within the recommendations of the Ecological Assessment 2020

The development, including site clearance, shall be carried out in accordance with the approved construction ecological management plan.

REASON: To ensure that there is no adverse unmitigated impact on protected species or their habitats and provide compliance with policy CS14 of the Development Plan and relevant legislation relating to protected species.

- 9 The details submitted pursuant to condition 2 above shall include the following:
- i) A biodiversity audit for the site which shows that the landscaping scheme provides a strong net gain for biodiversity as set out within the recommendations of the December 2020 Ecological Assessment
  - ii) Details of external lighting for the site that minimises light spill onto boundary habitats as set out within the recommendations of the Ecological Assessment 2020
  - iii) Details of a scheme of bat and bird boxes within the recommendations of the Ecological Assessment 2020

REASON: To ensure that there is no adverse unmitigated impact on ecology and that there is compliance with policy CS14 of the Development Plan and associated national and local guidance.

- 10 No development shall commence on the site until such time as a construction management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:
- i) Details of the management of surface water during construction
  - ii) Details of construction vehicle parking and a timetable for its provision
  - iii) Wheel cleansing facilities and a timetable for their provision
  - iv) Details of construction traffic routeing
  - v) Hours of operation for construction and delivery of materials

The construction of the development shall thereafter be carried out in accordance with the approved details and timetables.

REASON: To ensure the development does not cause harm to amenity or the environment during the construction phase in order to ensure compliance with Policies CS2 and CS16; to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users; to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

- 11 Prior to occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.  
REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS15 and CS16.
- 12 The details submitted pursuant to condition 2 above shall include full details of the way in which foul sewage and surface water are to be disposed of from the site. The development shall only be carried out in accordance with the details as may be approved by the local planning authority.  
REASON: To make sure that the site can be drained in a satisfactory way.
- 13 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.  
REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).
- 14 The proposed access shall have a width of a minimum of 5.0 metres and a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material for its full extent, with a 9.2m dropped crossing at its connection to the A6. The access once provided shall be so maintained at all times.  
REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).
- 15 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 the National Planning Policy Framework (2019).

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS17, CS18, CS24 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies ST/2, EV/1, CT/1, CT/2 and TR/18 of Borough of Charnwood Local Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies Local Plan policies. The benefits of the proposal are not significantly and demonstrably outweighed by the harm identified and there are no other issues arising that would indicate that planning permission should be refused.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Document 'Design' (adopted 2020).and, therefore, no harm would arise such as to warrant refusal of planning permission.
- 3 The decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 The County Director of Highways, Transportation and Waste Management states that drainage must be provided within the site so that surface water does not drain into the public highway from any private driveways or other hard surfaces, in the interests of highway safety.
- 5 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary

licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

- 6 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the Applicant, who shall first obtain separate consent of the Highway Authority.