

**Item No:**

**Application Reference Number:** P/20/1571/2

<b>Application Type:</b>	Outline	<b>Date Valid:</b>	28/9/2020
<b>Applicant:</b>	Parkers of Leicester Ltd		
<b>Proposal:</b>	Demolition of existing dwelling on-site, erection of up to 7 no. dwellings on-site and associated works. (Outline - All Matters Reserved)		
<b>Location:</b>	Grange Farm Bungalow 63 Main Street Woodthorpe Loughborough Leicestershire LE12 8UG		
<b>Parish:</b>	Loughborough	<b>Ward:</b>	Loughborough Woodthorpe
<b>Case Officer:</b>	Jim Worley	<b>Tel No:</b>	07864 603389

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## 1. Background

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation as the development represents a departure from the Development Plan and the Officer recommendation is one of approval.
- 1.2 The application has also been called in at the request of the late Ward Councillor Bolton under the Council's call-in procedure, for the following reasons:
- Impact on the character of the hamlet from proposed layout and density
  - Traffic and road safety impacts
  - Increase in noise levels
  - Lack of mains drainage
  - Effect on wildlife
- 1.3 Cllr Anne Gray has also registered a 'call in' to the Committee (10/3/22), citing the following material considerations:
- traffic and road safety
  - detrimental effect on wildlife
  - character of the hamlet
  - noise
  - density of the development.
- 1.4 Recently elected Ward Councillor Worrall has confirmed she agrees with the 'call in'.

## 2. Description of the application site

- 2.1 The site is situated on the western side of Main Street in Woodthorpe in the centre of the hamlet. It comprises the curtilage of no. 63 Main Street and adjacent land to the north. The site is approximately 0.49 hectares in size and abuts Main Street to the west, agricultural land and buildings to the south and the garden of 'The Old Barn' 45 Main Street and 'The Old Dairy' 47 Main Street (situated behind) to the north. The site boundary to Main Street is not defined and fronting Main Street is a row of mature trees. These stand on land forming part of the public highway. The site itself is overgrown and is enclosed by mature hedgerows and trees along its west and north boundaries.
- 2.2 There is a small shed located close to no. 63, which is not part of the application site, enclosed by a stone wall that also demarks the current access to no.63. A small length of red brick wall forms the front site boundary north of this. No. 63 is a large, detached bungalow with low pitched roof set back from Main Street by approximately 10m and orientated parallel with the road. Opposite are a row of traditional cottages and houses prior to giving way to more modern bungalows in large plots to the south.
- 2.3 Woodthorpe is a small hamlet located to the south-east of Loughborough. The hamlet is located in an area of countryside between the A6004 to the north and the Allendale Road to the west. The hamlet is linear in nature, with all buildings located off Main Street, which connects to the A6004 roundabout to the north and narrows to a single track lane to south of the hamlet.
- 2.4 The front part of the site (approximately one third of its overall depth) is within the Limits to Development of Woodthorpe as defined by Policy ST/2 of the Local Plan 2004. Then site is within a mineral consultation area and an archaeological alert area. The remainder of the site is outside the Limits to Development within the countryside.
- 2.5 In the emerging Local Plan 2021-37 the site is wholly within a defined Area of Local Separation which includes all of the land and buildings on the west side of Main Street and land further to the west.
- 2.6 The village does not contain a Conservation Area and the nearest Listed Building, Reynells Farm, 80 Main St, is some distance further south at the extremity of the hamlet.

## 3. Description of the proposal

- 3.1 This outline planning application seeks permission for the erection of **up to seven dwellings** following the demolition of no.63 Main Street, **with all matters reserved for future consideration**. It is proposed that the access would be taken from a new access point from Main Street. The application was originally submitted with an Indicative Layout Plan showing a cul-de-sac arrangement of nine detached dwellings. Following concerns about the proposed layout, a Design Brief was submitted in March 2022 and re-consultation was undertaken on a revised proposal of up to seven dwellings. Further transport evidence was also requested and submitted to demonstrate the capability of accessing the site and safety implications. However, 'means of access' remains a reserved matter.

3.2 The application is also supported by the following:

- Design and Access Statement
- Preliminary Ecological Appraisal Report (September 2020)
- Bat Building Assessment (August 2020)
- Transport Technical Note (dated 30/11/21)
- Design Brief December 2021
- Phase 1 and 2 Geo-Environmental Report March 2022
- Potential Access Arrangement Stage 1 Road Safety Audit (RPS, v1 June 22)
- Tree survey, constraints and protection plans March, 2023
- Road Safety Audits submitted March 2023 (addressing larger vehicles)
- Biodiversity Impact Assessment and offsetting proposals (Dec. 2022 – March 2023)

#### 4. 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) and the Minerals and Waste Local Plan (2019).

4.2 The policies applicable to this application are as follows:

##### [Charnwood Local Plan Core Strategy \(Core Strategy\)](#)

- 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 CS14 - Heritage
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS18 – The Local and Strategic Road Network
- Policy CS25 - Presumption in favour of sustainable development

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

4.3 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

## Minerals and Waste Local Plan (2019)

- 4.4 This document includes the County Council's spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031.
- 4.5 Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.
- 4.6 Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

## **5. 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 4: Decision making
  - Section 5: Delivering a sufficient supply of homes
  - Section 8: Promoting healthy and safe communities
  - Section 9: Promoting Sustainable Transport
  - Section 12: Achieving well-designed places.
  - Section 14: Meeting the challenge of climate change,
  - Section 15: Conserving and enhancing the natural environment
  - Section 16: Conserving and enhancing the historic environment
  - Section 17: Facilitating the sustainable use of minerals

### Planning Practice Guidance

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

### National Design Guide

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

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

- 5.4 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.

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

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

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

- 5.6 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

- 5.7 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.

#### Technical Housing Space Standards (2015)

- 5.8 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.

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

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

## Equality Act 2010

- 5.10 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 2021-37](#)

- 5.11 This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for Examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2023.

- 5.12 In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

(c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

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

- Policy DS1: Development Strategy
- Policy DS5: High Quality Design
- Policy C1: Countryside
- Policy H1: Housing Mix
- Policy CC4: Sustainable Construction
- Policy CC5: Sustainable Transport
- Policy CC6: Electric Charging Points
- Policy EV1: Landscape
- Policy EV3: Areas of Local Separation
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7: Tree Planting
- Policy EV8: Heritage
- Policy INF1: Infrastructure and Developer Contributions

## Planning Guidance for Biodiversity June 2022

- 5.14 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.

### **6. Relevant Planning History**

- 6.1 There is the following relevant planning history for the site.

<b>Reference</b>	<b>Description</b>	<b>Decision &amp; Date</b>
P/97/0438/2	Site for the erection of two detached dwellings	Refused 19/5/97 Appeal dismissed 24.6.1998

### **7. 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](http://www.charnwood.gov.uk)

<b>Consultee</b>	<b>Response</b>
LCC Local Highways Authority	No objection subject to conditions: <ul style="list-style-type: none"><li>• Provision of the site access and any off site works before occupation of any dwellings</li><li>• Full details of working practices to form the access and any associated works in order to protect highways trees in front of the site</li><li>• Provision of a construction traffic management plan</li></ul>
Charnwood Borough Council – Urban Design, Conservation & Archaeology (May 2023)	Heritage assets to be considered are Reynall's Farmhouse which is listed grade II and is located Main St at the southern end of the hamlet. The hamlet of Woodthorpe which is considered to be a non-designated heritage asset. The proposed development also falls within an archaeological alert area. <ul style="list-style-type: none"><li>• The heritage significance of Reynall's Farm or its setting will not be diminished by this proposed development.</li><li>• The design brief identifies the significant characteristics of the hamlet and a form of development that responds to the distinct context. If the proposed development followed the details in the design brief the result would be acceptable.</li><li>• Concern that the requirements identified in the response received from the highway authority for</li></ul>

	<p>a regular highway width of 5.5m with potential footways and regular kerb alignment, together with a wide regular radii access point to service the development, would result in significant degradation of the heritage significance of Woodthorpe.</p> <p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>• There would be no harm to the heritage significance of Reynall's Farm or its setting.</li> <li>• The required highway alterations would have a very significant adverse impact on the historic character of Woodthorpe, and Para 203 of the NPPF is engaged.</li> </ul>
Leicestershire County Council Mineral Planning Authority (20/9/21 and 26/8/20)	<b>No objections</b> in respect of mineral safeguarding.
Lead Local Flood Authority (LLFA)	The development scale is such that the LLFA is not a statutory consultee. Refers to standing advice that drainage must not lead to flooding or exacerbate flooding elsewhere.
Charnwood Borough Council Environmental Health (17/1/23 and 3/6/21)	<p><b>No objections</b> subject to conditions:</p> <ul style="list-style-type: none"> <li>• Noise mitigation measures to be approved as part of the detailed design of the dwellings.</li> <li>• Conditions are recommended to control dust and approval of a construction method statement. Construction Management Statement.</li> </ul> <p>No remedial measures required for contamination.</p>
Charnwood Biodiversity (March 2023)	<ul style="list-style-type: none"> <li>• A balanced and acceptable baseline assessment has been produced for the site and that at 63 Main Street.</li> <li>• A net loss of 0.34 habitat biodiversity units is stated.</li> <li>• The DEFRA metric is acceptable because the applicant had a potential site to deliver offsetting.</li> <li>• It would appear that offsetting is not currently an option and so there is an increased risk that an offsetting payment will be required.</li> <li>• Therefore, the Warwickshire Metric should be referenced in the S106 agreement, should we get to that stage.</li> </ul>



	<ul style="list-style-type: none"> <li>• Transfer of the recently submitted baseline data to the Warwickshire Metric indicates offsetting payments of £21,267.</li> <li>• Note that the post development habitats have followed the applicants' submissions, are indicative only and do not represent confirmation of the semi natural habitats where these have been shown.</li> </ul> <p>No objection subject to obligations as part of S106 are prepared to include:</p> <ul style="list-style-type: none"> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</li> <li>• To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</li> <li>• Where the provision of the Biodiversity Net Gain on site cannot be achieved to provide the mitigation measures on site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and/or pay the Biodiversity Impact Compensation to the Council.</li> </ul>
<p>Campaign to Protect Rural England (CPRE) (5/4/22 and 27/10/20)</p>	<p>Object to the development on grounds of:</p> <ul style="list-style-type: none"> <li>• Adopted Local Plan does not allocate the site for housing.</li> <li>• Lack of 5 year supply is not a reason to overturn the intention of the Local Plan to preserve the separate identity/character of Woodthorpe</li> <li>• Woodthorpe lacks facilities to sustain further development.</li> <li>• No affordable housing provision is included.</li> <li>• The hamlet has 23 dwellings and 7 more with 23 bedrooms would increase population by 50%.</li> <li>• Erode the buffer between Woodthorpe and Shelthorpe.</li> <li>• Contrary to strategic objective SO9 of the Core Strategy.</li> <li>• Residents would be car dependent for employment, schools, healthcare etc.</li> <li>• The site is not allocated in the draft Local Plan.</li> <li>• No bus service and more than 800m from bus stop</li> <li>• Highways concerns not addressed</li> <li>• Road widening impact on trees</li> <li>• CPRE understand a recent application for 120 dwelling to the east of Woodthorpe was refused permission.</li> </ul>

## Ward Councillor and Parish Council Response

The Late Cllr G Bolton (former Shelthorpe Ward Cllr)

- The increase in traffic on what is a narrow road is likely to lead to highway safety issues. This is exacerbated by the fact that a number of the cottages do not have parking spaces so have to park on the road.
- There is no bus route through or close to Woodthorpe and, with the proposed size of the house, each property will likely have more than one vehicle. In addition, many people walk and cycle through and round the Hamlet - an increase in vehicles may lead to pedestrian and cyclist safety issues.
- Noise levels: There will be an increase in the noise levels with so many extra vehicles both during construction and post construction.
- The Layout and Density of the Property: The proposed development will, in my have a detrimental effect on the layout of Woodthorpe Hamlet and the density of the property currently in existence. Nine houses will be built on an area that is currently open space and will change the whole nature of the Hamlet.
- Lack of mains drainage: The current properties rely on septic tanks as there is no
- central sewerage system. An additional set of properties would put increasing pressure on these available amenities.
- Effect on Wildlife: the proposed site for development currently houses much wildlife which could be lost if the development is allowed to go ahead.

Cllr Anne Gray (7/4/22)

- Grave concerns about the suitability of the hamlet for this kind of development and its effect on heritage and biodiversity. Requests 'call in' to Committee.
- The development goes against the principle of sustainable development given the absence of any facilities or public transport links.
- The development would generate at least 14 additional vehicles travelling through the village. It already poses dangers and these will be exacerbated.
- Such a development would affect the character of the hamlet and destroy its uniqueness as the last hamlet in Charnwood.

	<ul style="list-style-type: none"> <li>• A grouping of properties in this way will mean that Woodthorpe is no longer a linear settlement.</li> <li>• Impact on privacy and the blocking of light to the adjacent property.</li> <li>• The Charnwood Local Plan states that remaining small villages and hamlets are not appropriate locations for development; at least one other application has been turned down in the last few years.</li> </ul>
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<b>Responses to publicity</b>	
<b>From</b>	<b>Comments</b>
<p>27 letters of objection received from 18 addresses:</p> <p>Four submissions from the Woodthorpe Residents Association</p> <p>Two petitions signed by 27 and 33 addresses respectively</p>	<p><b>Biodiversity</b></p> <ul style="list-style-type: none"> <li>• Loss of wildlife present on the site.</li> <li>• Biodiversity offsetting should take place locally, rather than exported to Quorn.</li> <li>• Concern that offsetting proposal could be lost to future development.</li> <li>• The Biodiversity Assessment does not include all wildlife on the site. These plots are rich in wildlife and form a diverse system of plants and animals. Many types of birds (including those from the RSPB red list), frogs, newts, toads, butterflies, insects, foxes, badgers, and deer are all in evidence.</li> </ul> <p><b>Trees and hedges</b></p> <ul style="list-style-type: none"> <li>• Arboreal analysis does not include trees recently removed or those which could be affected by the access. It contains several other inaccuracies regarding the effect on trees.</li> <li>• Widening of the road and potentially damage to hedges.</li> <li>• Concern about the cutting back of trees and potential removal of trees to allow additional access or sightlines.</li> </ul> <p><b>Highways Issues</b></p> <ul style="list-style-type: none"> <li>• Works to the road will enable faster traffic speeds.</li> <li>• Impact of the increase in traffic is particularly worrying - access from the roundabout is already difficult.</li> <li>• The effect from work traffic from a safety aspect and the obscured vision from the sharp bend in the road just prior to the property is of particular concern.</li> </ul>

- Long term consequences with regard to the number of cars travelling along Main Street.
- **Impact on existing properties**
- Impact on outlook / open views as the new properties directly overlooked by this proposal.
- Issues of overlooking; as well as general loss of privacy and amenity.
- **Infrastructure and drainage**
- There is no justification or need for these houses.
- There is no sewage drainage available - the only drains are those relating to the road water run-off which overload and flood on a regular basis.
- There are no mains facilities in Woodthorpe – gas, mains sewer, bus services.
- **Character and appearance**
- The proposed development would destroy the character of the small hamlet of Woodthorpe.
- The scale of growth would be out of character – Woodthorpe contains only 23 dwellings and this is an increase circa 30%. Together with the proposal at Rose Cottage would be an increase by 14.
- Overbearing impact from the development on the last remaining local hamlet.
- There should be no development in the hamlet that would spoil its linear topography, which goes back to Viking times.
- Layout and density of buildings inappropriate for the hamlet. Woodthorpe is linear in nature and the proposal provides depth.
- The green spaces are integral to the character of Woodthorpe and provide its countryside feel.
- **Planning Policies**
- Strict adherence to Council planning policies should be applied.
- Building in open countryside and its unsustainable consequences.
- Charnwood Planning Policy identifies Woodthorpe as a small hamlet unsuitable for new development. Policy C1 remains applicable.
- Contrary to planning policies on ‘Areas of Separation’ which is there to protect the environment.
- Draft policy LP1 has already been fulfilled for housing allocation.

- The proposed residential development is contrary to saved policies EV/18 as well as EV/1 and H/16 of the adopted Local Plan. It will therefore have a significant detrimental impact on local wildlife habitat and biodiversity.
  - Contrary to current Core Strategy policies CS1, CS11 and CS25.
  - Policy DS3 (HA15) of the Draft Local Plan, cites the requirement for the retention and enhancement of the character and identity of the linear hamlet of Woodthorpe. This proposed development clearly no longer maintains the linear characteristic.
  - Clause 3.223 of the Draft Local Plan states that “Our small villages and hamlets have few or no services and facilities, and the people who live in these settlements rely on larger ones for their day-to-day needs. They are therefore generally poor locations for new development, and we have made no allocations in these places”.
- Precedents**
- Precedent of refused planning permissions. Full reason for refusal are quoted including planning policies. These remain current and should therefore apply to this application and generate refusal.
  - The application will create precedent of breaching policies.
- Design Guide**
- There are several inaccuracies and inconsistencies in this design brief.
  - The design of the proposed development as it is illustrated would have a big detrimental impact on no 47, which is immediately adjacent, and shares a common boundary located to the south of us. The two storey house would overbear on no.47, overlook bedroom windows and cause a loss of light and could affect hedges and trees.

## **8. 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) and the 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 there is no reason for them to be given reduced weight. As the Core strategy is now five years old and the Planning Authority cannot currently demonstrate a 5-year supply of housing land (4.27 years), 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 11dii), 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' (NPPF paragraph 11dii) applies.
- 8.4 The main planning considerations applicable to this application are considered to be:
- Principle of Development
  - Housing Mix
  - Landscape & Visual Impact
  - Design & Layout
  - Impact on Residential Amenity
  - Ecology and Biodiversity
  - Impact on Trees
  - Land Contamination
  - Highway Matters
  - Flooding and Drainage
  - Heritage Impacts

## **9. Key Issues**

### **9.1 Principle of the Development**

- 9.1.1 The principle of development is guided by Local Plan policies CS1 of the Charnwood Core Strategy (2015) and saved policy ST/2 of the Borough of Charnwood Local Plan (2004). Policy CS1 of the Core Strategy outlines the development strategy for the Borough and the distribution of sustainable growth.
- 9.1.2 Woodthorpe is designated as a Small Village/Hamlet in the settlement hierarchy under Policy CS1. It states that the strategy for these settlements is to safeguard services and facilities and respond positively to development that meets a specific local social or economic need in these smallest settlements. Policy CS1 states the Council will respond positively to development where the specific local need has been identified in a Neighbourhood Plan or other community-led strategy or the development supports sustainable businesses in accordance with Policy CS10.
- 9.1.3 The submitted application does not seek to meet an identified local social or economic need or support a rural business. The proposal is therefore considered to be contrary to policy CS1.
- 9.1.4 The site is located partly within and partly outside of the defined Limits to Development of Woodthorpe, as defined by saved Local Plan policy ST/2. The smaller west section of the site, fronting Main Street and including the bungalow number 63, is within the limits with the remainder outside. Local Plan Policy ST/2 seeks to restrict development to within defined limits to development. Local Plan Policies CT/1 and CT/2 allow development outside the limits defined by ST/2 in very limited defined circumstances. The proposed development would not meet any of the specific exceptions as set out in Policy CT/1. Policy CT/2 only applies when the proposal is acceptable in principle.
- 9.1.5 Policy CS11 of the Core Strategy is also relevant as the site is largely located in the defined countryside and it requires new development to protect landscape character and maintain the separate identities of towns and villages. These impacts are considered later in the report.
- 9.1.6 The site is located close to the settlement of Loughborough, where Core Strategy policy CS1 directs further housing growth as it is considered to be a sustainable location.
- 9.1.7 Given the current lack of a 5-year supply of housing land (which stands at 4.27 years) and the age of Core Strategy Policy CS1 and Local Plan policies CT/1 and ST/2, the weight that can be ascribed to them is reduced, and paragraph 11d of the NPPF applies, as stated at paragraph 8.2 above.
- 9.1.8 The proposal would be contrary to the Development Plan in principle but would result in seven new dwellings at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. This is regarded as a benefit of the development which is required to be balanced against any harm identified (the 'planning balance' is addressed at the conclusion of this report).

9.1.9 Emerging Local Plan policy is a material consideration. Emerging Local Plan Policy DS1 defines Woodthorpe as a Small Village/Hamlet where no development is allocated. The policy states that new built development will be limited to allocated sites and other land within limits to development subject to specific exceptions set out in the plan. Policy DS1 also sets out the approach to be taken when a 5 year land supply is not present. It states that in these circumstances, development should only be refused where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and will be supported only where 4 criteria are met:

- Accord with pattern of development set out in policy DS1
- Adjoin the limits to development
- Do not prejudice the delivery of infrastructure set out in Appendix 3, and
- Accord with other development plan policies.

Emerging Local Plan policy CC5 of the Draft Local Plan states that the Council will support sustainable patterns of development which will minimise the need to travel and seek to support a shift from travel by private car to walking, cycling and public transport.

9.1.10 It is considered that the proposal does not accord with the distribution of development set out in DS1 as the site (and all of Woodthorpe) is located outside limits to development and within the countryside; defined by emerging policy C1 and does not adjoin any defined Limit to Development specified within the emerging Local Plan. Policy C1 does support small scale new built development in very limited circumstances and where there would not be significant adverse environmental effects. The proposal for seven dwellings within the hamlet of Woodthorpe, which only currently has 23 dwellings, is not considered to be small scale in the context, nor does it satisfy the other exceptions listed in Policy C1. The site does not adjoin the defined limits to development within the emerging plan. Therefore, the first two criteria are not met. The proposal will not prejudice the delivery of infrastructure. The compliance with other relevant emerging policies is considered in the relevant sections below. Overall, the proposal is considered to be in conflict with emerging policy DS1.

9.1.11 In relation emerging Policy CC5, Woodthorpe is located very close to Loughborough with a range of services, facilities and transport links, which serve to minimise the need to travel by car. The emerging Local Plan proposes to allocate 723 homes and a primary school close to the site, to the east and south of Woodthorpe (emerging policy DS3 (HA/15)), in part because of this proximity. Planning application P/21/0550/2 for up to 120 new dwellings to the east of the hamlet was recently considered at appeal (September 2022) and planning permission was granted despite the clear conclusion that it was contrary to Core Strategy Policy CS1 and Local Plan policies CT/1 and ST/2. This was justified on the basis that the development would make a strong contribution to housing supply (including affordable housing), the sustainable location of the site and its proximity to future planned growth strategies.



9.1.12 Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. However, Policy DS1 is contested and can therefore be given only limited weight whilst C1 and CC5 can be afforded moderate weight. In summary, the proposed development of seven dwellings on land that is largely outside the limits to development of Woodthorpe is contrary in principle to both the extant Development Plan and the emerging Local Plan and this should be regarded as a negative factor within the overall planning balance. However, the weight to be ascribed to the housing policies in the Development Plan is reduced as paragraph 11d of the NPPF applies, as the Council cannot demonstrate a 5 year supply of housing. Despite its very small size, Woodthorpe can be regarded as a more sustainable location for residential development which is illustrated by the site allocation and recent granting of planning permission at site 'HA15' on the east side of Woodthorpe.

9.1.13 Proposals for housing development on part of the site have been refused in the past. However, the planning policy framework has evolved very considerably since. More recent refusals on other sites in Woodthorpe have been referenced in representations received from local residents within which the current policy framework is cited. However, this was determined prior to the requirement of the 2021 NPPF and its 'presumption in favour of sustainable development' (i.e. Para 11d referred to above and below).

9.1.14 In these circumstances, the presumption in favour of sustainable development (NPPF paragraph 11d)ii) applies and requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies of the NPPF taken as a whole. The identified conflict with the adopted and the emerging Development Plan are considered to be harm within this exercise and will be weighed against the benefits and considered within the overall planning balance for the proposal at the end of this report.

## 9.2 Housing Mix

9.2.1 Core Strategy Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs. As the proposal is for seven dwellings, no affordable homes are required under either existing or emerging policies. This policy generally accords with the NPPF 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 it should be given.

9.2.2 Emerging policy H1 seeks a mix of house types and sizes to meet the overall needs of the Borough in line with up to date evidence. The policy is at an advanced stage, outstanding objections were considered in the hearing sessions in February and is consistent with the NPPF and it is considered can currently be given limited weight.

9.2.3 The latest evidence of need is provided by the Leicestershire Housing and Economic Needs Assessment (HENA) 2022 which outlines a recommended housing mix for the Borough in respect of market housing. This includes the following housing mix:

<b>Market</b>	
1 bed	5%
2 bed	30%
3 bed	45%
4+ bed	20%

9.2.4 Because of the 'outline' nature of the application the size of the dwellings (expressed as number of bedrooms) is unknown but it is possible to ensure adherence to the policy through conditions and the consideration of reserved matters. This outline proposal for seven dwellings is supported by a Design Brief which shows a mix of dwelling types and sizes. The provision of seven market homes of a mix to meet identified needs appears to be possible. Accordance with this policy and therefore contribution towards identified needs is a benefit of the scheme and should be given positive weight within the planning balance.

### 9.3 Landscape and Visual Impact

9.3.1 Core Strategy Policy CS2 and saved Local Plan policy EV/1 seek to respect and enhance the landscape character of the area and the form of existing settlements and the open and undeveloped nature of the countryside. Policy CS11 of the Core Strategy seeks to protect the character of our landscape and countryside and reinforce sense of place and local distinctiveness. 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 Emerging Local Plan Policy EV1 requires new development to protect landscape character and to reinforce sense of place and local distinctiveness. and maintain separate identities of settlements. This policy is at an advanced stage and were discussed at the hearing sessions in June 2022 and are consistent with the NPPF so can be given moderate weight.

9.3.3 Emerging Local Plan Policy EV3 states that development in Areas of Local Separation will only be supported where:

- it preserves settlement identity; and
- it clearly maintains the physical and perceptual separation between the built-up areas of settlements.

The emerging Local Plan defines an Area of Local Separation (ALS) between Woodthorpe and the urban edge of Loughborough. The application site is mainly within the ALS (with the site frontage and number 63 outside the ALS). This policy is at an advanced stage and objections were discussed at the hearing sessions in June 2022 and are consistent with the NPPF so can be given moderate weight.

9.3.4 The submitted Design and Access Statement explains that the site is contained by established residential curtilages, the row of mature trees in the foreground and, to the west, tree planting associated with the Grange Park development. It is considered that these features are effective in limiting the effect on the wider landscape. The anticipated impact on these trees is addressed in following sections of this report.

- 9.3.5 Representations have expressed a view that the various gaps that interrupt the linear pattern of Woodthorpe are essential to its character and have historic significance. The majority of the site is 'countryside' in the current Development Plan and is ALS in the emerging Local Plan.
- 9.3.6 The site itself is mainly an undeveloped area (other than the bungalow number 63) which provides a green gap within the linear hamlet. The proposed development would infill this space and thus the dispersed character, form and local distinctiveness of the settlement would be detrimentally impacted. The loss of the green gap would impact on settlement identity and local distinctiveness and thus conflicts with policies CS2, CS11 and EV/1 and emerging Local Plan Policies EV1 and EV3. However, the gaps are not of recognised importance such that they have been identified as Open Space or other 'protective' policies and it is therefore considered that the weight that can be given to this matter is limited.
- 9.3.7 In terms of separation between settlements it is considered that the remaining undeveloped land west of the site would remain effective in maintaining separation from the urban edge of Loughborough both physically by distance, and perceptively because the tree planting in this area is an effective barrier. Therefore, the proposal would retain the separate identities of Woodthorpe and Loughborough, in accordance with emerging Local Plan policy EV3.
- 9.3.8 The environs of the site make a very strong contribution to the character of Woodthorpe in that the row of trees along its frontage are a very prominent feature and notable landmark (trees T6, T8-14 Norway Maples and T7 Silver Birch identified in the submitted Tree Survey). These trees have been categorised as B2 – moderate quality (except T9 which is dead). The trees are within the road verge close to the roadside. These do not lie within the application site but could be impacted by the development.
- 9.3.9 The Highways Authority who manage the street trees, have stated that highway widening works will be required along Main Street. The extent of works is unclear as access is a reserved matter. The submitted Tree Survey does not take account of the highways works that will be required to facilitate the site access. Therefore, it is not known at this stage, to what extent the trees and road verge will be impacted by the site access and road widening. The plans submitted to demonstrate feasibility of access show that the proposal seeks to retain all Leicestershire County Council (LCC) trees but do show some limited road widening works within the root protection area of one of the trees. The Highways Authority has raised concerns regarding the impact of these works on the highway trees and there is potential for re-profiling of the verge adjacent to the site access for visibility purposes. They have requested conditions to ensure root protection during the works.
- 9.3.10 In conclusion, the proposed development would infill a green gap in the hamlet and therefore would have a limited detrimental impact upon the dispersed character, form and local distinctiveness of the linear settlement. The proposal would therefore conflict with policies CS2 and CS11 of the Core Strategy, EV/1 of the Local Plan and emerging policies EV1 and EV3. Whilst there is potential harm to the street trees along Main Street, from the site access and off-site road improvements, it is considered this is avoidable and careful work practices can avoid their loss.

#### 9.4 Design and Layout and the Impact on the Character of Woodthorpe

- 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 of the Local Plan 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.
- 9.4.2 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.
- 9.4.5 The planning application was submitted with an Indicative Layout Plan indicating nine detached dwellings and garages. However, this was superseded by a Design Brief and the application was amended to “up to 7” dwellings, following concerns raised about the proposed original layout.
- 9.4.6 The Design Brief layout options show seven dwellings of mixed size and types with off-road parking. The dwellings would be set back from the road behind the existing road frontage trees. The Design Brief sets out the following principles for the development:
- The design should be conceived as a whole
  - The buildings should follow the linear structure of the village
  - A central space should be created and frontage trees retain as far as possible
  - Utilise a single point of access from Main Street
  - The buildings should reflect predominant characteristics of buildings in Woodthorpe and the Soar Valley
  - The houses should be mixed in style, size and design
  - Houses should be orientated towards Main Street; parking provision and garages located behind the building line
  - Materials should reflect buildings in Woodthorpe and the Soar Valley
  - Detailing should reflect buildings in Woodthorpe and the Soar Valley
  - Landscaping should be simple and focus on the central space
- 9.4.7 Notwithstanding the conclusion above that the built development on the site would be harmful to the distinctive dispersed form and character of the settlement and could impact the street trees. it is considered that a layout could be secured that would, in architectural and design terms, be complementary and suitable for the site and the linear nature of Woodthorpe. The comments of the Council’s Urban Design, Conservation & Archaeology team are noted in this respect. It would be possible to stipulate that the content of the Design Brief is followed at reserved matters stage as a requirement of a condition(s).

- 9.4.8 However, the works required by highways could also have wider impacts on the hamlet as a whole. Currently the hamlet is a single road with dwellings all accessed from Main Street. Main Street has a distinct rural character with wide raised verges in places with no kerbs, and a varied width along its length. The limited footpaths are narrow and have low granite kerbs.
- 9.4.9 Whilst full details of access and the off-site works to Main Street are not available as access is a reserved matter, the site will require a formal access if development to the quantum of 7 is submitted (n.b the application is for “up to” 7 and a lower number may avoid the need for such a formal approach). 4.8m width is the highways standard, with kerbing and markings, and off-site works to widen Main Street close to the site access to 4.8m width. However, the Highways Authority advise that the visibility splays may have impacts on the existing highways trees through the re-profiling of the sloped verge along Main Street (though this is not evident from the feasibility plans submitted). The development may also require further road widening works further north along Main Street (to 5.5m), a flattened verge and the addition of a passing place (in general accordance with plan JNY10868-01 Rev C). The Highways Authority also highlight that at this stage emergency vehicle access/refuse access has not been considered. However, the information provided to demonstrate access feasibility shows that the trees can be retained and adequate sightlines provided over the verge to the required height.
- 9.4.10 It is considered that the access and off-site works, if required in the form presented in the feasibility plans, will result in a detrimental impact on the rural character of the hamlet. The road access will be of equal width to Main Street, creating a spur road within this linear hamlet and the widening of Main Street (and associated verge flattening and passing place) will be detrimental to the rural character of Main Street.
- 9.4.11 In conclusion, the Design Brief demonstrates that a linear development could be achieved, with dwellings that would reflect the materials and detailing of the hamlet. However, the access road and off-site highway works required would be detrimental to the linear character of the hamlet and the character of Main Street. The proposal is therefore contrary to policy CS2 of the Core Strategy, policy EV/1 of the Local Plan, the Design SPD and emerging policy DS5 of the Local Plan.
- 9.4.12 The bungalow on the site, 63 Main Street, is proposed for demolition as part of the proposal. The dwelling is of limited architectural merit and of no heritage value. The bungalow is one of several bungalows in this part of Woodthorpe but its loss would not harm the overall character of the hamlet. Its demolition is therefore considered acceptable in principle.

## 9.5 Impact on Trees on Site

- 9.5.1 Core Strategy Policies CS2 and CS11 seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. These policies generally accord with the National Planning Policy Framework and do not conflict the supply of housing. Emerging Local Plan policy DS5 makes similar requirements and EV7 encourages the protection of trees and tree planting. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF and can therefore be given moderate weight.
- 9.5.2 The applicant has submitted a Tree Survey: Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Feb 2023) which concludes the proposal will require the removal of 12 trees (all category C low value) and encroachments of hard surfacing into the root protection areas of five trees. This Assessment conclusion is based upon an illustrative scheme as this is an outline proposal. The site stands behind the mature trees on the Main Street frontage and is enclosed by hedging containing further trees to north and west boundaries. There are also trees around the curtilage of no.63 and smaller specimens within its garden. However, within this perimeter planting the site is open and it would be possible to develop a scheme that would leave sufficient distance to avoid these features, except for the removal of one tree from the frontage to enable access. Safeguards (e.g. protection of tree root areas and distances from hedges) can be imposed as conditions if permission was to be granted indeed a detailed plan has been provided showing the extent of these as part of the exercise of demonstrating potential access without undermining the frontage trees.
- 9.5.3 It is considered that the loss of the single tree (the smallest in the group) at the site frontage is of very limited impact and, consequently, subject to a condition to secure the retention of trees within the site where possible as part of the reserved matters scheme the proposed development is considered able to accord with the relevant policies in the Core Strategy, particularly Policy CS11 (Landscape and Countryside) and Policy CS2 (High-Quality Design) and the applicable emerging Local Plan policies EV7 and DS5 referred to above in respect of trees.

## 9.6 Ecology and Biodiversity

- 9.6.1 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity.

- 9.6.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Emerging policy EV7 supports the retention of existing trees and new tree planting. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given only limited weight until the emerging policy is further progressed towards adoption.
- 9.6.3 Representations from local residents have raised concerns regarding the loss of woodland and trees and the impact on ecology. To the west of the site is a wooded area that forms part of the structural planting containing the Grange Park development.
- 9.6.4 A Biodiversity Impact Assessment has been submitted and proposals for Ecological mitigation and off-site compensation have been provided. However, the Council's Biodiversity Officer calculates that this would still give rise to a net loss of biodiversity and advises that it could be satisfactorily addressed by detailed measures secured as part of a detailed reserved matters application and secured and agreed through obligations as part of a S.106 Legal Agreement.
- 9.6.5 Representations from residents have also expressed the view that compensation should be in the immediate vicinity (the suggested proposals are located at Quorn) and expressed concern that they may be lost to development in the future. However, there is no imperative for them to relate directly to an application's site, and any impact by future development would be the subject of further assessment.
- 9.6.6 Consequently, the proposal, subject to the required obligations in the S. 106 Legal Agreement to make up for an the on-site shortfall and net gain, imposition of planning conditions and detailed design/mitigation as part of a reserved matters application, is considered acceptable and would comply with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy and emerging Local Plan policy EV6.

## 9.8 Impact on Residential Amenity

- 9.8.1 Policies CS2 of the Core Strategy and EV/1 of the Local Plan seek 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.
- 9.8.2 Emerging Local Plan policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.

### *Existing properties*

- 9.8.3 Objections have been received concerning overbearing, overlooking and overshadowing of existing properties, with particular reference to the houses that adjoin the site to the north. It is understandable that concern is registered in response to diagrams within the Design Brief that show buildings close to this boundary. However, the layout would not be bound by these diagrams and a full assessment of such matters cannot be undertaken until detailed plans are submitted (as reserved matters). The site is considered to be of sufficient size to accommodate seven dwellings without such effects arising, i.e. a design is considered possible of a scale, distance from boundaries and design to avoid overlooking from windows. The Design Brief references buildings concentrated towards the centre of the site rather than dispersed towards the boundaries, retention of mature boundaries and lower scale buildings limiting their height. The houses immediately north are single storey and there are bungalows opposite 63 Main Street at present. Therefore, lower building heights would assist in assimilating into the site's surroundings.

### *Future occupants*

- 9.8.4 It is considered that the site is of sufficient size to allow development to proceed with sufficient amenity space for new dwellings. Assessment of this provision would be undertaken at reserved matters stage.
- 9.8.5 The proposal would, therefore, be capable of complying with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of the saved Local Plan along with NPPF, National Design Guidance and the guidance set out in the Design SPD to protect residential amenity.

### 9.9 Highway Matters

- 9.9.1 Policy CS2 of the Core Strategy requires new development to provide well defined and legible streets and spaces that are easy to get around for all. Policy CS18 of the Core Strategy requires network improvements where they are identified in Transport Assessments. Policy TR/18 of the Saved Local Plan requires off-street parking to be provided for vehicles and cycles to secure highway safety and minimise harm to visual and local amenities. Adopted standards as set out in the saved Local Plan are provided as a starting point to assess the level of provision. 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.
- 9.9.2 The NPPF promotes sustainable travel choices and states development should ensure safe and suitable access, reflection of national guidance and mitigation of any significant impacts. It states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraphs 110-112).



- 9.9.3 Emerging local plan policy T3 requires new development to provide car parking in accordance with the latest published guidance of the County and Borough Councils. Emerging policies INF1 and INF2 seek to secure appropriate infrastructure to mitigate the impacts of development.
- 9.9.4 Local representation have raised concerns that the site is more than 800m from a local, bus stop. Policy CS17 and emerging policy CC5 does requires development to be 400m walk from a bus stop (or for a new one to be provided, where possible), but this only applies to major developments.

#### *Highway Safety*

- 9.9.5 Access to the site is a reserved matter, but the Highways Authority requested sufficient detail with this application to be able to determine that a safe and suitable access can be achieved, including Site Access drawing (Rev D), Swept Path Analysis and a Road Safety Audit. Traffic levels are low in Woodthorpe and the road layout mitigates against higher speeds. The narrow roads are used by pedestrians and cyclists as well as vehicles and there is no record of serious accidents. Whilst the development would introduce more traffic, overall levels would remain low and the existing road layout largely unchanged except for works to allow the introduction of the access itself.
- 9.9.6 The LHA advise that the principle of access does appear to be achievable, but there are several matters that would be required to be addressed in order to agree a suitable access design. As access is a reserved matter the Highways Authority are content that based on the information provided, the development therefore does not conflict with paragraph 111 of the NPPF subject to conditions to secure general accordance with the submitted plans for access and off-site highways works, a construction traffic management plan and a scheme for protection of highways trees.
- 9.9.7 Consequently, subject to the suggested conditions the proposed development is considered to be in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Saved Local Plan, which seek to ensure safe access is provided to new development and emerging Local Plan policies T3, INF1 and INF2.

#### 9.10 Land Contamination

- 9.10.1 Phase 1 and 2 Geo-Environmental Assessment have been submitted as part of the supporting information and conclude that there are no contaminant exceedances and that made ground is suitable for development with appropriate foundations. The Council's Environmental Health team has raised no objections and it is possible to impose a planning condition requiring measures should contaminants be encountered. Consequently, the proposed development accords with relevant policies in the Core Strategy, particularly Policy CS2 and CS16 of Charnwood Core Strategy, Policy EV/1 of the Local Plan and the NPPF.

## 9.11 Flood Risk and Drainage

- 9.11.1 Policy CS16 of the Core Strategy and the NPPF direct development away from areas at highest risk of flooding. The policy requires development to manage surface water run off with no net increase in the rate of surface water run off for green field sites. 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.
- 9.11.2 Emerging policy CC1 of the Draft Local Plan encourages minor development to incorporate Sustainable Urban Drainage Systems (SuDS). Emerging policy CC2 states development will include appropriate measures to manage flood risk. This policy is at an advanced stage and were discussed at the hearing sessions in June 2022 and are consistent with the NPPF so can be given moderate weight.
- 9.11.3 The development is situated within Flood Zone 1 and being at low risk of fluvial flooding as identified by the Environment Agency flood maps.
- 9.11.4 Surface water would be directed to an existing watercourse and it is considered that attenuation will be required in order to prevent this from increasing run-off rates. This can be secured by means of a condition.
- 9.11.5 Consequently, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy, emerging Local Plan policies CC1 and CC2 and the NPPF.

## 9.13 Impact on Mineral Resources

- 9.12.1 The site is located within a sand and gravel Mineral Safeguarding Area. Policy M11 of the Leicestershire County Council Mineral and Waste Local Plan aims to prevent non-mineral related development from potentially sterilising any mineral present within a Mineral Safeguarding Area.
- 9.12.2 The Minerals Planning Authority consider it unlikely that extraction of the mineral deposits would occur in the future, due to the site size and close proximity to the residential properties. Therefore, a Mineral Assessment is not necessary, and no objection is raised.
- 9.12.3 Consequently, the proposed development would not be in conflict with Policy M11 of the Leicestershire County Council Minerals and Waste Local Plan (2019). Furthermore, it is considered that the proposed development would not be in conflict with the relevant provisions of the National Planning Policy Framework, notably Paragraph 210.

## 9.13 Heritage

- 9.13.1 Core Strategy Policy CS14 (Heritage) seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting.

- 9.13.2 Emerging Local Plan policy EV8 Heritage seeks to protect and enhance heritage assets, including non-designated heritage assets, and prevents harm to their significance and setting. Under the guidance of NPPF para. 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV8 is largely uncontested and can therefore be afforded moderate weight.
- 9.13.3 The hamlet of Woodthorpe is considered to be a non-designated heritage asset. The proposed development also falls within an archaeological alert area and further archaeological investigation will be required prior to the commencement of any approved development. The single listed building, Reynells Farmhouse, is situated some distance from the site at the south end of the village and would not be affected directly or by affecting its setting.
- 9.13.4 Woodthorpe comprises a loosely connected group of historic farmsteads and several cottages, interspersed with pockets of late 19th and 20th century development. The farmsteads define a distinct grain to the arrangement and density of built form. Its heritage significance is derived from this grain and the way in which these farmsteads and cottages frame Main Street, together with the verges, traditional paving features and the irregular edge to the carriageway. Open spaces between buildings also contribute to this character but it is very much the space between the buildings and not wider views through these spaces out into the countryside beyond that are significant.
- 9.13.5 As stated above, it is considered that the design brief submitted by the applicant identifies the significant characteristics of the hamlet and a form of development that responds to its context. It is considered that provided the development followed the specific details contained in the design brief the result would be acceptable in heritage terms. However, the requirements identified in the response received from the highway authority, if that were to be followed, for a regular highway width of 5.5m with potential footways and regular kerb alignment, together with a wide regular radii access point to service the development, would result in degradation of the heritage significance of Woodthorpe.
- 9.13.6 As a non-designated heritage asset, harm should be avoided if possible and, under para 203 of the NPPF a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. It is considered that the harm is limited and also important to note that the concerns relate to access arrangements submitted to demonstrate feasibility, not as part of the application requiring determination (access remains a 'reserved matter' where assessment of a fully developed scheme will take place), meaning that there is a lack of certainty what the arrangements may finally comprise. Therefore, it is considered that the harm – or potential for harm – arising from the access arrangements must be given very limited weight. The benefits of the scheme are principally the contribution towards housing supply in a relatively sustainable location.
- 9.13.7 The heritage significance of Reynall's Farm or its setting will not be diminished by this proposed development owing to its contained setting, distance from the site and intervening buildings.

## 9.14 Sustainable Construction and Energy Efficiency

- 9.14.1 Emerging Local Plan policies CC4 and CC6 require sustainable construction practices and the installation of electric car charging points respectively. They are at an advanced stage and were discussed at the hearing sessions in June 2022 and are consistent with the NPPF so can be given moderate weight.
- 9.14.2 The application is in outline and as such does not provide details of construction techniques or the low carbon 'credentials' of the development. These are detailed matters which can be the subject of reserved matters and can be required by condition.
- 9.14.3 The proposal in the interest of air quality and climate change would be able to comply with policy CS16 of the Core Strategy and the emerging Local Plan policies CC4 and CC6 referred to above.

## 10. **Conclusion**

- 10.1 As there is currently an insufficient supply of deliverable housing sites (4.27 years), this application is to be determined on the basis of para 11dii) 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 positive weight however this is limited due to their small number within the context of supply requirements.
- 10.2 There are no technical constraints relating to highways, contamination or flooding that cannot be mitigated, biodiversity impact /mitigation /net gain and tree / hedge protection can be secured by way of planning conditions, reserved matters and obligations secured in a S.106 legal agreement. There would be no harm to heritage assets or archaeology. As this is the case these are seen as neutral factors in the planning balance.
- 10.3 The impacts of the proposed development on local infrastructure are considered to be limited by virtue of its scale.
- 10.4 It is considered that the development is harmful based upon its impact on the historic built form of Woodthorpe. i.e. its linear pattern and dispersed building arrangement and identity as a hamlet and introduction of modern design components (such as the access) within the traditional surroundings. For the same reasons, there is a limited potential harm to heritage interests to a non-designated heritage asset. As a result, it would be contrary to Core Strategy Policies CS2 and CS14 and emerging Local Plan policies DS5, EV8 and C1. However, these qualities are not recognised in terms of specific planning policies or heritage based assessments and as such it is considered can only be afforded limited weight. The loss of a tree to facilitate access is considered to be of slight adverse impact.

- 10.5 Of greater importance are considered to be the existing and emerging Development Plan policies, which set out the spatial strategy for the Borough. The proposed development would be contrary in part to the relevant provisions of saved Policy CT/1 of the Borough of Charnwood Local Plan and with adopted Core Strategy Policy CS1 and Policy DS1 of the emerging Local Plan 2021-37 by virtue of the position of Woodthorpe in the settlement hierarchy as a 'small village or hamlet in the countryside'.
- 10.6 However, it is considered the weight that can be applied to the harm arising as a result of the conflict with these policies is limited by the location of Woodthorpe close to Loughborough and the proximity and availability of services that it provides. Furthermore, Policy DS1 can only be afforded limited weight owing to its status as an emerging draft local plan policy that remains contested.
- 10.6. In conclusion, it is considered that whilst there are impacts arising from the development of this site that can be considered harmful, and contrary to the policy framework, the weight that can be attributed to harm arising with some of the relevant policies is significantly compromised as outlined above. The benefits relate to the contribution of the proposal to the housing land supply deficit and deliverability which, although themselves not considered to attract great weight owing to the limited contribution they would make, are nevertheless considered to outweigh the harms referred to. The application should therefore be supported subject to appropriate conditions being attached and contributions being secured to address bio-diversity off setting as part of S.106 Legal Agreement as set out below.

## 11. Recommendation

### 11.1 RECOMMENDATION A:

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

Biodiversity	<p>To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval alongside any Reserved Matters Application.</p> <p>a) To submit an updated Biodiversity Impact Assessment</p> <p>b) To provide the Biodiversity Net Gain on site, if possible, in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</p> <p>c) Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and</p>
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	Enhancement Scheme and/or pay the Biodiversity Impact Compensation to the Council.
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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 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. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

- Application form
- Site Location Plan ref. WTH01 005 A
- Site Boundary plan ref. WTH01 006 A  
Received by the Local Planning Authority on 6.8.2020

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

3. Details of the means of access, layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved

in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

4. 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.
- Development in accordance with the 'Key Requirements' 1 -10 inclusive set out in Section 4 of the Design Brief December 2021, submitted with this application on 25.3.2022
- Details of materials of construction including the surfacing of the access
- A Noise Assessment Report to confirm mitigation measures to ensure

internal and external noise guidelines can be achieved and over-heating does not occur. This Noise Assessment Report shall be accompanied by a Noise Mitigation Scheme which confirms necessary glazing and ventilation requirements on a plot by plot basis to control noise within habitable rooms and mitigation for external amenity areas to achieve acoustic standards detailed within BS 8233:2014.

- all units in compliance with the Nationally Described Space Standards.
- Details of boundary treatment including planting
- With the exception of details approved under condition 2 above, 'means of access', retention of all trees within the highways land along the frontage of the site.

The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure the development is in character with its landscape and surroundings and to ensure amenity of new residents is protected in accordance with policies CS2, CS11 and H3 of the Charnwood Local Plan Core Strategy 2015 and policy EV/1 of the Charnwood Local Plan 2004.

5. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of highway trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Methods of demolition within the root protection area (RPA) as defined in BS 5837: 2012) of retained trees.
- b) Details of construction within the RPA or that may impact on retained trees.
- c) a full specification for the installation of boundary treatment works.
- d) a full specification for the construction of any roads, parking areas, kerbing and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- f) a specification for scaffolding and ground protection within tree protection zones.
- g) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- h) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- i) Boundary treatments within the RPA.

The TPP and AMS shall specify the timetable for these provisions and development shall thereafter be carried out in accordance with the approved details.

REASON: Required prior to commencement of development to satisfy the Local Highway Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, pursuant to section 197 of the Town and Country Planning Act 1990

6. No development shall take place until the existing trees and all existing hedgerows to be retained have been protected in accordance with a Tree and Hedgerow Protection Plan that has been submitted to and approved in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground level within those areas shall not be altered, nor shall any excavations be made.

REASON: To ensure the continued health of retained trees and hedgerows to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with policies CS2 and CS11 of the Charnwood Local Plan Core Strategy 2015 and policy EV/1 of the Charnwood Local Plan 2004.

7. 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, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.8. No development approved by this planning permission shall take place until such time as a surface water drainage scheme and details of arrangements for its future management and maintenance has been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of each dwelling hereby approved, the drainage scheme to serve that dwelling shall be constructed and completed in accordance with the approved plans.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and in accordance with biodiversity interests in accordance with policies CS2, CS13 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).

8. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority.



Thereafter the remediation strategy shall be carried out in accordance with the approved details.

REASON: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with policy CS2 of the Core Strategy and the NPPF.

9. Prior to the commencement of development, a scheme for the investigation, conservation and recording of any archaeological artefacts present within the site shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the approved scheme.

REASON: To ensure the satisfactory investigation and recording of archaeological interest in the site and to ensure compliance with Policies CS14 of the Charnwood Local Plan Core Strategy 2015 and EV8 of the emerging Charnwood Local Plan 2021-37.

10. The works required to provide the access approved under condition 3 above, including any off site works, shall be completed prior to the occupation of any dwellings hereby approved.

REASON: To ensure satisfactory and safe access is provided, in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015 and the NPPF (para 111).

# APPLICATION SITE

