

Plans Committee Date:	20 July 2023
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Item No:

Application Reference Number: P/20/2162/2

Application Type:	Outline	Date Valid:	23 rd Dec 2020
Applicant:	Bloor Homes Limited		
Proposal:	Residential development of up to 200 dwellings with associated access, landscaping, open space and drainage infrastructure (Outline - access to be considered)		
Location:	Land West of Ingleberry Road, Shepshed, LE12 9DE		
Parish:	Shepshed	Ward:	Shepshed East
Case Officer:	Liam Ward	Tel No:	07808 844786

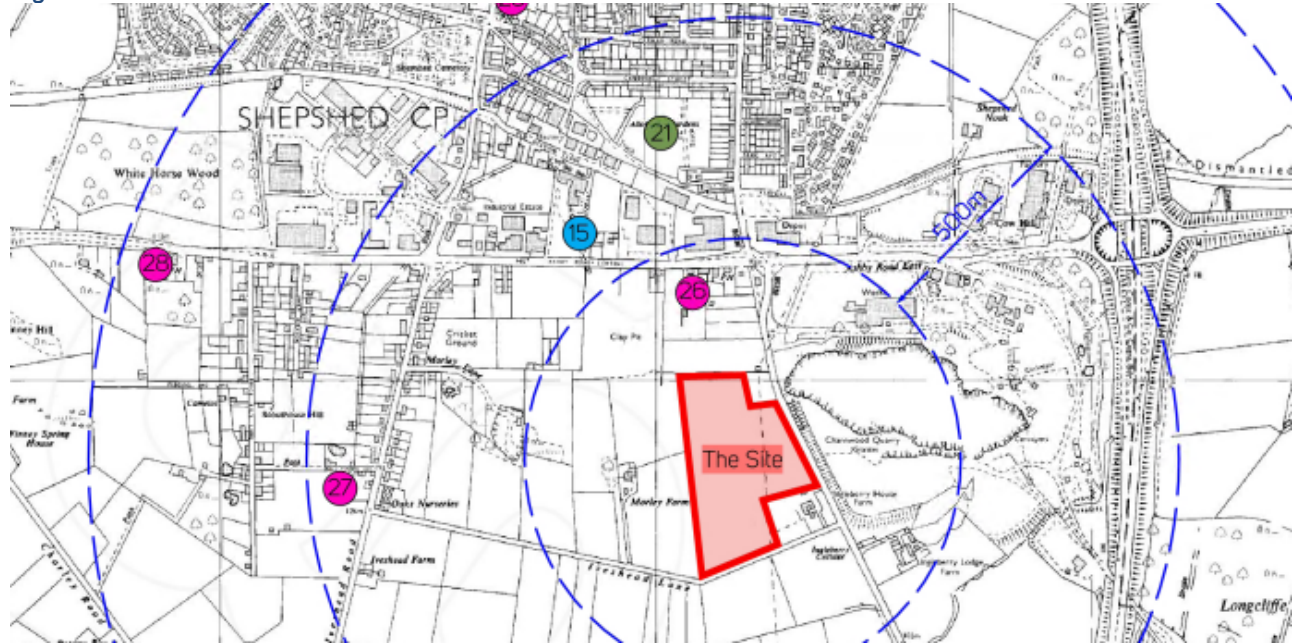
1. Background

- 1.1 This application is referred to Plans Committee as the development is a major application for housing, set outside the Limits to Development for Shepshed, and therefore 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 Ward Councillor Popley under the Council's call-in procedure, as he has concerns about the impact on traffic.

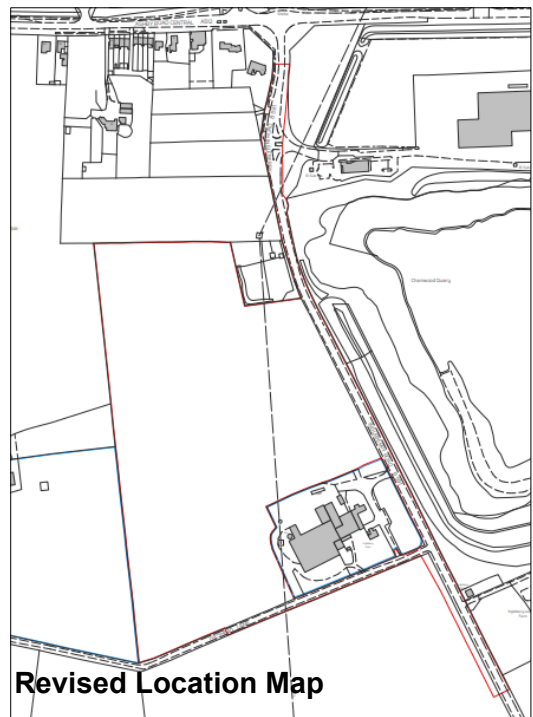
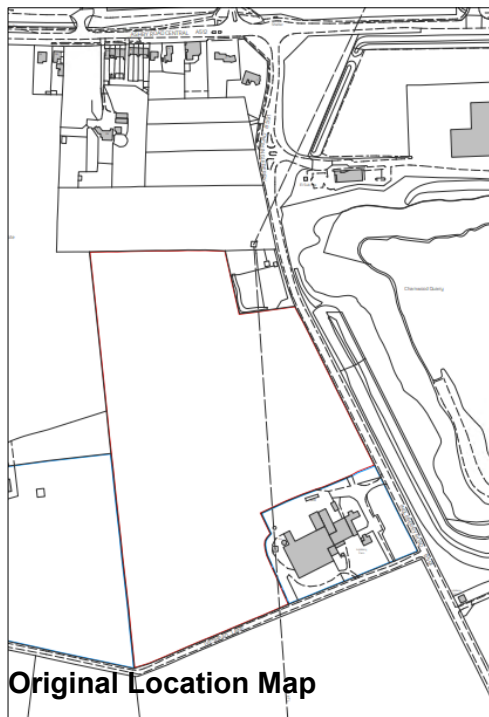
2. Description of the application site

- 2.1 The body of the application site measures 9.31 Ha (22 acres) and is currently in agricultural use. It is laid out in a single irregularly shaped field, enclosed by hedgerows and trees. The site has roadside frontages to both Ingleberry Road to the east and Iveshead Lane to the south.
- 2.2 The site has a fall from west to east, toward Ingleberry Road, and from south to north, toward the north-eastern corner of the site. The field is surrounded by drains, with a culvert extending northward, beyond the site, from its low point along the northernmost boundary. The difference in level between the highest point, at the site's south-west corner, and the low point is around 26m.
- 2.3 The site sits approximately 1.5km south of Shepshed town centre, on the opposite side of Ashby Road Central. The principal connecting route is through a traffic lighted staggered crossroads at the northern end of Ingleberry Road.

Figure 1 - Site Location in Context



- 2.4 The eastern part of the site is crossed by a pylon mounted overhead electricity line, and by a wooden pole mounted line. A localised portion of the site has been identified as being at high risk of surface water flooding, but the whole site lies within Flood Zone 1 (low risk). The site lies within the National Forest
- 2.5 The site is outside of defined Limits to Development of Shepshed and within open countryside as defined in the adopted Development Plan. The application site is an emerging allocation DS3 (HA40) in the submitted Charnwood Local Plan 2021-37.



- 2.6. In June 2021, in response to comments from Leicestershire County Council Highways the red line was extended to include the full width of both public roads, and extending to the end of sightlines on Ingleberry Road. The expanded area measures 10.77 Ha.

3. Description of the proposal

- 3.1 This is an Outline Planning Application for a residential development of up to 200 dwellings with associated access, landscaping, open space and drainage infrastructure. All matters are reserved other than access. The proposed single vehicular access point into the site for which detailed permission is sought is from Ingleberry Road.
- 3.2 This Outline Planning Application is comprehensive and is accompanied by the following supporting information (most recent revisions):

Drawings:

Site Location Plan n1409_001 C
Parameter Plan n1409_004 E
Street Hierarchy Plan n1409_400 A
Illustrative Masterplan 007 H
Green Infrastructure Plan n1409_101C (includes National Forest Planting Plan)
Landscape Mitigation Strategy ZLA-1035-L-200-D
Proposed Site Access Layout T20534-001F
Stopping Up Order Plan T22574-002 Rev A
Drainage Strategy Plan EM039-EN-XXXX
BIA Baseline Habitat Plan RSE_6558_BIAB_1022_V4R2
BIA Proposed Habitat Plan RSE_6558_BIAP_0223_V5R2
BIA Retention Plan RSE_6558_BIAR_0223_V5R2

Reports:

25981-04-AWA-B Air Quality Assessment
25981-04-NA-01-C Noise Assessment
Tree Survey (Retention and Removal Advice) January 2023
Heritage Assessment v2.1
n1409 DAS December 2022
ZLA_1035_V3 LVA
Ecological Impact Assessment RSE_6558a_02_V2
BIA Metric V5R2
SIR-BWB-ZZ-XX-RP-YE-0001_FRA
ASL Report Desk Study
Consultation Statement
Mineral Investigation Report
Planning Statement
T22574 – Highways Update Note 18.10.22
T20534 - Addendum Transport Assessment

- 3.2 The application has been revised during its consideration to address concerns raised by consultees. The most significant change relates to the vehicular access arrangements. It is now proposed that Iveshead Lane is stopped-up at the site's southern boundary, and that its existing junction with Ingleberry Road is closed.

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:

4.2.1 Charnwood Local Plan Core Strategy

- Policy CS1 - Development Strategy
- Policy CS2 - High Quality Design
- Policy CS3 - Strategic Housing Needs
- Policy CS11 - Landscape and Countryside
- Policy CS12 - Protection of Green Infrastructure
- Policy CS13 - Biodiversity and Geodiversity
- Policy CS14 - Heritage
- Policy CS15 - Open Space
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS18 - The Local and Strategic Road Network
- Policy CS24 - Delivering Infrastructure
- Policy CS25 - Presumption in favour of sustainable development

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

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

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

4.2.3 Minerals and Waste Local Plan (2019)

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.

4.2.4 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.

4.2.5 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

5.1 The National Planning Policy Framework (NPPF 2021)

The NPPF policy guidance which is 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 7: Ensuring the vitality of town centres
- 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, flooding and coastal change.
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment.

5.2 Planning Practice Guidance

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

5.3 National Design Guide

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

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

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

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

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

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

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

5.7 Leicestershire Highways Design Guide

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

5.8 Landscape Character Appraisal

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

5.9 Technical Housing Space Standards (2015)

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

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

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

5.11 Equality Act 2010

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

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

As the application proposals are for urban development on a site of more than 0.5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Given the nature and location of the application proposals, it is not considered that the application would constitute EIA development.

5.13 The Draft Charnwood Local Plan 2021-37

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 is dictated by the Inspectors; although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2023.

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

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

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 DS2: Leicester and Leicestershire Unmet Needs
 Policy DS3: Housing Allocations (Allocated site HA40)
 Policy DS5: High Quality Design
 Policy SUA1: Shepshed Urban Area
 Policy H1: Housing Mix
 Policy H2: Housing for Older People and People with Disabilities
 Policy H3: Internal space Standards
 Policy H4: Affordable Housing
 Policy T3: Car Parking standards
 Policy CC1: Flood Risk
 Policy CC2: SUDS
 Policy CC4: Sustainable Construction
 Policy CC5: Sustainable transport
 Policy EV1: Landscape
 Policy EV4: Charnwood Forest and the National Forest
 Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
 Policy EV7: Tree Planting
 Policy EV9: Open Spaces, Sport and Recreation
 Policy INF1: Infrastructure and Developer Contributions
 Policy INF2: Local and Strategic Road Network

5.14 Charnwood Borough Council Planning Guidance for Biodiversity (June 2022)

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

5.15 Charnwood Borough Council Open Spaces Assessment Study 2017 (updated 2020)

This assessment considers the existing open space provision within the Borough, and makes an assessment of future needs within the time span of the submitted Local Plan.

5.16 Playing Pitch Strategy (Sept 2018)

This strategy considers the playing pitch requirements of the Borough within the time span of submitted Local Plan to ensure that there is an adequate supply of good quality facilities to accommodate a range of sports and physical activities in order to meet current and future levels of demand and to provide enhanced opportunities so as to increase the number of people participating in sport and physical activity.

5.17 Shepshed Town Centre Masterplan (2013)

The Charnwood Regeneration Strategy, approved by Cabinet in August 2012, identified Shepshed town centre as one of seven priority areas for regeneration across the borough. The resultant masterplan defined six strategic objectives for Shepshed town centre. These included a plan to improve the visual appearance of the town centre, making the public realm a more attractive environment to visit, shop and spend leisure time in. In line with Core Strategy policies CS8 and CS9 developer contributions will be sought and used to fund the Shepshed Town Centre Public Realm Project

6. **Relevant Planning History**

6.1 The relevant planning history for the site.

Reference	Description	Decision & Date
P/10/0496/2	Erection of egg production unit and associated access track (at farmyard off south-east corner of application site)	Granted 9 th July 2010
P/13/2106/2	Advice – Proposed outline application for approximately 200 dwellings	12 th Dec 2014
P/14/2358/2	Outline application for up to 200 dwellings	Withdrawn 29 th February 2016
P/17/0929/2	Importation and stockpiling of clay (officer note – this relates to Shepshed Quarry located to the north and west of the site)	No Objection 23 rd May 2017
P/20/2214/2	Request for screening for residential development of up to 200 dwellings	EIA Not Required 21 st Dec 2020

7. **Responses of Consultees & Other Comments Received**

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

Consultee	Response
<p>Leicestershire County Council - Leicestershire Lead Local Flood Authority (23rd February 2023)</p>	<p>Leicestershire County Council as Lead Local Flood Authority (LLFA) advises that the site is within Flood Zone 1 (low risk of fluvial flooding) and low risk of surface water flooding. The proposed onsite attenuation basins are a satisfactory solution, which can limit the discharge rate to an existing watercourse at the northern site boundary.</p> <p>The recommendation is to approve, with planning conditions</p>
<p>Charnwood Borough Council Economic Development & Regeneration Service (22nd March 2023 and 5th April 2023)</p>	<p>No Objection Planning Obligations: £141,600 (£708 per dwelling) contribution toward the Shepshed Town Centre Public Realm Project.</p>
<p>Charnwood Borough Council Housing Strategy & Support (31st July 2021 + 5th June 2023)</p>	<p>In accordance with policy CS3 no less than 20% of the stock should be affordable homes. Of these 50% (rounded up) should be for rent, and 50% should be shared ownership. The exact mix should be secured prior to any reserved matters application being approved through dialogue with the Council's Strategic Housing Team, however, the following has been supplied as a framework.</p> <p><u>Affordable / Social Rent</u></p> <ul style="list-style-type: none"> • Minimum 20% 1 bed 2 person maisonette / house. • Minimum 5% 2 bed 3 person bungalow built to M4(2) building regs with level access shower in situ. • Minimum 35% 2 bed 4 person house. • Minimum 5% 4 bed 7 person house. <p><u>Intermediate</u> A mix of two, three and some four bed roomed homes. * please note if First Homes are to be supplied the nationally set price cap must be adhered to.</p> <p>Reason: to meet the locally identified need for affordable housing, to give the local community certainty of delivery, to meet disabled and older persons housing needs, to accord with adopted policy.</p> <p>Regard should be given to the Adopted Housing Supplementary Planning Document (HSPD). The</p>

Consultee	Response
	<p>adopted HSPD seeks to secure affordable housing to accommodate the following:</p> <ul style="list-style-type: none"> • 1 bed: 2 person maisonette / house • 2 bed: 3 person bungalow • 2 bed: 4 person house • 3 bed: minimum 5 person house • 4 bed: minimum 7 person house <p>House type drawings should show a proposed layout to demonstrate the property meets the appropriate household size.</p> <p>In accordance with Policy HSPD8 the Affordable Housing should be distributed across the site in clusters of no more than 10 dwellings.</p>
<p>Leicestershire County Council – Highways</p>	<p>No objections subject to conditions:</p> <p>No Development prior to stopping up order re part of Iveshead Lane.</p> <p>Pedestrian and vehicular links between Iveshead Lane and Ingleberry Road to be built to an adoptable standard prior to occupation.</p> <p>Construction traffic management plan.</p> <p>Travel Plan prior to occupation.</p> <p>Access arrangement implemented in full prior to occupation.</p> <p>Visibility splays provided prior to occupation and maintained permanently.</p> <p>The through link should not be open to vehicular traffic until the stopping up of Iveshead Lane.</p> <p>Scheme of new and improved bus stops to be agreed prior to occupation.</p> <p>Planning obligations:</p> <p>Travel pack (one per dwelling) (£52.85 per pack)</p> <p>6 months bus pass (two per dwelling) (£360 per pass)</p> <p>STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000</p> <p>£186,000 toward upstream junction capacity improvements.</p>
<p>Leicestershire County Council – Education (31st March 2023)</p>	<p>Early Years - £312,052.00 contribution towards provision, improvement, remodelling or enhancement of education facilities at St Botolph's CE Primary School or at other schools or other early learning provision within the locality of the development.</p> <p>Primary School Sector – £75,259.60 contribution towards provision, improvement, remodelling, enhancing existing education facilities at Newcroft Primary Academy or any other school or contributing towards the provision of a new school within the DfE approved</p>

Consultee	Response
	<p>planning area serving the development or any other school within the locality of the development.</p> <p>Secondary School Sector (11-18) - £724,720 contribution towards provision, improvement, remodelling or enhancement of education facilities at Iveshead School or at other schools within the locality of the development.</p> <p>Secondary SEND Education (11-19) – £112,896.86 contribution. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling, enhancing existing facilities or contributing towards the provision of a new school within the DfE approved planning area serving the development or any other school within the locality of the development.</p>
Leicestershire County Council – Libraries (31 st March 2023)	£6,055.20 contribution towards the enhancement of Shepshed Library.
Leicestershire County Council - Waste Management (31 st March 2023)	£8,542 contribution towards Recycling and Household Waste Site at Shepshed RHWS.
Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS) (Dec 2020)	£109,155.78 contribution toward the cost of additional clinical accommodation for additional patients at Forest House Surgery, 25 Leicester Road, Shepshed, LE12 9DF and Field Street Surgery, Field Street, Shepshed, LE12 9AL.
Environment Agency (21 st Jan 2021)	Raises no objection . They identify some nearby sources of nuisance which the applicant has been made aware of.
Charnwood Borough Council Open Spaces (7 th Feb 2023 and 10 th Feb 21)	<p>Raises no objection subject to on-site/off-site contributions:</p> <p>0.15ha on-site accessible multi-functional green space area.</p> <p>0.96ha on-site natural and semi-natural open space.</p> <p>0.22ha on-site Amenity Open Space.</p> <p>One on-site LEAP facility (Provision for Children), with a 20m buffer between the equipment and the nearest dwelling.</p> <p>On-site equipment/ facilities for Young People Local alongside LEAP or off-site contribution of £190,798.</p> <p>1.25ha on-site or £65,874 off-site contribution for Outdoor Sport facilities.</p> <p>0.16ha on-site, or £22,584 off-site contribution for creation of additional allotments.</p> <p>Contributions of £90,837 toward pool space, plus £87,770 toward indoor courts, plus £12,960 toward indoor bowls rinks.</p>

Consultee	Response
Leicestershire County Council - Mineral Planning Authority (21 st Oct 2022)	No objection in respect of mineral safeguarding.
Charnwood Borough Council Environmental Health (2 nd Feb 2023 and 28 th June 2021)	<p>No objection subject to conditions:</p> <ul style="list-style-type: none"> • Construction Management Statement • Air Quality mitigation • Noise mitigation measures • Contaminated Land investigation
Charnwood Borough Council Biodiversity Officer (3 rd July 2023)	<p>No objection</p> <p>The baseline assessment for the BIA submitted on 18/5/23 and dated 10.1 23 is now acceptable. It includes significant revisions to the hedgerow assessment as requested in comments made on 12/5/23. If the application is approved, then it is this baseline assessment which should be referenced in a S106 agreement.</p> <p>The S106 should include provision for a BIA to be carried out of the detailed scheme and, if necessary, for the provision of offsite compensation in accordance with CS13.</p> <p>The applicants have already been made aware that the projection of post development habitat values is unlikely to be supported at reserved matters because the inappropriate use of the strategic significance multiplier and of habitat conditions that are likely to be undeliverable have increased the projected value of post development habitats beyond what is likely to be achieved. Accordingly consideration should be given to increasing the quantity of on site semi natural habitat as part of the detailed design.</p> <p>S106 to include:</p> <ul style="list-style-type: none"> • To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. • To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. • Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures on Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council.

Consultee	Response
	<p>The following planning conditions also need to be imposed:</p> <ul style="list-style-type: none"> • Construction Environmental Management Plan • Boundary Treatment • Landscape & Habitat Management Plan • Lighting
National Forest (4 th Nov 2022)	<p>No Objection subject to conditions relating to the extent of the site to be set aside for National Forest planting. The illustrative masterplan indicates 1.89Ha of National Forest planting, which is slightly more than the minimum of 20% of the site area required for sites of this size in this location.</p>

Ward Councillor and Parish Council Response	
Cllr Popley	Called in - Traffic and access concerns
Shepshed Parish Council	<ul style="list-style-type: none"> • Concern about traffic on Ingleberry Road. Suggest speed limit extension, and clear access/egress point. • Footpath link along Ingleberry Road unsuitable. • Flood risk relating to cumulative development. • Concern about number of houses permitted within National Forest area. • Site too far from local amenities, thereby increasing need for travel by car. • Council requests financial obligation toward town regeneration.

Responses to publicity	
From	Comments
Seven letters of objection received from 6 addresses	<ul style="list-style-type: none"> • Traffic, particularly when M1 motorway is closed, and traffic is diverted along Ingleberry Road. • Risk to pedestrian safety. • Concern about increased traffic on unsuitable Iveshead Lane. • Creation of a rat-run through the estate caused by the stopping up of Iveshead Lane. • Concern about flood risk – existing infrastructure incapable of accommodating. • Site is within a Mineral Safeguarding Area. • Mineral Investigation Report is inaccurate and misleading. • Charnwood Brick has a permission to extract from Shepshed Quarry time limited until 2041. The next

	<p>planned phase of extraction is close to the application area.</p> <ul style="list-style-type: none"> • Importance of Charnwood Forest, and need for additional woodland, thereby reducing the number of dwellings deliverable. • Travel sustainability concern – public transport inadequate, forcing more use of cars. • Need for developer contributions for health, education and leisure.
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8. Consideration of the Planning Issues

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the planning authority to have regard to the provisions of the development plan, so far as it is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 tells us that if regard is to be had to the development plan for the purpose of determining an application, determination must be made in accordance with the 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), 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 Amongst the other material considerations of most relevance to this application are the National Planning Policy Framework (2021) and the submitted Charnwood Local Plan 2021-37.
- 8.3 The Core Strategy and Charnwood Local Plan 1991-26 are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance and as such that there is no reason for them to be given reduced weight. The Planning Authority cannot currently demonstrate a 5-year supply of deliverable housing land (4.27 years) and, as a result, footnote 8 of paragraph 11 in the NPPF tells us that any policies which directly relate to the supply of housing are out of date. They cannot be afforded full weight.
- 8.4 Limb i) of NPPF paragraph 11d sets out that where the proposal conflicts with NPPF policies which protect areas or assets of particular importance, these can offer 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.

- 8.5 In this case, the site is not in an area specifically protected by the NPPF. Therefore, the NPPF's presumption in favour of sustainable development and the 'tilted balance' described in paragraph 11d(ii) applies. The shortfall in the supply of deliverable housing sites 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 if planning permission is to be refused.
- 8.6 The main planning considerations applicable to this application are considered to be:
- Principle of development
 - Housing mix
 - Landscape & Visual Impact
 - Design & Layout
 - Open Space
 - Impact on residential amenity
 - Ecology and biodiversity
 - Impact on trees
 - Land contamination
 - Minerals safeguarding
 - Highway matters
 - Flooding and drainage
 - Planning Obligations/ S106 Contributions

9. Key Issues

Principle of the Development

- 9.1 The principle of development is guided by local plan policy CS1 of the Charnwood Core Strategy (2015). Policy CS1 outlines the development strategy for the borough and the distribution of sustainable growth. Policy CS1 seeks to provide growth at Loughborough and Shepshed and makes provision for at least 5,000 new homes between 2011 and 2028. The policy seeks approximately 1,200 new homes within and adjoining Shepshed to support its regeneration and supports sustainable development that contributes to meeting development needs.
- 9.2 Saved Local Plan Policy ST/2 and Proposals Map of the Charnwood Local Plan identify Limits to Development for various settlements in the Borough. Policies CT/1 and CT/2 allow development outside the limits defined by ST/2 in very limited defined circumstances. A major housing development is not one of the circumstances.
- 9.3 The site is located outside of defined Limits to Development and within Countryside. It is therefore contrary to the adopted Development Plan.
- 9.4 However, the housing supply policies of the Development Plan are out of date as the Core Strategy is more than five years old and the Local Planning Authority can currently demonstrate only 4.27 years housing land supply (at 31/3/23). Therefore, the "tilted balance" toward approval applies.

9.5 The submitted Charnwood Local Plan for 2021-37 is a material consideration. The overall spatial strategy for Charnwood between 2021 and 2037, as defined in emerging Policy DS1, is urban concentration and intensification with some limited dispersal to other areas of the Borough. The most environmentally sensitive areas will be protected, and the pattern of development will provide a balance between homes, jobs and facilities. The Council will support sustainable development that:

- contributes towards meeting our needs for housing, employment and town centre uses within the defined Limits to Development and allocations defined in this plan.
- minimises the need to travel, particularly by private car, and prioritises public transport, walking and cycling.
- protects the intrinsic character of the countryside.
- maintains the functions of Green Wedges and Areas of Local Separation.
- safeguards and delivers a net gain in biodiversity.
- supports Loughborough as the main social, economic and cultural focus within the Borough and its compact and walkable town centre.
- supports the vitality and viability of the Town Centre, District Centres and Local Centres to serve the day to day needs of their communities.
- supports the regeneration and economic success of urban areas.
- makes efficient use of land including using brownfield or underused land and buildings.
- safeguards services and facilities.
- contributes to local priorities identified in neighbourhood plans; and is in accordance with the policies in this plan.

9.6 The spatial distribution of housing across the Borough includes provision for 12% of the additional homes to be developed in Shepshed.

9.7 Charnwood Borough Council will make provision for homes in accordance with Policy DS1 and will support housing development on the sites listed in this policy. We will support development that:

- is cohesive and integrated with other allocations set out in this plan including in relation to the provision of new schools and other infrastructure; and
- in accordance with the other policies in this plan and the site-specific requirements set out in this policy below.

- 9.8 The application site area is wholly within the emerging housing allocation site (HA40), described in Policy DS3. The Council will support development proposals at site HA40 that:
- are accompanied by a flood risk assessment which responds to the evidence of flood risk on the site and demonstrates how mitigation of those risks, including securing appropriate site access arrangements, can be satisfactorily achieved so as to meet the Exception Test; and
 - contribute to the reasonable costs of the provision of a new 3 form entry primary school located at Site HA32.
- 9.9 In the preparation of the next local development plan, Charnwood Local Plan 2021-37, the Council undertook comprehensive assessment of land which had some potential to contribute to future housing land supply. The subject lands were amongst those assessed in a standardised format. The 20 assessed criteria included landscape sensitivity, access to schools and public transport amongst other factors. Distances to a secondary school (1200-3200m) and a convenience store (over 1200m to a food shop) were listed as “minor constraints”. Access to public transport (200-400m from a bus stop), open space (within 400m) and healthcare (within 1200m walking distance) were “minor positive” factors. Many of the other criteria were assessed as having neutral effects. These included flood risk, land and soils, historic environment, access to primary school (800-1200m) and access to leisure facilities (within 800m of one facility). When ranked with other candidate sites, the application site was considered to have appropriate attributes and was included in the submitted Plan as a new housing allocation site.
- 9.10 The anticipated yield from HA40 is 174 dwellings, although this number is not described as a cap, or a target. The site abuts allocation site HA39, which lies to the north and west of the boundaries of HA40. The Examination of the submitted Plan is underway, and some in-course adjustments have been discussed. In the proposed Main Modifications to the Plan, the total allocation for Shepshed has been increased from 2,331 dwellings in the submitted Plan to 2,681. The yield from the application site (HA40) has been increased from 174 to 200.
- 9.11 The oral hearing sessions of the examination have now concluded. A number of the policies in the submitted Local Plan have been contested and must be afforded limited weight in the consideration of planning applications at this point in the plan adoption process.
- 9.12 Contested policies include DS1, Development Strategy, and DS3, Housing Allocations. It is considered that the Development Strategy is consistent with the policies in NPPF paragraph 20. The Housing Allocations are consistent with the NPPF policies in paragraph 68.

9.13 In summary, the development of 200 dwellings in this location is contrary to the adopted Development Plan, however, the housing policies must be given reduced weight as the Council cannot demonstrate a 5-year supply. Shepshed is an identified area of growth in the submitted Local Plan where the site is allocated for housing. These policies can currently be given limited weight. As the tilted balance applies, the conflict with the development plan will be weighed in the planning balance, under the presumption in favour of sustainable development.

Housing Mix

9.14 Policy CS3 (Affordable Housing) of Core Strategy outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 20% of the units should be affordable homes to meet local needs. Similarly, paragraph 63 of the NPPF also allows for affordable housing contribution on major development sites of 10 or dwellings.

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

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

Affordable social/affordable rented	
1 bed	35%
2 bed	35%
3 bed	25%
4+ bed	5%
Affordable home ownership	
1 bed	20%
2 bed	40%
3 bed	30%
4+ bed	10%
Market	
1 bed	5%
2 bed	30%
3 bed	45%
4+ bed	20%

9.17 Emerging Local Plan policy H1 seeks a mix of house types, tenures and sizes to meet overall needs in the Borough in line with up-to-date evidence. Policy H2 seeks at least 10% of new market homes on major sites to meet Building Regulations Part M4(2) standards for accessible and adaptable and an appropriate proportion of affordable homes to meet M4(2) and/or M4(3). Policy H4 seeks 30% affordable housing from major housing developments (67% affordable homes for rent and 33% affordable homes for ownership).

- 9.18 A planning condition is recommended to secure development in accordance with the new Building Regulations standards, as the emerging policy H1 is at an advanced stage, is in accordance with the NPPF paragraph 130 and there are no outstanding objections. This condition has recently been accepted by the Planning Inspectorate as reasonable and necessary for emerging allocation DS3 (HA15) (application P/21/0550/2, appeal decision APP/X2410/W/21/3289048 dated 18/11/22).
- 9.19 The proposal under consideration is cognisant of the affordable housing tenure requirements described in Policy CS3 and can be secured by planning agreement. The precise house type mix of the affordable and market housing will be determined at reserved matters stage, in accordance with the planning agreement. The proposal also accords with emerging policies H1, H2 and H4 of the submitted Local Plan. The provision of 20% affordable units is also a significant benefit of the scheme which should be given positive weight within the planning balance.

Landscape and Visual Impact

- 9.20 Policies CS2 and CS11 of Charnwood Core Strategy are concerned with protecting the landscape and ensuring new development does not result in visual harm. These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them. Emerging policy EV1 of the submitted Local Plan requires development to protect landscape character and reinforce local distinctiveness. The site falls within the National Forest and Charnwood Forest where emerging policy EV4 applies. The policy seeks to protect and enhance the regional forest and provide tree planting in accordance with National Forest guidelines. These policies are at an advanced stage in production, were considered at the hearing sessions in June 2022 and are consistent with the NPPF and can thus be given moderate weight.
- 9.21 The Charnwood Landscape Character Assessment (July 2012) identifies six landscape character areas within the Borough. The application site sits within "Charnwood Forest". Charnwood Forest Core has a strong sense of place created by its hilly landform and mosaic of farmland, small villages and woodland, heathland and grassland with wooded valleys. The relationship of domestic elements and woodland gives a distinctive and attractive character, and the current planting of new woodlands and management of existing woods will strengthen the character further. Wooded landscape features are generally in good condition, with ancient trees respected and retained where possible. Field boundaries are generally intact and create a strong landscape feature. Hedges and hedgerow trees are well tended, although some dry-stone boundary walls are neglected and there is some evidence of localised hedge reduction. The two country parks are well tended.

- 9.22 The application is supported by a Landscape and Visual Impact Appraisal (LVIA) (v3 dated December 2022) and a Landscape Mitigation Strategy (Rev D, December 2022) and these are stated to have informed the Illustrative Masterplan Rev F (the latest submission is Rev H). The LVIA assessed the proposal based upon a scheme of 2 and 2.5 storey dwellings. The site is a single arable field with hedgerow boundaries and boundary trees. The site slopes downwards from south-west to north-east (121m AOD to 104m AOD). The highest point in the area is Ives Head to the south 0.45km from the site (204m AOD) which screens views from the south. Ingleberry House farm (and its associated buildings) is the nearest dwelling to the south-east, and there are overhead power cables within the site. The site is adjacent to the Shepshed quarry to the east and landfill site to the west. The LVIA states that the site has an urban fringe setting and the majority of the site is not distinctive or tranquil due to the road setting and proximity of the M1.
- 9.23 The LVIA assessed 6 viewpoints, including local walking routes and Iveshead Lane and Ingleberry Road. The LVIA found that “*The combination of intervening landform, mature landscape features and the well-wooded character of the site’s surrounding (within the Charnwood Forest) are likely to sufficiently mitigate the development Proposal*” (para 3.16). The LVIA considers that the site has a low sensitivity to change, and the immediate landscape is of medium landscape sensitivity (para. 5.32). Of those 6 viewpoints, at year 15 the greatest effect will be on users of Ingleberry Road and users of the permissive route through Morley Quarry LWS looking east (both moderate/minor adverse effects). In addition, the nearest dwellings would receive moderate/minor adverse visual effects (paras 6.59-6.65).
- 9.24 The strength of landscape character of the Charnwood Forest Core is considered strong, and the landscape condition is strong. The landscape strategy is therefore “conserve and manage”. The LVIA concludes that the impact on landscape character, by year 15 of the development would be “*the maturation of the landscape features, with tree and structure planting along periphery and across the site, as well as along the green corridors through the site, make an obvious contribution to the character of the site where they are able to grow more freely within the landscape buffer areas. This contributes to a reduction of impacts to slight, resulting in a minor adverse level of effect. The effect is permanent*” (para. 6.14). The mitigation proposed by the LVIA is for 2 storey development (max. 2.5 storey within the core of the site) and green buffers to the site boundaries, retention of existing hedgerows and trees (save removals required for the site access), creation of green corridor within the site, orchard to the south-east boundary, extensive tree planting to meet the required 20% national forest planting. Management and maintenance of the landscaping is also recommended in the LVIA. Mitigation measures during construction are also recommended; an arboricultural method statement, visual screening (hoarding) to Ingleberry Road, and a construction method statement and lighting strategy (LVIA paras. 2.28-2.45).

- 9.24 The Landscape Mitigation Strategy (Rev D) shows the retention of field boundaries and woodland tree planting to the western boundary. The site's design is also influenced by the objectives of National Forest's strategy, such that 20% of the site's area is to be set aside for forest green infrastructure. In addition, the design includes attenuation swales, new soft landscaping and functional open space, avenue tree planting and orchard. The eastern boundary to Ingleberry Road will change, but tree planting along the road is proposed and dwellings will face the road. The latest Illustrative Masterplan (Rev H) broadly accords with the Landscape Mitigation Strategy (Rev D) and it is recommended that compliance with these documents are secured by condition at this stage, to ensure that the layout at reserved matters stage accords with these established landscape principles.
- 9.25 With reference to the Charnwood Local Plan 2011 to 2028 Core Strategy (adopted November 2015), Policy CS12 (entitled 'Green Infrastructure'), requires: 'new development on the site to consider the wider green infrastructure network and incorporate multifunctional green spaces that maintain and enhance the green infrastructure framework.' The proposed development embraces the aspirations of the policy, and supplementary planning guidance on Housing (adopted May 2017) and Design (adopted January 2020) for the establishment of green and blue infrastructure in association with new development. Through the retention and enhancement of the site's landscape fabric, as well as the provision of the landscape and ecological enhancements to the site, and the provision of a significant area of Public Open Space, the proposed development can conserve, enhance and manage locally important landscape features, as well as afford betterment for landscape amenity and ecology / habitat creation through the site.
- 9.26 The overall development would accord with policies CS2, CS11 and CS12 of the Core Strategy and the Landscape Character Appraisal (2012) and emerging policies EV1 and EV4 of the Local Plan.

Design and Layout

- 9.27 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.
- 9.28 The Charnwood Design Supplementary Planning Document (SPD) includes a set of design principles which reflect those identified in Policy CS2. Whilst this is an outline planning application, save for access details, the applicant must demonstrate an understanding of the design principles, applied to the site's unique characteristics. Emerging policy DS5 seeks high quality design that respect and enhance the character of the area. The policy is at an advanced stage, has been considered at the hearing sessions and there are no unresolved objections and the policy is consistent with the NPPF paragraph 130. It can therefore be given moderate weight.

- 9.29 The application is supported by an Illustrative Masterplan (007 Rev H). The site is crossed by pylon mounted overhead electricity cables. The area beneath those lines is to be used as open space, including play areas and attenuation ponds. The illustrative Masterplan has been designed with a street hierarchy organised as primary, secondary and minor routes, in accordance with the guidance in the SPD para 3.73, shown on Street Hierarchy Plan 400 Rev A.
- 9.30 The principal vehicular entrance to the site from Ingleberry Road would include the formation of a right-turn lane on the priority road. The first short length of development road is shown as lined by built development on both sides, before revealing an expansive green and blue space, beneath the electricity lines. In the revised illustrative masterplan, that route would connect with Iveshead Lane, via a number of speed control devices. Following the stopping-up of Iveshead Lane (as required by the Highways Authority and discussed further below) this would become a through route. The final site layout will be designed at reserved matters stage.
- 9.31 The Primary Route is illustrated as a loop road which would encompass the central green & blue space, as well as roughly 24 houses. Secondary roads radiate from the primary route. These in turn reduce to Minor roads and private roads serving small numbers of houses.
- 9.32 The illustrative masterplan indicates an area of 1.89Ha for National Forest planting. This is largely along the western and northern site boundaries and equates to just over 20% of the developable area. It also illustrates additional green spaces which would be used as play areas, landscaped areas, a community orchard and attenuation ponds. A series of pedestrian routes, independent from roadways flow around the site, connecting occupants within the site with open spaces, and to the edges of the site along pedestrian desire lines.
- 9.33 Housing is shown as being set back somewhat from Ingleberry Road and from the farm complex to the south-east. The separation would help noise attenuation (discussed further below).
- 9.34 It is acknowledged that the application was submitted before the emerging local plan was published as a Pre submission Draft (July 2021), so the Masterplan initially dealt with the application site in isolation. That submitted Local Plan includes this site as a housing allocation (HA40) and also identified the site to the north and west as a housing allocation (HA39). The Street Hierarchy Plan shows the potential for a footpath connection to the adjacent allocation, to aid permeability of the two developments.
- 9.35 It is considered a proposal that complies with NPPF, National Design Guide, policies CS2, CS11 and CS13 of Charnwood Core Strategy, EV/1 of Local Plan and the Charnwood Design SPD and emerging policy DS5 of the Local Plan could be achieved.

Impact on Trees

- 9.36 Policies CS2 and CS11 of the Core Strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. These policies generally accord with the National Planning Policy Framework and do not conflict the supply of housing. Emerging policy EV7 seeks to retain existing trees and provide new trees in accordance with National Forest Planting Guidelines. The policy is at an advanced stage, there are no outstanding objections, and the policy is consistent with the NPPF. The policy can be given moderate weight.
- 9.37 The application is supported by a Tree Survey dated January 2023. The development proposes the removal of T5 to T14 along Ingleberry Road (category U, B1 and C1 trees, so none are of high retention priority) and the hedgerow on Ingleberry Road (H2) and 3 trees along Iveshead Lane (category U). Otherwise, the perimeter site boundaries are unaffected. The proposal includes forest planting, which will result in a significant increase in the number of trees on the site.
- 9.38 Consequently, subject to the imposition of conditions to secure the retention of existing trees and hedgerows, save for those identified for removal, the proposed development accords with relevant policies in the Core Strategy, particularly Policy CS11 (Landscape and Countryside) and Policy CS2 (High-Quality Design).

Ecology and Biodiversity

- 9.39 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats and further guidance is provided in the Council's Biodiversity Guidance (June 2022).
- 9.40 The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity. Emerging policy EV6 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. It is considered that emerging Local Plan policy EV6 can be given moderate weight, given that representations to the policy have been discussed during the examination, and that it is consistent with NPPF paragraphs 174 and 179.

9.41 The application was supported by an Ecological Impact Assessment dated October 2020 and a Biodiversity Impact Assessment (BIA) metric and Phase 1 Habitat Plan. A revised BIA was submitted in October 2022 with a revised Proposed Habitat Plan and a revised Ecological Impact Assessment was submitted in January 2023 (v2) to reflect the revised layout. Further to commentary by the CBC Ecologist a further revision of the BIA metric was submitted on 18th May 2023. The Assessment notes that the site is within 36m of Newhurst Quarry SSSI and within the impact risk zone. Approximately 95% of the site is arable field. The hedgerows are habitats of value, but do not qualify as important hedgerow under the Hedgerow Regulations. That Assessment concluded that there would be no significant effect on on-site biodiversity and recommended the following:

- retention of hedgerows (save removal required for the site access) with an appropriate buffer and new native hedgerow planting and woodland block and SUDS habitat
- Great Crested Newts precautionary measures
- Protection of bat roost trees and new bat boxes
- Bat sensitive lighting scheme for construction and operation
- Vegetation removal outside nesting season, and installation of bat boxes
- Construction Environment Management Plan
- Hedgehog gaps in boundary fencing
- Biodiversity net gain on site if possible

The BIA metric (May 2023) anticipates that the development will create a net gain of biodiversity on site (net gain of 0.51 habitat units).

9.42 The Council's Biodiversity Officer has confirmed that the latest submitted BIA metric is acceptable. It is considered that the proposal is acceptable subject to conditions to secure the recommendations of the Ecological Assessment and a S106 agreement to secure a Biodiversity Impact Assessment to be submitted at reserved matters stage and ecological mitigation and off-site compensation (if necessary). In accordance with policy CS13 and the Biodiversity Planning Guidance, on-site net gain and mitigation should be considered first, then off-site mitigation and then off-site compensation as a last resort.

9.42 Consequently, the proposal, subject to the required obligations in the S.106 Legal Agreement, imposition of planning conditions and detailed design/mitigation at reserved matters application, is considered acceptable and would comply with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy. Whilst emerging Policy EV6 would not be wholly satisfied, the conflict with this policy cannot be determining at this date.

Open Space

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

- 9.44 Charnwood Borough Council Open Space have raised no objections subject to the open space indicated on the indicative layout plan following good design principles to create a space that is visually attractive and encourages active lifestyles. The submitted layout has demonstrated that the necessary on-site provision can be accommodated. A planning condition can be imposed to secure on-site open space provision including natural and amenity green space and National Forestry. The requested contributions are generally agreed with the applicant. The off-site contribution toward indoor sports facilities is based upon a Sport England Facility Calculator. That, by itself would not be in compliance with CIL regulation 122, but the request is supported by reference to the Council's adopted Indoor Built Sport Facilities Strategy 2018 Priorities and Action Plan. That strategy currently has no viable projects which would be relevant to the application site, and so the financial obligation requested in that respect cannot be supported.
- 9.45 The requirement for open space is consistent with Core Strategy Policy CS15. The amount of space required is consistent with the findings of the Council's Open Space Assessment and Playing Pitch Strategy. Consequently, the proposal is considered to comply with policy CS15 of the Development Plan.
- 9.46 Policy EV9 in the emerging Local Plan shares objectives with CS15. It has been examined during the hearing session in June 2022. Based upon the advanced stage which the emerging plan has reached, the level of unresolved objection and consistency with NPPF paragraphs 84,93, 98 and 99 this emerging policy can be given moderate weight. The proposal is considered to comply with this policy.

Impact on Residential Amenity

- 9.47 Policies CS2 of the Core Strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity. Saved policy EV/1 of Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.
- 9.48 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. Emerging policy EV11 states that the Council will support development that does not lead to a significant impact upon, and deterioration of local air quality resulting an unacceptable impact on human health, local amenity or the natural environment. These policies can be given moderate weight as they are at an advanced stage, with no unresolved objections and consistent with the NPPF.
- 9.49 Emerging policy H3 sets out internal space standards that would need to be met by the development and would be considered at reserved matters stage. Although this policy is consistent with paragraph 130 of the NPPF there remain unresolved representations. This policy can be given only limited weight.

- 9.50 The application is supported by a Noise Assessment (January 2023, Rev C) and Air Quality Assessment (December 2022, Rev B). The Noise Assessment considered noise from Ingleberry Road and the adjacent farm. The Air Quality Assessment considered the impact on air quality and did not recommend any development-specific mitigation. A Travel Plan is recommended and a Dust Management Plan.
- 9.51 The only existing occupied building close to the site boundary is at Ingleberry Farm. That house is separated from the development site by a large group of farm buildings, and by a distance of 70m to the closest boundary. Therefore, the proposal would not result in a detrimental level of harm on the occupiers of this building in terms of overlooking, overshadowing or overbearing impact.
- 9.52 Future occupants of the proposed dwellings could potentially be impacted by air quality and noise nuisances emanating from sources outside the application site, and not controlled by the applicant. These include Ingleberry Farm, Newhurst Energy Recovery Facility and traffic generated noise from Ingleberry Road. Additional nuisances will arise during the construction phase. The Council's environmental protection officers are satisfied that the impact of these nuisances can be mitigated by the imposition of conditions, to secure the recommendations in the Noise Assessment. Air Quality can be secured by a condition to secure a Dust Management Plan. A Construction Method Statement is also recommended to be secured by condition.
- 9.53 A planning condition is recommended to secure development in accordance with the nationally described space standards, as this policy is at an advanced stage, is in accordance with the NPPF paragraph 130 and has limited objections. This condition has been recently been accepted by the Planning Inspectorate as reasonable and necessary for emerging allocation DS3 (HA15) (application P/21/0550/2, appeal decision APP/X2410/W/21/3289048 dated 18/11/22).
- 9.54 The proposal would, therefore, subject to the imposition of conditions, comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, National Design Guidance and the guidance set out in the Design SPD to protect residential amenity and emerging policies DS5, EV11 and H3.

Highway Matters

- 9.55 Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seek to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns, including securing new and enhanced bus services from major development and new bus stops where the site is more than 400m walk from an existing bus stop. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Paragraph 112 of the NPPF seeks to promote sustainable travel choices.

9.56 Emerging Local Plan policy CC5 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. The policy states that the Council will support major development that secures, where possible, new and enhanced bus services, including new bus stops where development is more than a 400m walk from an existing bus stop. Emerging policies INF1 and INF2 seek to secure appropriate infrastructure to mitigate the impacts of development. Given the level of unresolved representation to the examination in respect of INF1 and INF2 these policies are afforded limited weight.

Site Access

9.57 The principal means of vehicular and pedestrian access to, and egress from this site is onto Ingleberry Road (plan T20534-001 Rev F). The site has a frontage onto that road extending to around 200m in length. With an entrance positioned near the middle of this frontage, the separation distance to the Iveshead Lane junction with Ingleberry Road would be around 220m. Visibility splays of 2.4m by 172m and 122m will be provided at the site access, and a 1.8m/2.0m wide footway will be added along Ingleberry Road, to link to the existing footway.

9.58 A secondary access point will later be formed at its proposed junction with Iveshead Lane. The site will also be accessed from Iveshead Lane at the western extent of the proposed stopping up (shown on plan T22574_001 Rev A). The stopping up is as follows:

- Iveshead Lane will be stopped up (i.e. have highway rights removed) between Ingleberry Road (at the eastern end of the stopping up) and the western edge of the proposed development site;
- At the eastern end of the stopping up, highway verge will be installed across the former junction mouth at Ingleberry Road;
- At the western end of the stopping up:
- A highway surface change and a method such as retractable bollards will discourage and prevent vehicles from travelling into the stopped up section of Iveshead Lane;
- Iveshead Lane will be diverted into the proposed development site;
- Replacement 'Not Suitable for Motor Vehicles' signs, as currently located at Ingleberry Road, will be erected to discourage trips from / through from the site heading west along Iveshead Lane; and
- A turning head will be constructed within the site to enable vehicles to turn around rather than accessing Iveshead Lane.
- A 'Not Suitable for Motor Vehicles' sign will be erected at the western end of Iveshead lane, i.e. at its junction with Iveshead Road.

The LHA acknowledge that the proposals could potentially open up the Lane to more use for the new residents. But it is considered that only a small number of residents may choose to use the Lane to and from the west (approx.. 7-8 two-way trips morning and evening peak hours). The Lane is narrow with few passing places and a poor surface and this will discourage use. Currently only approximately 40 vehicles per day are understood to use Iveshead Lane at present, these trips will benefit from a higher standard of junction with Ingleberry Road, i.e. the new site access. The Highways Authority is satisfied that the proposed site access arrangements would be safe and suitable providing that Iveshead Lane were stopped up on the approach to Ingleberry Road.

Pedestrian/ cycle access

- 9.59 The proposal includes works on Ingleberry Road to widen the existing footpath connecting the site with Shepshed town centre to between 1.8m and 2.0m, to the north of the site. This is achieved by reducing the width of the priority road (to between 6.2m and 6.9m), which may have a secondary benefit of reducing traffic speed.

Highway Safety.

- 9.60 The Highways Authority has assessed personal injury collision data and are satisfied that there are no patterns which would be exacerbated by the proposals.

Off-site implications

- 9.61 The applicant has submitted a Transport Assessment (TA) and updated this in dialogue with LCC Highways. The TA considers the impact of traffic generated by the subject development, and potential impacts upon existing road and junction capacities. LCC Highways are content with the latest iteration of the assessment, subject to planning conditions and S.106 planning obligations which would see a contribution being made by the developer to relevant highway improvements, as follows:

- Junction capacity mitigation scheme for Ingleberry Road/Nanpanton Road/B5330 Staggered Crossroads junction (plan T20534_009) secured by condition
- Ingleberry Road footpath proposals (discussed above, plan T20534_001 rev F) secured by condition
- Ingleberry Road/Ashby Road (A512)/Leicester Road traffic signal junction (contribution to improvement scheme, based upon the proportion of impact on the junction, **£186,000** (one-hundred and eight-six thousand pounds),) to be secured via the S106 agreement

A Construction Traffic Management Plan is also recommended to be secured by condition

Internal Layout

- 9.63 This is an outline planning application, so it is appropriate that the internal layout is indicative at this stage. The Highways Authority advise that the layout responds appropriately to the site's features, constraints and context. It will be possible for the applicant to design an internal roads layout to adoptable standards.

Transport Sustainability

- 9.64 The Local Highway Authority (LHA) is not satisfied with the Travel Plan submitted, and seeks a planning condition requiring an updated Travel Plan. They had raised concerns about the separation of the site from Shepshed, and about the allocation of the site in the emerging local development plan. The nearest bus stops are 580m from the centre of the site, on the A512 near its junction with Ingleberry Road. This is in excess of the 400m walk sought by policy CS17.
- 9.65 Therefore, the LHA seeks improvement to the nearest existing eastbound bus stop and a new westbound bus stop on the A512, to be secured by condition. The new stop would still be more than 400m from the centre of the site, Although less than 400m from the site's pedestrian entrance. They seek contributions which would encourage the use of buses, and a monitoring fee for LCCs Travel Plan Monitoring System.
- 9.66 Consequently, the proposed development, with the recommended conditions and S106 obligations, is considered to be in accordance with Policies CS2, CS17 and CS18 of the Core Strategy and TR/18 of the Local Plan, which seek to ensure safe access is provided to new development and encourage sustainable transport patterns. Policy CC5 in the emerging Local Plan is consistent with NPPF paragraphs 104-106 and can be given moderate weight given the stage reached by the emerging plan, and its consideration of representations to this policy during the examination. Policy DS5 (High Quality Design) in the emerging Local Plan is consistent with NPPF paragraph 130 and can be given moderate weight given the stage reached by the emerging plan, and its consideration of representations to this policy during the examination. The proposal does not conflict with these emerging policies. Policy INF2 (Local and Strategic Road Network) in the emerging Local Plan is consistent with NPPF paragraphs 104-106, 110 and 113. It can be only limited weight given the level of unresolved representation to the examination.

Land Contamination

- 9.67 Core Strategy Policy CS2 requires new developments to protect the amenity of people who live and work nearby and those who will live in the new development. The NPPF states that planning decisions should ensure new development is appropriate for its location, and avoid noise giving rise to significant adverse impact on health and quality of life. Planning decisions should identify opportunities to improve air quality or mitigate impacts, and ensure the site is suitable for its proposed use, taking account of ground conditions.

- 9.68 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, there are no unresolved objections and the policy is consistent with the NPPF and can be given moderate weight.
- 9.69 The Phase I Desk Study Report by ASL identified potential sources of contamination and hazardous ground gases in the immediate surrounding area of the development, associated with landfill, waste sites and areas of infilled land. An intrusive investigation is therefore recommended to assess the actual contaminative status of the ground including the presence of ground gases, before commencement of any development works.
- 9.68 The Council's Environmental Health Team have raised no objections subject to imposition of a planning condition for intrusive ground investigation and remediation strategy.
- 9.69 Consequently, the proposed development accords with relevant policies in the Core Strategy, particularly Policy CS2 of the Charnwood Core Strategy, Policy EV/1 of Local Plan and NPPF.

Flood risk and drainage

- 9.70 Policy CS16 of the Core Strategy and the NPPF direct development away from areas at highest risk of flooding. The site is entirely within Flood Zone 1, being at low risk of fluvial flooding. The submitted flood risk assessment identifies a localised area to the north of the site where the risk is elevated. The illustrative masterplan shows an attenuation pond in the affected area.
- 9.71 Emerging Local Plan policy CC1 directs development to flood zone 1 and requires major development to be supported by a Flood Risk Assessment. Emerging policy CC2 supports major developments that use sustainable drainage systems in accordance with the drainage hierarchy, to provide multifunctional benefits and to secure their maintenance. Emerging policies CC1 and CC2 can be given limited and moderate weight respectively, due to their advanced stage and compliance with the NPPF, however CC1 is expected to be subject to main modifications due to updated national guidance.
- 9.72 The site is within Flood Zone 1 (low risk of fluvial flooding) and at low risk of surface water flooding. The surface water proposals seek to discharge to onsite attenuation basins before being discharged at a QBar discharge rate of 24.2l/s to an existing watercourse at the sites northern boundary. Subsequent to the previous LLFA response the applicant has submitted an amended flood risk assessment and supplementary information that satisfies the query regarding the proposed attenuation.
- 9.73 There is attenuation proposed to limit run-off rates, with attenuation basins for sub-catchments areas. This will ensure that surface water is captured and released in a managed approach, such that it will not add to the watercourse when it is in spate and will not, therefore, exacerbate existing flooding issues.

- 9.74 The Lead Local Flood Authority have raised no objections subject to imposition of pre-commencement planning conditions in relation to detailed surface water drainage scheme, infiltration testing, management and long-term maintenance of surface water drainage system. The Environment Agency has confirmed that there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.
- 9.75 Consequently, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy, emerging policies CC1 and CC2 and the NPPF.

Impact on mineral resources

- 9.76 The site is located within a Mineral Safeguarding Area for brick clay. 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.
- 9.77 The consultation response from Leicestershire Minerals planning unit raises no objection to the development of this land.
- 9.78 Housing allocation site HA39 (adjacent to the site to the north and west) has the benefit of extant planning approvals for extracting clay, and for stockpiling clay imported from other pits. A public comment raises concern that the application site could be impacted by future extraction by Charnwood Brick from Shepshed Quarry, which is time limited until 2041 and the next planned phase of extraction is close to the application area.
- 9.79 The HA39 site's clay extraction approvals include 2017/0963/02, which varied the permission granted by 2000/0883/02. The 2017 permission considers a phased extraction and restoration. Phase 2 is the land adjacent to the western boundary, and Phase 3 is the land adjacent to the northern boundary of the current application site. Extraction from Phase 2 appears to be complete, or nearing completion. Condition 5 on the 2017 approval requires that the developer must not commence work on phase 3 without prior approval from the Mineral Planning Authority or until the restoration of phase 1 has been completed. Neither condition has been met yet.
- 9.80 The 2017 permission includes noise conditions which identify sensitive receptor premises. These include a dwelling at 30 Ashby Road. This dwelling is as close to the northern boundary of the approved phase 3 extraction as the dwellings proposed in this application would be to the southern boundary of phase 3. It is therefore considered that the potential for noise nuisance caused by the extraction from phase 3 of the approved clay pit is adequately controlled by the planning conditions within the 2017 approval.

- 9.81 The 2017 permission includes dust conditions which require the quarry operator to suppress dust arising, or to temporarily cease operations if suppression is ineffective, and/or activities give rise to “unacceptable levels of dust”. There is no definition in that decision for unacceptability, so it would be for the mineral local planning authority to make that assessment. Dust from the adjacent quarry is not a concern that has been raised by the Environmental Health team. The applicant submitted an expert report in March 2023 setting out their view that the proposal would not impact upon the extant quarrying approval, and that no loss of amenity would be suffered by the future residents should the quarry implement its extant approval in full. The County Council’s Minerals and Waste Planning Authority has been re-consulted and has raised no objection to the proposals.
- 9.82 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 Paragraphs 187, 210 and 212. The conditions relating to the 2017 minerals approval already impose controls on the operation of the extraction site, and the current proposal would not impose additional constraints.

Sustainable Construction and Energy Efficiency

- 9.83 Policy CS16 of the Core Strategy encourages sustainable design and construction where it does not make the development unviable and requires major development to demonstrate how the need to reduce emissions has influenced the design, layout and energy source used.
- 9.84 The Design and Access Statement refers to the use of renewable technologies such as solar panels, a fabric first approach to construction, cycle infrastructure and electric vehicle charging points. These sustainable design measures are welcomed and details will be provided at reserved matters stage to comply with policy.
- 9.85 The proposal in the interest of air quality and climate change would comply with policy CS16 of Charnwood Development Plan. Policy CC4 in the emerging Local Plan shares objectives with CS16. Given its consistency with NPPF paragraph 157 and the level of unresolved representation to the plan examination this emerging policy can be afforded moderate weight.

Heritage Impacts

- 9.86 The appellant submitted a Heritage Assessment (Dec 2022) to support the application.

- 9.87 Data available from Historic England and the Local Planning Authority shows that there are no designated heritage assets within the proposed development site. There are no designated heritage assets assessed as sensitive to development outside of the site. There are no non-designated heritage assets recorded within the study site; and previous archaeological trial works to the north and the west of the site did not produce evidence to suggest the probable presence of archaeological assets within the site.
- 9.88 Based on the existing archaeological data for the site and the surrounding area, the site is considered to have a low potential for the presence of other significant (i.e. non-agricultural) remains of all periods. Any surviving remains are likely to be of local interest and would be significant for their archaeological interest and potential to contribute to regional research agendas. On the basis of the limited archaeological potential identified there are no fundamental archaeological constraints to development on the site. It is recommended that a planning condition is added requiring further investigation prior to development.
- 9.89 The proposal, as described in the submitted plans and reports has satisfactorily addressed the requirements of Policy CS14. Policy EV8 in the emerging Local Plan is consistent with NPPF paragraphs 20 and 190, and can be afforded moderate weight. Its objectives are broadly similar to those of Policy CS14. Subject to the further investigation required by planning conditions, the proposal does not conflict with these policies.

Planning Obligations/ S.106 Agreement

- 9.90 Infrastructure Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. Policies from the submitted Local Plan INF1, INF2, DS3, SUA1, H1, H2, H3, H4 and CC1 which would require contributions to infrastructure have limited weight and are not relied upon in this report. Emerging plan policies CC4, CC5, EV6, EV7, EV8, EV9 have moderate weight, and do inform the assessment of the appropriate level of infrastructure. 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:

<p>Affordable Housing (5th June 2023)</p>	<p>20% of dwellings to be affordable housing with 50% social and affordable rent and 50% shared ownership</p> <p><u>Affordable / Social Rent</u> Minimum 20% 1 bed 2 person maisonette / house. Minimum 5% 2 bed 3 person bungalow built to M4(2) building regs with level access shower in situ. Minimum 35% 2 bed 4 person house. Minimum 5% 4 bed 7 person house.</p> <p><u>Intermediate</u> A mix of two, three and some four bed roomed homes.</p>
<p>Open Space</p>	<p>0.15ha on-site accessible multi-functional green space area 0.96ha on-site natural and semi-natural open space 0.22ha on-site Amenity Open Space One on-site LEAP facility (Provision for Children), with a 20m buffer between the equipment and the nearest dwelling. On-site equipment/ facilities for Young People Local alongside LEAP or off-site contribution of £190,798 1.25ha on-site or £65,874 off-site contribution for Outdoor Sport facilities. 0.16ha on-site, or £22,584 off-site contribution for creation of additional allotments.</p>
<p>Sustainable Transport</p>	<p>Travel pack (one per dwelling) (£52.85 per pack). 6 months bus pass (two per dwelling) (£360 per pass). STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000. £186,000 toward upstream junction capacity improvements.</p>
<p>Biodiversity</p>	<p>To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. To submit an updated Biodiversity Impact Assessment with the reserved matters. To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. Where the provision of the Biodiversity Net Gain on site cannot be achieved to provide the mitigation measures off-site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council.</p>
<p>Leicester, Leicestershire & Rutland ICB</p>	<p>Financial contribution of £109,155.78 toward the cost of additional clinical accommodation for additional patients at Forest House Surgery, 25</p>

Commissioning Group (NHS)	Leicester Road, Shepshed, LE12 9DF and at Field Street Surgery, Field Street, Shepshed, LE12 9AL.
Leicestershire County Council Library Services	£6,055.20 contribution towards the enhancement of Shepshed Library.
Leicestershire County Council Waste management	£8,542 contribution towards Recycling and Household Waste Site at Shepshed RHWS.
Leicestershire County Council Education	<p>Early Years - £312,052.00 contribution towards provision, improvement, remodelling or enhancement of education facilities at Newcroft Primary Academy or at other schools or other early learning provision within the locality of the development.</p> <p>Primary School Sector – £75,259.60 contribution towards provision, improvement, remodelling or enhancement of education facilities at Newcroft Primary Academy.</p> <p>Secondary School Sector (11-18) - £724,720 contribution towards provision, improvement, remodelling or enhancement of education facilities at Iveshead School or at other schools within the locality of the development.</p> <p>Secondary SEND Education (11-19) – £112,896.86 contribution. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling, enhancing existing facilities or contributing towards the provision of a new school within the DfE approved planning area serving the development or any other school within the locality of the development.</p>
Shepshed Town Centre Public Realm Project	£141,600 (£708 per dwelling) contribution toward the Shepshed Town Centre Public Realm Project

9.91 The Shepshed Market Place Regeneration Scheme project has identified, designed and consulted on a scheme of improvements to the Market Place, Bull Ring, Hall Croft and Field Street, based on the Shepshed Town Centre Masterplan. The project has been commissioned using developer contributions, capital funding forward funded from the Council's capital plan and funds secured through the Leicester and Leicestershire Enterprise Partnership and UK Shared Prosperity Fund will require further funding to complete and respond to the impact of new residents.

- 9.92 A developer contribution of £239 per dwelling was identified in 2015 based on indicative scheme costs available at that time to ensure development directly contributes to the regeneration of Shepshed, including improving accessibility and enhancing the pedestrian environment and public realm in the town centre, in accordance with Policy CS1, CS8 and CS9. In view of detailed costings for delivering the Shepshed Town Centre Public Realm Project becoming available recently, a decision has been made to recast the formula for calculating developer contributions through S106 agreements, to ensure future development continues to make an appropriate contribution to the regeneration of Shepshed in accordance with adopted policy, and emerging policy SUA1 of the Local Plan.
- 9.93 Contributions sought for off-site ecology would only arise in lieu of obligations which cannot be met on site during the Reserved Matters detailed design stage. There is no reason to believe that the biodiversity net gain could not be provided on-site. An off-site ecology contribution would be a last resort
- 9.94 These contributions are considered to be CIL compliant and would allow the necessary infrastructure to meet policies CS3, CS13, CS15, CS17 and CS24 and meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 57 of the NPPF.

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 200 dwellings on a site ranked highly in the emerging Local Plan's site selection assessment, of which 20% would be affordable, is afforded significant weight.
- 10.2 There are no technical constraints relating to highways, heritage or flooding that cannot be mitigated. Biodiversity impact/ mitigation/ net gain and landscape can be secured by way of planning condition, reserved matters and S.106 legal agreement. The Minerals Planning Authority do not object to the proposal.
- 10.3 Weighed against this is the conflict with the adopted Development Plan policies, which sets out the spatial strategy for the Borough. The proposed development would be contrary to saved policy ST/2 of the Local Plan which defines the Limits to Development of Shepshed, and with the relevant provisions of saved Policy CT/1 of the Borough of Charnwood Local Plan. However, policy CS1 of the Core Strategy is one of the most important policies in the determination of this application and this defines Shepshed as a sustainable settlement. The weight that can be given to these policies is reduced due to the Council's lack of 5-year housing land supply.
- 10.4 The impacts of the proposed development on local infrastructure can either be offset within the application site or otherwise secured via commuted payments to improve facilities in the area.

- 10.5 The submitted Local Plan 2021-37 is a material consideration and the emerging policies within it can be given limited to moderate weight at this time, as discussed above. The site is an emerging housing allocation and is part of the emerging strategy of the Borough to deliver housing and maintain a 5 year supply of housing. The proposal is considered to comply with all relevant emerging policies.
- 10.6 In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and that would be so significant and demonstrably harmful as to outweigh the benefits of providing housing development in a sustainable location. The benefits relate to the contribution of the proposal to the Council's housing land supply deficit and deliverability, sustainable location, affordable housing and afforestation. In addition, future residents would contribute to the local economy and support shops and services through household spending. Community and other infrastructure provision, are mitigation measures, which overlap with public benefit in some cases. The application is therefore on balance, recommended for approval subject to appropriate conditions being attached and contributions being secured to support local infrastructure as part of S.106 Legal Agreement as set out below.

11. Recommendation

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:

Affordable Housing	<p>20% of dwellings to be affordable housing with 50% social and affordable rent and 50% shared ownership</p> <p>Affordable / Social Rent</p> <ul style="list-style-type: none"> • Minimum 20% 1 bed 2 person maisonette / house. • Minimum 5% 2 bed 3 person bungalow built to M4(2) building regs with level access shower in situ. • Minimum 35% 2 bed 4 person house. • Minimum 5% 4 bed 7 person house. <p>Intermediate A mix of two, three and some four bed roomed homes.</p> <p>Regard should be given to the Adopted Housing Supplementary Planning Document (HSPD).</p>
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	<p>The adopted SPD seeks to secure affordable housing to NDSS standards to accommodate the following number of people: -</p> <ul style="list-style-type: none"> • 1 bed: 2 person maisonette / house • 2 bed: 3 person bungalow • 2 bed: 4 person house • 3 bed: minimum 5 person house • 4 bed: minimum 7 person house <p>It is also expected that affordable homes should meet lifetime homes standards (please note this has now been incorporated into Part M of building regulations – to align our policies with this update, affordable homes should be built to M4(2) building regulation standards.</p>
<p>Charnwood Borough Council Open Space</p>	<p>0.15ha on-site accessible multi-functional green space area. 0.96ha on-site natural and semi-natural open space. 0.22ha on-site Amenity Open Space. One on-site LEAP facility (Provision for Children), with a 20m buffer between the equipment and the nearest dwelling. On-site equipment/ facilities for Young People Local alongside LEAP 1.25ha on-site or £65,874 off-site contribution for Outdoor Sport facilities. 0.16ha on-site, or £22,584 off-site contribution for creation of additional allotments.</p>
<p>Sustainable Transport</p>	<p>Travel pack (one per dwelling) (£52.85 per pack) 6 months bus pass (two per dwelling) (£360 per pass). STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000 £186,000 toward upstream junction capacity improvements.</p>
<p>Biodiversity</p>	<p>To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. To submit an updated Biodiversity Impact Assessment with the reserved matters. To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</p>

	Where the provision of the Biodiversity Net Gain on site cannot be achieved in full to provide the further mitigation measures off-site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and as a last resort pay the Biodiversity Impact Compensation to the Council.
Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS)	Financial contribution of £109,155.78 toward the cost of additional clinical accommodation for additional patients at Forest House Surgery, 25 Leicester Road, Shepshed, LE12 9DF and at Field Street Surgery, Field Street, Shepshed, LE12 9AL.
Leicestershire County Council Library Services	£6,055.20 contribution towards the enhancement of Shepshed Library.
Leicestershire County Council Waste management	£8,542 contribution towards Recycling and Household Waste Site at Shepshed RHWS.
Leicestershire County Council Education	<p>Early Years - £312,052.00 contribution towards provision, improvement, remodelling or enhancement of education facilities at Newcroft Primary Academy or at other schools or other early learning provision within the locality of the development.</p> <p>Primary School Sector – £75,259.60 contribution towards provision, improvement, remodelling or enhancement of education facilities at Newcroft Primary Academy or any other school within the locality of the development.</p> <p>Secondary School Sector (11-18) - £724,720 contribution towards provision, improvement, remodelling or enhancement of education facilities at Iveshead School or at other schools within the locality of the development.</p> <p>Secondary SEND Education (11-19) – £112,896.86 contribution. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling, enhancing existing facilities or contributing towards the provision of a new school within the DfE approved planning area serving the development or any other school within the locality of the development.</p>
Shepshed Town Centre Public Realm	£141,600 (£708 per dwelling) contribution toward the Shepshed Town Centre Public Realm Project

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.

Recommended conditions:

1	<p>Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.</p> <p>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 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).</p>
2	<p>Details of the 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.</p> <p>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).</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following plans and documents:</p> <p>Drawings</p> <ul style="list-style-type: none">Site Location Plan n1409_001 CParameter Plan n1409_004 EStreet Hierarchy Plan n1409_400 AIllustrative Masterplan 007 HGreen Infrastructure Plan n1409_101C (includes National Forest Planting Plan)Landscape Mitigation Strategy ZLA-1035-L-200-DProposed Site Access Layout T20534-001FStopping Up Order Plan T22574-002 Rev ADrainage Strategy Plan EM039-EN-XXXXBIA Baseline Habitat Plan RSE_6558_BIAB_1022_V4R2

	<p>BIA Proposed Habitat Plan RSE_6558_BIAP_0223_V5R2 BIA Retention Plan RSE_6558_BIAR_0223_V5R2</p> <p>Reports</p> <p>25981-04-AWA-B Air Quality Assessment 25981-04-NA-01-C Noise Assessment Tree Survey 2023 Heritage Assessment v2.1 Ecological Impact Assessment RSE_6558a_02_V2 BIA Metric V5R2 SIR-BWB-ZZ-XX-RP-YE-0001_FRA ASL Report Desk Study Consultation Statement Mineral Investigation Report Planning Statement T22574 – Highways Update Note 18.10.22 T20534 - Addendum Transport Assessment T20534 Transport Assessment</p> <p>REASON: For the avoidance of doubt.</p>
<p>4</p>	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels. The development shall thereafter be carried out in accordance with the approved details.</p> <p>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 and CS11 of the Core Strategy and policy EV/1 of the Local Plan</p>
<p>5</p>	<p>No development for any phase of the development shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.</p> <p>The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:</p> <ul style="list-style-type: none"> a) details of any temporary construction access to the site including measures for removal following completion of construction works; b) restriction on the use of Ingleberry Road access for construction purposes; c) haulage route planning; d) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; e) the parking of contractors' site operatives and visitor's vehicles; f) areas for storage of plant and materials used in constructing the development clear of the highway;

	<ul style="list-style-type: none"> g) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas; h) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes; i) protection of carriageway and footway users at all times during demolition and construction; j) protection of contractors working adjacent to the highway; k) details of site working hours; l) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate; m) means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development; n) measures to control and monitor construction noise; o) an undertaking that there must be no burning of materials on site at any time during construction; p) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works; q) details of the measures to be taken for the protection of trees; r) details of external lighting equipment; s) details of ditches to be piped during the construction phases; t) a detailed method statement and programme for the building works; and u) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue. <p>REASON: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users, and to protect the amenity of neighbours and residents in the dwellings occupied during the construction of the development in accordance with policies CS2, CS13, CS16 and CS17 of the Core Strategy and the NPPF</p>
6	<p>No part of the development hereby permitted shall be commenced until an order stopping up Iveshead Lane for its length shown on drawing number T22574_002 Revision A, 'Proposed Stopping Up of Iveshead Lane - General Layout' has been made and confirmed.</p> <p>REASON: To ensure highway safety and the satisfactory operation of the highway system to accord with Policy CS18 of the Core Strategy and the NPPF.</p>
7	<p>No part of the development hereby permitted shall be occupied until Iveshead Lane has been stopped up pursuant to the stopping up order, as shown on drawing number T22574_002 Revision A, 'Proposed Stopping Up of Iveshead Lane - General Layout', and an alternative vehicular route,</p>

	<p>illustrated on drawing 'Illustrative Masterplan (n1409_007_Revision H)' through the proposed development between "Point A" and Point B" has been completed to adoptable standards.</p> <p>REASON: To ensure highway safety and the satisfactory operation of the highway system to accord with Policy CS18 of the Core Strategy and the NPPF.</p>
8	<p>Any reserved matters application submitted shall include pedestrian connection to the site boundary near the north-west corner of the site, as illustrated on Street Hierarchy Plan n1409_400 A.</p> <p>REASON: To provide for any future pedestrian linkage though lands outside the site to Ashby Road, and Shepshed town centre, in the interests of high quality design, in accordance with Policy CS2 in the Charnwood Local Plan 2011-2028 Core Strategy (2015).</p>
9	<p>Any reserved matters application submitted shall include pedestrian routes from Ingleberry Road to Iveshead Lane as shown indicatively on Illustrative Masterplan drawing number n1409_007_Revision H</p> <p>REASON: To ensure highway safety and the satisfactory operation of the highway system to accord with Policy CS18 of the Core Strategy and the NPPF.</p>
10	<p>No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance policy CS17 of the Core Strategy and with the National Planning Policy Framework (2021).</p>
11	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Hub drawing number T20534_001 Revision F, 'Proposed Site Access Layout', have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with policy CS18 of the Core Strategy and the National Planning Policy Framework (2021).</p>
12	<p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 172m metres to the south and 2.4 metres by 122m to the north have been provided at the site access</p>

	<p>in accordance with approved drawing Proposed Site Access Layout T20534-001F. These shall thereafter be permanently maintained with nothing within those splays higher than 0.26 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with policy CS18 of the Core Strategy and the National Planning Policy Framework (2021).</p>
13	<p>No part of the development hereby permitted shall be occupied until such time as the pedestrian access to Ingleberry Road shown on Hub drawing number T20534_001 Revision F, 'Proposed Site Access Layout', has been implemented in full.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with policy CS18 of the Core Strategy and the National Planning Policy Framework (2021).</p>
14	<p>The proposed site access arrangements shown in Hub drawing number T20534_001 Revision F, 'Proposed Site Access Layout', shall not be opened for public use until the offsite works shown on Hub drawing number T22574_001 Revision A, 'Proposed Stopping Up of Iveshead Lane - General Layout', have been implemented in full.</p> <p>REASON: In the interests of general highway safety and in accordance with policy CS18 of the Core Strategy and the National Planning Policy Framework (2021).</p>
15	<p>No part of the development shall be occupied until such time as the offsite pedestrian footway works shown on Hub drawing number T20534_001 Revision F, 'Proposed Site Access Layout', have been implemented in full.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with policies CS17 and CS18 of the Core Strategy and the National Planning Policy Framework (2021).</p>
16	<p>No part of the development shall be occupied until such time as the offsite works shown on Hub drawing number T20534_009, 'Ingleberry Road / Nanpantan Road / B5330 Proposed Mitigation', have been implemented in full.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with policy CS18 of the Core Strategy and the National Planning Policy Framework (2021).</p>

<p>17</p>	<p>No part of the development shall be occupied until such time as a scheme of new and improved bus stops on the A512 has been submitted to and approved in writing with the Local Planning Authority and implemented in full in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with policy CS18 of the Core Strategy and the National Planning Policy Framework (2021).</p>
<p>18</p>	<p>The layout and landscaping details submitted pursuant to condition 2 shall include:</p> <ul style="list-style-type: none"> • Retention of trees in accordance with drawing MF/13895 within the Tree Survey (Jan 2023) • Save for hedgerow removal required to enable the access road and its visibility splays hereby approved, the retention of all existing boundary hedgerows. • National Forest planting proposals, in accordance with the Parameters Plan, showing a minimum of 20% of the site area afforested. • Open Space landscaping proposals <p>REASON: To minimise the landscape and visual impact of the development in accordance with the Landscape and Visual Assessment (Zebra, November 2020) to integrate and connect the development into the landscape and to the town and to comply with policies CS2 and CS11 of the Charnwood Local Plan 2011-2028 Core Strategy (2015), and The National Forest Guide for Developers and Planners.</p>
<p>19</p>	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space: -</p> <ul style="list-style-type: none"> • Multi-function green space (minimum 0.15ha) • Natural open space (minimum 0.96ha) • Amenity Open Space (minimum 0.22ha) • A LEAP facility, with a 20m buffer between the equipment and the nearest dwelling • On-site equipment/ facilities for Young People Local alongside LEAP <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Policy CS15 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).</p>
<p>20</p>	<p>The landscaping details submitted pursuant to condition 2 above shall include: -</p> <p>i) the treatment proposed for all ground surfaces, including hard surfaced areas.</p>

	<p>ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site.</p> <p>iii) finished levels or contours within any landscaped areas.</p> <p>iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.</p> <p>v) functional services above and below ground within landscaped areas; and</p> <p>vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed. vii) all proposed boundary treatments viii) position and type of bins to be provided.</p> <p>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 Charnwood Local Plan 2011-2028 Core Strategy (2015) and saved policy EV/1 of the Borough of Charnwood Local Plan.</p>
21	<p>The details to be submitted pursuant to condition 2 shall include a housing mix for market and affordable homes that reflect up to date evidence of housing need in the Borough.</p> <p>REASON: To secure the development provides an appropriate mix of homes having regard to the identified housing needs of the area in accordance with policy CS3 of the Core Strategy and the NPPF.</p>
22	<p>The details to be submitted pursuant to condition 2 shall show all units in compliance with the Nationally Described Space Standards.</p> <p>REASON: To secure a high standard of amenity for future residents in accordance with emerging Policy H3 of the Charnwood Local Plan 2021- 37 and paragraph 130 of the NPPF.</p>
23	<p>The details to be submitted pursuant to condition 2 shall include that 10% of new market homes will meet the Building Regulations Part M4(2) standard for being accessible and adaptable. The affordable homes on the site shall meet the M4(2) and/or M4(3) standards for being suitable for wheelchair users, subject to updated standards, assessment of viability and/or site-specific constraints.</p> <p>REASON: To meet the needs to the ageing population and people with disabilities and to secure a high standard of amenity for future residents in accordance with emerging Policy H2 of the Charnwood Local Plan 2021- 37 and paragraph 130 of the NPPF.</p>
24	<p>The details submitted pursuant to condition 2 shall include an Arboricultural Impact Assessment of the proposed layout in accordance with the recommendations of the Tree Survey (Retention and Removal Advice) January 2023.</p>

	<p>REASON: To ensure the development will mitigate impacts on existing trees and include new tree planting, in accordance with Policies CS2, CS11, CS13 and CS15 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the NPPF and saved policy EV/1 of the Borough of Charnwood Local Plan.</p>
25	<p>Prior to commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall follow the recommendations in the Ecological Impact Assessment, and shall include a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system. Thereafter, the LEMP shall be carried out in accordance with the approved details.</p> <p>REASON: To ensure that public areas are maintained at good quality and that drainage systems retain full function and to protect habitats of importance to biodiversity conservation on the site from any loss or damage in accordance with Policies CS2, CS11, CS13, CS15 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the NPPF and saved policy EV/1 of the Borough of Charnwood Local Plan.</p>
26	<p>Prior to the first occupation, a detailed outdoor lighting scheme shall be submitted to, and approved in writing by the local planning authority. The scheme shall include full details of the proposed lighting and how the scheme has been designed to avoid illuminating bat sensitive areas. The development shall be implemented, and thereafter maintained, in accordance with the approved scheme.</p> <p>REASON: To ensure that the development does not cause harm to any protected species or their habitats in accordance with policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).</p>
27	<p>The details submitted pursuant to condition 2 shall include full details of a scheme for the location of bat and bird boxes, to be integrated into buildings. Thereafter and prior to the first use or occupation of any building with a bat or bird box, the bat and bird boxes shall be installed on that building in accordance with the approved details, and retained and maintained in perpetuity.</p> <p>REASON: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the NPPF.</p>
28	<p>No development shall take place until the retained trees around the site perimeter, in accordance with drawing MF/13895 within the Tree Survey (Jan 2023), and all existing hedgerows have been protected in accordance with a Tree and Hedgerow Protection Plan that has been submitted to and</p>

	<p>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 levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.</p> <p>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 2011-2028 Core Strategy (2015).</p>
<p>29</p>	<p>The layout details submitted pursuant to condition 2 above shall include a Noise Assessment Report to confirm mitigation measures to ensure internal and external noise guidelines can be achieved and over-heating does not occur, as recommended by the Acoustics Assessment Report (MEC Acoustic Air, Jan 2023). 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.</p> <p>REASON: To protect the amenity of future residents in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).</p>
<p>30</p>	<p>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.</p> <p>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.</p>
<p>31</p>	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. 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.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and in accordance with biodiversity</p>

	<p>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).</p>
32	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to and implemented throughout the construction period.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).</p>
33	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system scheme shall be thereafter managed and maintained in accordance with the approved details.</p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).</p>
34	<p>Details submitted under condition 2 above shall be in accordance with the recommendations of the submitted Flood Risk Assessment (BWB, November 2022).</p> <p>REASON: To prevent an increase in flood risk, in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).</p>
35	<p>No development shall take place until a Written Scheme of Investigation in respect of archaeology shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and</p> <ul style="list-style-type: none"> • the programme and methodology of site investigation and recording; • the programme for post investigation assessment;

	<ul style="list-style-type: none"> • the provision to be made for analysis of the site investigation and recording; the provision to be made for publication and dissemination of the analysis and records of the site investigation; • the provision to be made for archive deposition of the analysis and records of the site investigation; • the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation <p>REASON: In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with Policy CS14 of the Charnwood Local Plan 2011-28 Core Strategy (2015)</p>
36	<p>No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 35.</p> <p>REASON: In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with Policy CS14 of the Charnwood Local Plan 2011-28 Core Strategy (2015)</p>

APPLICATION SITE

