

Plans Committee Date:	27/07/2023
-----------------------	------------

Item No:

Application Reference Number: P/21/1797/2

Application Type:	Full	Date Valid:	08/09/2021
Applicant:	William Davis Ltd		
Proposal:	Erection of 56 no. dwellings and associated landscaping and infrastructure (as amended by revised layout and supporting documents)		
Location:	Land off Zouch Road, Hathern		
Parish:	Hathern	Ward:	Dishley, Hathern and Thorpe Acre
Case Officer:	Mark Pickrell	Tel No:	07852720913

1. Background

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation as it relates to development that is contrary to the adopted development plan and has been called in by former Cllr Keith Harris for the reasons of impact on an important hedgerow and biodiversity.

2. Description of the application site

- 2.1 The site is an agricultural field located to the west of the village of Hathern, bounded to the northwest by Zouch Road, to the northeast by a public right of way (ref. K74) with farmland beyond, to the southeast by Hathern Cemetery, to the south by Doble Crescent, to the southwest by a play area and drainage basin with residential and commercial properties beyond.
- 2.2 The ground levels of the site rise from Zouch Road to a high point in the central area of the site before a modest slope down to the southern boundary.
- 2.3 The site is bounded by trees and hedgerow alongside Zouch Road and a relatively young hedgerow along the north-eastern boundary, along which runs a public footpath. The south-eastern and parts of the southwestern boundaries consist of important hedgerow, with an existing drainage basin serving properties of Goodacre Road / Doble Crescent located to the northwest.
- 2.4 The site abuts the settlement boundary of Hathern, with a relatively recent development of 1 to 2.5 storey residential properties to the south around Goodacre Road and Doble Crescent.
- 2.5 The site is also adjacent to Hathern Cemetery and paddock land, with relatively open areas to the southeast and a footpath running into central parts of the village.

- 2.6 The site is located within the countryside in the terms of the adopted local plan (draft residential allocation in the emerging local plan), is in flood zone 1 with the lowest risk of flooding (flood risk 2 and 3 extends to the northern side of Zouch Road), is located within the consultation zone for East Midlands Airport, a mineral consultation area and consultation area for gas pipeline. It is not within a conservation area or area of archaeological interest.

3. Description of the proposal

- 3.1 Full planning permission is sought for the development of the site to provide 56 dwellings with associated access from Zouch Road, landscaping and infrastructure, including extension of the existing drainage basin to serve this site.
- 3.2 The proposal includes provision of 34 market dwellings with a mix of 2, 3, 4, and 5 bed properties, up to 2.5 storeys in height. The proposals also include 22 affordable units with a mix of 1, 2, 3 and 4 properties, including apartments and 2 storey units. Tenure of affordable units is proposed to be a mix of shared ownership and social rented.
- 3.3 Proposals include soft landscaping with the provision of a community orchard alongside the access, street trees, community planters and some play equipment alongside pedestrian links to the play area to the immediate west of the site. The proposals include new access points onto the surrounding footpath network to the south and west of the site with new openings made through the existing hedgerow.
- 3.4 The application has been subject to amended documents and plans as the application has progressed. The following documents are relevant to the application:
- Application Form
 - Site location plan
 - Planning Layout (as amended June 2023)
 - House type plans (July 2022)
 - Drainage plan
 - Arboricultural survey and assessment
 - Ecological assessment
 - Noise assessment
 - Air Quality Assessment
 - Heritage addendum
 - Transport assessment + Technical comment
 - Soft landscaping proposals (as amended 30/06/2023)
 - Tree pit details
 - Materials Plan
 - Boundary Treatment Plan
 - Hard Landscaping Plan
 - Electric Vehicle Charging Point Plan
 - Highway adoption plan
 - Biodiversity Metric 3.1 and associated plans
 - Swept Path Analysis

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 \(2015\)](#)

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

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.

Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.

Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

5. Other material considerations

5.1 [The National Planning Policy Framework \(NPPF 2021\)](#)

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

- Section 2: Achieving sustainable development
- Section 4: Decision making
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving well-designed places.
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals

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 [The Planning \(Listed Buildings and Conservation Areas\) Act 1990.](#)

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

5.5 Design Supplementary Planning Document (January 2020)

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

5.6 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.

5.7 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'.

5.8 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.

5.9 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.

5.10 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.

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

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

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

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

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

5.12 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.

6. Relevant Planning History

6.1 There is no planning history relevant to the current proposals.

7. Responses of Consultees & Other Comments Received

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

Consultee	Response
Leicestershire County Council – Highways	<p>No objections subject to conditions (included in recommendation below) and S106 contributions including the following:</p> <ul style="list-style-type: none">• Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. Can be supplied by LCC at £52.85 per pack. Advised Trigger: 100% of contribution paid Prior to Commencement of Development.• 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. Can be supplied through LCC at £470.00 per pass. Advised Trigger: 25% of total obligated contribution paid Prior to 1st Occupation. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings.• Raised kerb provision at the two nearest bus stops on Zouch Road (Ref: 260007612 NB & 260080017 SB) at a cost of £4,500 each to support modern bus fleets with low floor capabilities. Advised Trigger: 100% of contribution paid Prior to Commencement of Development.• A flag and pole at the 260080017 SB stop at a cost of £170. 16. Installation of street lighting will require Traffic Regulation Order (TRO) at a cost of £7,500 to return the speed limit to the de restriction currently in place. Justification: In the general

	interest of highway safety in accordance with the National Planning Policy Framework (2021).
Leicestershire County Council Contributions	<p>S106 contributions required to mitigate impact of development on local facilities and services:</p> <ul style="list-style-type: none"> • Hathern Library - £1,604.63 • Primary School (Hathern Church of England Primary School) - £18,356.00 • Post 16 education - £0 • Secondary Education - £0 <p>Shepshed HWRC - £2,391.76</p>
Leicestershire County Council Local Lead Flood Authority (LLFA)	<p>Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA subject to conditions (summary):</p> <ul style="list-style-type: none"> • Surface water drainage scheme to be agreed • Details in relation to management of surface water on site during construction to be agreed <p>Details of long-term maintenance of the surface water drainage system to be agreed</p>
Charnwood Borough Council Open Spaces	<p>S106 contributions required on site or equivalent off-site contribution:</p> <ul style="list-style-type: none"> • Parks and amenity green space – 0.19ha • Natural and semi-natural open space – 0.27ha • Provision for children – 1 facility (recommended that an off-site contribution of £14,933 is sought to enhance the existing play facilities adjacent to the site (Daisy Bank)) • Provision for young people – 1 facility (it is recommended that an off site contribution of £53,424 is sought towards provision of young people's provision in Hathern) • Outdoor sports facilities – 0.35ha (recommend off-site contribution of £18,386 to be used to meet need and implement recommendation of the Charnwood Play Pitch Strategy) • Allotments – 0.04ha (recommend provide on site or provide an off-site contribution of £6,324 for the provision of new or enhancement of existing allotment provision in Hathern)
Charnwood Borough Council Biodiversity	<p>Baseline ecological value of the site is agreed. Biodiversity Impact Assessment is subject to resolution of landscaping details. A scheme of mitigation strategy is required to ensure no net loss is achieved through a mix of on-site</p>

	and off-site mitigation to be agreed, with provision secured through S106.
Charnwood Borough Council Affordable Housing	Comments received on superseded layouts raise concerns regarding clustering of affordable units and that the affordable house types do not achieve the required occupancy rates.
Charnwood Borough Council Environmental Health	No objections in terms of noise and air quality, subject to conditions to ensure appropriate internal noise levels.
Charnwood Borough Council Conservation and Design	No comment
Charnwood Borough Council Landscape	No comment
Charnwood Borough Council Trees	No comment
NHS	No comment
Environment Agency	There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.
Leicestershire and Rutland Wildlife Trust	Comments are provided in relation to assessment and management of important hedgerow and measures to achieve biodiversity net gain. Recommended conditions in relation to: <ul style="list-style-type: none"> • A landscape and ecological management plan • An artificial lighting strategy • A specification for bat and bird boxes • Construction and Ecological Management Plan (CEMP)
Ramblers Association	No comment
Severn Trent Water	No objections – foul water is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval.
Natural England	No comment
British Gas	No comment
East Midlands Airport	No objections subject to conditions

Ward Councillor and Parish Council Response

Hathern Parish Council	<ul style="list-style-type: none"> • Concerns over impact on hedgerow from footpaths and management
------------------------	--

	<ul style="list-style-type: none"> Concerns over impact on biodiversity and approach to mitigation Recommends contributions to provision of play space and recreation
Responses to publicity	
From	Comments
34 letters of objection received from 29 addresses	<ul style="list-style-type: none"> Object to loss of hedgerow Object to opening in hedge at southern corner Object to loss of habitat Loss of privacy Loss of greenery Impact from street lighting Safety concerns over proposed access Impact on historical hedgerow Suggest alternative use of orchard area Object to building on greenfield land Traffic issues Air quality Impact on local infrastructure Impact on local public transport
Letter from MP Jane Hunt	<ul style="list-style-type: none"> Raises concern regarding impact on hedgerow

8. Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028) and the Minerals and Waste Local Plan (2019).
- 8.2 The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance and as such there is no reason for them to be given reduced weight. As the Planning Authority cannot currently demonstrate a 5-year supply of housing land (4.27 years), any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11dii), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused.

8.3 Part i) of NPPF paragraph 11d) sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are generally nationally designated areas such as SSSI's, designated Local Green Space, AONBs and designated heritage assets. In this case, the site is not in an area specifically protected by the NPPF such that the NPPF's presumption in favour of sustainable development and the 'tilted balance' applies.

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

- Principle of Development
- Housing Mix
- Landscape & Visual Impact
- Design & Layout
- Impact on Residential Amenity
- Ecology and Biodiversity
- Impact on Trees
- Land Contamination
- Highway Matters
- Flooding and Drainage

9. Key Issues

9.1 Principle of the Development

9.1.1 The principle of development is guided by Local Plan policies CS1 of the Charnwood Core Strategy (2015) and saved policy ST/2 of the Borough of Charnwood Local Plan (2004). Policy CS1 of the Core Strategy outlines the development strategy for the Borough and the distribution of sustainable growth.

9.1.2 The proposed development is outside of the defined settlement boundary of Hathern and is therefore located in the countryside where policy CS11 relates. This policy seeks to protect the character of our landscape and countryside by requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness, mitigate its impact on tranquillity, maintain separate identities or supporting housing development for local needs. This development is for market housing with provision of affordable dwellings but is not proposed to meet an identified local need.

9.1.3 While the site is located in the countryside, it does abut the settlement boundary of Hathern. Hathern is designated as an 'other settlement' in the settlement hierarchy under Policy CS1. It states that the strategy for these settlements is to meet the local social and economic need for development in other settlements by providing at least 500 new homes within settlement boundaries, respond positively to small scale opportunities within defined limits to development, respond positively to affordable housing and safeguard services and facilities.

- 9.1.4 Local Plan Saved Policy ST/2 sets the limits to development and establishes that this site is outside of a defined settlement and therefore located in the countryside. Saved Policy CT/1 restricts development in the countryside unless it is for a particular need. This application is not for any particular rural need, such as farming.
- 9.1.5 Given the current lack of a 5-year supply of housing land (which stands at 4.27 years) and the age of Core Strategy Policy CS1 and Local Plan policies CT/1 and ST/2, the weight that can be ascribed to them is reduced, and paragraph 11d of the NPPF applies.
- 9.1.6 The proposal would be contrary to the Development Plan in principle but would result in 56 new dwellings at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. This is regarded as a benefit of the development which is required to be balanced against any harm identified (the 'planning balance' is addressed at the conclusion of this report).
- 9.1.7 The emerging Local Plan is a material consideration. Emerging Local Plan Policy DS1 defines Hathern as an 'other settlement'. Policy DS1 states the aims of urban concentration with the most environmentally sensitive areas to be protected. Policy DS1 also sets out the approach to be taken when a 5 year land supply is not present. It states that in these circumstances, development should only be refused where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and will be supported only where 4 criteria are met:
- Accord with pattern of development set out in policy DS1
 - Adjoin the limits to development
 - Do not prejudice the delivery of infrastructure set out in Appendix 3, and
 - Accord with other development plan policies.
- 9.1.8 Emerging Local Plan Policy DS3 allocates sites for residential development and includes this site as an allocation to provide 50 dwellings (HA63). The allocation requires development of the site to maximise the linkages between the development and the existing settlement, using features such as streets, active travel routes, landscaping and design to ensure that the development integrates with the rest of the village.
- 9.1.9 Emerging Local Plan Policy OS1 relates to other settlements and supports development that meets their local social and economic needs.
- 9.1.10 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.
- 9.1.11 Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. However, Policies DS1 and DS3 are contested and can therefore be given only limited weight whilst OS1 and CC5 can be afforded moderate weight.

9.1.12 In summary, the proposed development of 56 dwellings is on land that is currently in the countryside abutting an 'other settlement' based on the adopted Core Strategy but is allocated to provide 50 dwellings in the emerging Local Plan, therefore, the proposals are contrary in principle to the extant Development Plan but, in principle, complies with the emerging Local Plan. The contradiction with the adopted Local Plan should be regarded as a negative factor within the overall planning balance, however, some weight can be given to the site's allocation in the emerging Local Plan. The weight to be ascribed to the adopted housing policies in the Development Plan is reduced as paragraph 11d of the NPPF applies, as the Council cannot demonstrate a 5 year supply of housing.

9.1.13 In these circumstances, the presumption in favour of sustainable development (NPPF paragraph 11d)ii) applies and requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies of the NPPF taken as a whole. The identified conflict with the adopted Development Plan is considered to be harm within this approach and will be considered within the overall planning balance for the proposal at the end of this report, weighed against the benefits, whereas the benefits to provision of housing (including affordable homes) on a site which is an emerging allocation is given positive weight.

9.2 Housing Mix

9.2.1 Core Strategy Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs. This policy generally accords with the NPPF and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that it should be given.

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

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

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

9.2.4 The proposals make provision for the following mix of open market house types:

Market	
1 bed	0%
2 bed	8.8%
3 bed	44.1%
4+ bed	47.1%

9.2.5 The proposed market mix includes a greater proportion of larger properties (4+ bed) and limited provision of smaller properties (1 and 2 bed) than is recommended by the HENA (2022).

9.2.6 In terms of adopted Local Plan policy CS3, Hathern is a rural location where 40% affordable housing would be required. Emerging Policy H4 sets out the expectation that 30% of housing on greenfield sites will be provided as affordable. These proposals make provision for 22 units to be made available as either social rented or shared ownership. This equates to 40% of the overall housing provision and meets the expectations of the adopted development plan and exceed the requirements of emerging local plan policy H4.

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

9.2.8 The proposals make provision for the following mix of affordable house types:

Affordable Housing – Social rented	
1 bed	40%
2 bed	20%
3 bed	34%
4+ bed	7%
Affordable Housing – Shared Ownership	
1 bed	0%
2 bed	100%
3 bed	0%
4+ bed	0%

9.2.9 The proposals include provision for a mix of 70% social rented and 30% shared ownership. Charnwood's Affordable Housing SPD requires a tenure split of 77% social rented and 23% shared ownership.

- 9.2.10 The provision of 34 market homes of a mix that makes a contribution towards identified needs is a benefit of the scheme which should be given positive weight within the planning balance. However, it is noted that the proposed housing mix includes a higher proportion of larger properties in this edge of village location than is recommended by the HENA (2022). Similarly, the provision of 22 affordable units complies with adopted policy and exceeds what is required by emerging policy on a site that is allocated in the emerging Local Plan, albeit with a tenure split that does not wholly comply with the Affordable Housing SPD. However, the provision of 40% affordable housing is a significant benefit of the scheme.
- 9.2.11 Comments from the Council's Affordable Housing team have raised concerns regarding the grouping of affordable dwellings towards the south of the site. Amended layouts have been received which include provision of a mix of shared ownership and social rented properties within adjacent blocks, with affordable units facing the southern boundary split by public highway. When taken on blocks, the proposals include a cluster of 9 units separated by public highway from a cluster of 11 units, with a further 2 units on another block. The stated clusters include a mix of both shared ownership and social rented.
- 9.2.12 Comments from the Council's Affordable Housing team also raised concerns with occupancy rates in relation to the proposed Thirsk, Dalton and Wretton house types not meeting the internal space requirements to achieve expected occupancy rates. Amended layouts have been received which omit the Wretton House type. No further comments have been received from the Council's Affordable Housing team.
- 9.2.13 Within the confines of the overall shape and size of the site, the applicant has sought to separate the affordable units through varying the tenure and splitting into separate blocks where feasible. Considering the split of tenures within the clusters and separation by public highway it is considered that the proposed clustering is acceptable in the context of this site.
- 9.2.14 It is noted that the proposals would result in a bias toward provision of larger dwellings than is required by the HENA and would include a tenure split that does not specifically relate to the Affordable Housing SPD. It is noted that this site is an emerging allocation in the Local Plan which, if the emerging Local Plan were to be adopted, would result in a requirement of 30% affordable housing (17 units). The current proposal is for 40% (22 units) of the homes to be affordable including 100% of the shared ownership properties to be 2-bed and Officers consider that whilst this doesn't address the needs identified within the HENA and is contrary to policies CS3 and H1, the provision of 2-bed shared ownership properties would compensate the requirement in the HENA for smaller 2-bedroom properties in home ownership (market mix). As a development for only 56 units, the lack of smaller properties in the market mix will not have a significant impact on achieving the recommended market mix in the HENA.

9.3 Landscape & Visual Impact

- 9.3.1 Core Strategy Policy CS2 and saved Local Plan policy EV/1 seek to respect and enhance the landscape character of the area, the form of existing settlements and the open and undeveloped nature of the countryside. Policy CS11 of the Core Strategy does not preclude all development in the countryside but seeks to protect the character of the landscape and reinforce sense of place and local distinctiveness. These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.3.2 Emerging Local Plan Policy EV1 requires new development to protect landscape character, to reinforce sense of place and local distinctiveness and maintain separate identities of settlements. Policy EV1 is at an advanced stage and was discussed at the hearing sessions in June 2022 and is consistent with the NPPF such that it can be given moderate weight. Policy DS3 is at the same stage, however, it is subject to objections as part of the local plan hearing sessions and can be given limited weight.
- 9.3.3 The site is in the countryside in the terms of the adopted development plan, although it does abut the settlement boundary of an 'other settlement'. The proposed development areas of the site are set back from Zouch Road due to the rising topography of the site. Southern and western hedgerows are largely retained as part of the development and result in some containment of the site from the surrounding area. Given the elevated topography in relation to land to the east, the site would be visible in some views when travelling west along Zouch Road, albeit any views would be in the context of entering the built up area of Hathern.
- 9.3.4 A high level assessment of the development potential of the site has been undertaken as part of the preparation of the emerging local plan and finds that the landscape sensitivity of this site is low to moderate for 2 – 3 storey residential development (SHLAA site reference PSH413).
- 9.3.5 While the site is in the countryside in terms of the adopted Local Plan, it is well related to the existing settlement of Hathern and the evidence base supporting the emerging Local Plan finds that the site is of low to moderate landscape sensitivity to 2 – 3 storey residential development. It is noted that the broad principle of landscape impact is accepted to the extent that the site has been allocated for residential development and the details of this application do not conflict with the broad provisions of the allocation. Furthermore, emerging policy DS3 (HA63) makes provision for any development of the site to provide linkages to the village and the proposed development achieves this with new pedestrian links to the existing footpath network surrounding the site.
- 9.3.6 The proposed development, including a majority of the development being 2 storey with 13 units as 2.5 storey, is in keeping with the broad expectations of the emerging policy and given the layout and design of the site is considered to respect its edge of settlement location with capacity to achieve adequate landscaping to protect and enhance the character of the wider landscape area to the satisfaction of CS11, EV1 and the NPPF.

9.4 Design & Layout

- 9.4.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 of the Local Plan supports development that is of a design, scale, layout and mass compatible with the locality and which uses materials appropriate to the locality. These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.4.2 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight. Emerging Policy DS3 (HA63) also refers to design and requires development to maximise the linkages between the development and existing settlement and can be given limited weight.
- 9.4.3 The application was submitted with detailed layout, house types and landscaping.
- 9.4.4 The final layout has been informed by various rounds of amendments taking into account comments from pre-application advice, an independent Design Review Panel and consultation responses. The final layout includes frontages close to the highway edge to create a strong definition on the primary route into the site, leading to a central focal point around a crossroad, including street planting and provision for community planting. Linkages to the adjacent play area and routes into Hathern are marked by a small-scale play and landscaping areas, creating interest for pedestrians and children when walking / cycling between the site and rest of the village. A new opening is proposed through the hedgerow to the south of the site, creating an end view to the primary route through the site and providing pedestrian / cycle access to the surrounding footpaths, including links to the public right of way (K74) which runs into the historic core of Hathern.
- 9.4.5 House types include a mix of designs, between 2 and 2.5 storeys in height with materials including groupings of materials including various red brick and light buff elevations, along with render detailing. Roof materials include a mix of slate and brown tiles. Road surfacing includes a mix of tarmac and block work on private drives, creating differentiation between adopted and private drives. Elevations include a variety of detailing, including inclusion of canopy porch roof, bay windows, protruding chimney and brickwork detailing. The proposed development reflects the style and design of the adjacent development off Goodacre Road.

- 9.4.6 While the precise details of landscaping are not agreed and may need to be subject to modest revision to ensure on-site biodiversity mitigation is achieved where feasible, the broad provisions for soft landscaping are supported, including the provision of a community orchard and street planting when entering the site and further planting to help create a central focal point and attractive link towards the southwest. Important hedgerow is retained as far as practicable, whilst facilitating pedestrian and cycle integration with the surrounding footpaths. Important hedgerows do not form part of garden boundaries and are part of landscaped areas of the site. The general provision of planting within the site is considered to be a positive factor that weighs in favour of the proposals.
- 9.4.7 The submitted layout has been informed by pre-application advice which included input from an independent design review panel. The proposed scale of no more than 2.5 storey is in keeping with the provisions of the SHLAA assessment and results in an appropriate density of development. The submission has been through various rounds of amendments to address various comments from consultees and is now at a point where officers are satisfied that the layout and design of properties would create an attractive core within the site, along with provisions to enhance the public realm with street planting and modest play trail such that the provisions of CS2, emerging policy DS5, as well as the NPPF, are satisfied.

9.5 Impact on Residential Amenity

- 9.5.1 Policies CS2 of the Core Strategy and EV/1 of the Local Plan seek to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity. Saved policy EV/1 of Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.
- 9.5.2 Emerging Local Plan policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight. Emerging Local Plan policy H3 relates to internal space standards. This policy is at an advanced stage and hearing sessions in February 2023 considered the policy and it is consistent with the NPPF but is subject to objections and can therefore be given limited weight.

- 9.5.3 Objections have been received concerning the proximity of the proposed dwellings to nearby properties on Doble Crescent, resulting in the development being overbearing, causing overlooking and overshadowing of existing properties. The proposed development would be located approximately 35m from the nearest existing dwelling, with an intervening hedgerow and existing public footpath. It is appreciated that the site is on a slightly higher ground level than surrounding properties but considering the standard minimum separation distance of 22m, the proposed off set from existing properties of 35m is considered sufficient to protect residential amenity of future and existing dwellings, particularly with the intervening hedgerow, such that the development would not result in an excessive negative impact on residential amenity.
- 9.5.4 With regard to residential amenity of future residents of the site, the proposed layout makes provision for 56 dwellings on a 2.8ha site which, with the inclusion of open space, drainage and landscaping, equates to 20 dwelling per hectare. Within the developable area of the site and considering the physical constraints, the proposed layout and density results in dwellings with a range of separation distances, varying from 17m to 30m. In instances where separation is below standard minimum separation distances, the layout seeks to minimise potential adverse impact by aligning at oblique angles.
- 9.5.5 The submission includes a Noise Assessment and Air Quality Assessment which provides assessment of impact on residential amenity of future residents and recognises that the primary source of noise is traffic on the A6 and Zouch Road. Similarly, air quality is affected by proximity to a highway, but the assessment finds that this is not excessive in the context. The Council's Environmental Health Officers have reviewed the submission and have no objections in principle, subject to the mitigation for noise reported in section 6 of the Noise Assessment are implemented. It is reasonable that these details are secured by condition.
- 9.5.6 While residential amenity of existing properties is protected, the proposed development would result in a relatively dense form of development that includes instances where plot separation is below minimum standards set out in guidance. Those plots where separation distances are below minimum standards would fail to comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, National Design Guidance, Emerging Local Plan Policy EV5 and the guidance set out in the Design SPD to protect residential amenity. However, the majority of plots would satisfy separation distances and, overall, the proposed layout and house types are considered to make reasonable provision to protect residential amenity of future occupants.

9.6 Ecology and Biodiversity

- 9.6.1 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity.
- 9.6.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Emerging policy EV7 supports the retention of existing trees and new tree planting. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given only moderate weight until the emerging policy is further progressed towards adoption.
- 9.6.3 Representations from local residents have raised concerns regarding the loss of a greenfield site, impact on an important hedgerow and the impact on ecology.
- 9.6.4 An assessment of the ecological value of the existing site has been undertaken and informed by a Biodiversity Impact Assessment (BIA) which, following various amendments and input from the Council's Biodiversity Officer, is broadly agreed, save for representation of stated biodiversity value achieved on-site and as shown on associated landscaping plans. The BIA finds that the proposed development, taking into account the loss of any existing habitat and provision of new habitat on site, would result in a net loss of habitat. Any loss will therefore need to be compensated for either on the site, on land owned by the applicant or via a habitat bank, in accordance with CS13 and legislation which is due to come into force in November 2023.
- 9.6.5 The Council's Biodiversity Officer advises that while there remains some details of the BIA and associated landscaping scheme where habitat value is not settled, it is expected that a form of landscaping scheme and off-site mitigation could be achieved to achieve no net loss of habitat value from the site, as is required by current adopted policy and legislation. In accordance with NPPF paragraph 55, planning conditions and S106 obligations can reasonably be used to secure and agree an appropriate landscaping and biodiversity mitigation strategy to ensure no net loss of biodiversity.
- 9.6.6 Consequently, the proposal, subject to the required obligations in the S106 Legal Agreement to make up for the on-site shortfall and achieve no net loss along with imposition of planning conditions to secure landscaping details which reflect biodiversity mitigation, is considered acceptable and would comply with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy and emerging Local Plan policy EV6.

9.7 Impact on Trees and Hedgerow

- 9.7.1 Core Strategy Policies CS2 and CS11 seek to ensure high quality design that reflects the character and context of the area, which in this location comprises development of agricultural land bounded by hedgerow, with southern and western hedgerows being classified as 'important' due to their age. These policies generally accord with the National Planning Policy Framework and do not conflict the supply of housing. Emerging Local Plan policy DS5 makes similar requirements and EV7 encourages the protection of trees and tree planting. The policy EV7 is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF and can therefore be given moderate weight.
- 9.7.2 The southern and sections of the western boundary consist of hedgerow that was determined to be 'important' under the ecological criteria of the Hedgerow Regulations 1997 and is of some antiquity with the hedge dating back to circa 1778. The proposals include the creation of two new openings through the hedgerows (one opening in each hedgerow) to provide pedestrian links to existing routes in the vicinity of the site along with provision of new tree and hedgerow planting within the site.
- 9.7.3 The impact on 'important' hedgerow is a significant consideration of the development, however, the creation of two pedestrian routes through the hedgerow is recognised as responding to the recommendations of the Design Review Panel and emerging Local Plan allocation policy DS3(HA63) which requires the proposed development to integrate with the existing settlement of Hathern. Integration is to be achieved by encouraging pedestrian linkages with existing footpaths to the south of the site, facilitating links to the village centre and providing links to the existing play area to the immediate west of the site with the openings through the hedgerow required to achieve this and prevent the perception that the development would be a compartmentalised annex to the wider village.
- 9.7.4 The proposed development includes notable provision for street planting, creating a focus around the crossroads of the site and along links to the play area to the west of the site. While the loss of two sections of 'important' hedgerow, each approx. 3m in width, is a negative impact to be weighed in the planning balance, it is noted that the proposals include additional tree and hedgerow planting within the site.
- 9.7.5 The proposed development is considered to conflict with the relevant policies in the Core Strategy, particularly Policy CS11 due to the loss of sections of 'important' hedgerow, but, otherwise the proposals are considered to comply with all other provision of CS11 (Landscape and Countryside) and Policy CS2 (High-Quality Design) and the applicable emerging policies.

9.8 Land Contamination

- 9.8.1 A Phase 1 and 2 Geo-Environmental Assessment has been submitted as part of the supporting information and concludes that there are no contaminant exceedances, and that made ground is suitable for development with appropriate foundations. Consequently, the proposed development accords with relevant policies in the Core Strategy, particularly Policy CS2 and CS16 of the Core Strategy, Policy EV/1 of Local Plan and the NPPF.

9.9 Highway Matters

- 9.9.1 Policy CS2 of the Core Strategy requires new development to provide well defined and legible streets and spaces that are easy to get around for all. Policy CS17 make provision to achieve a 6% shift from travel by private car to walking, cycling and public transport. Policy CS18 of the Core Strategy requires network improvements where they are identified in Transport Assessments. Policy TR/18 of the Saved Local Plan requires off-street parking to be provided for vehicles and cycles to secure highway safety and minimise harm to visual and local amenities. Adopted standards as set out in the saved Local Plan are provided as a starting point to assess the level of provision. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.9.2 The NPPF promotes sustainable travel choices and states development should ensure safe and suitable access, reflection of national guidance and mitigation of any significant impacts. It states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraphs 110-112).
- 9.9.3 Emerging local plan policy T3 requires new development to provide car parking in accordance with the latest published guidance of the County and Borough Councils. Emerging policy CC5 and CC6 supports provision of sustainable transport options and provision of electric vehicle charging points. Emerging policies INF1 and INF2 seek to secure appropriate infrastructure to mitigate the impacts of development. Policy T3, INF1 and INF2 are at an advance stage but subject to objections and can be given limited weight at this stage. Similarly Policy CC5 is at an advanced stage and modifications to the policy agreed such that it can be given moderate weight.
- 9.9.4 The proposed development includes a new access onto Zouch Road with associated visibility splays and introduction of a ghost right hand turn lane. The scheme is based on an internal road layout that is intended to be adopted by LCC. The proposals have been subject to several rounds of amendments and consultation, with LCC Highways raising no objections to the final access proposals and layout, subject to conditions and S106 obligations. The proposals make adequate provision for parking within the site to the satisfaction of LCC Highways and TR18.
- 9.9.5 The proposed development would be located approximately 430m from the closest bus stops, on Shepshed Road. Access to public transport has been assessed by LCC Highways and contributions are requested to enhance existing bus stops on Shepshed Road.
- 9.9.6 Consequently, subject to the suggested conditions and S106 obligations to secure travel packs, travel passes, and enhancement to bus stops, the proposed development is considered to be in accordance with Policies CS2, CS17 and CS18 of the Core Strategy and TR/18 of the Saved Local Plan, which seek to ensure safe access is provided to new development and emerging Local Plan policies T3, CC5, INF1 and INF2.

9.10 Flooding and Drainage

- 9.10.1 Policy CS16 of the Core Strategy and the NPPF direct development away from areas at highest risk of flooding. The policy requires development to manage surface water run off with no net increase in the rate of surface water run off for green field sites. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.
- 9.10.2 Emerging policy CC1 of the Draft Local Plan requires major development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate. Emerging policy CC2 states major development will include appropriate measures to manage flood risk. This policy is at an advanced stage and was discussed at the hearing sessions in June 2022 and is consistent with the NPPF so can be given moderate weight. The NPPF paragraph 169 requires that major development should incorporate sustainable drainage systems.
- 9.10.3 The development is situated within Flood Zone 1 and being at low risk of fluvial flooding as identified by the Environment Agency flood maps.
- 9.10.4 The general drainage proposals are based on the existing drainage basin adjacent to the site (serving the Daisy Bank development) being extended to accommodate the drainage requirements of this site and prevent this from increasing run off rates. The LCC Lead Local Flood Authority have been consulted on the proposals and are satisfied that adequate provision for drainage can be achieved, subject to conditions to ensure provision and maintenance.
- 9.10.5 Consequently, subject to conditions, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy, emerging Local Plan policies CC1 and CC2 and the NPPF.

9.11 Sustainable construction and energy efficiency

- 9.11.1 Emerging Local Plan policies CC4 requires sustainable construction practices. It is at an advanced stage and were discussed at the hearing sessions in June 2022 and are consistent with the NPPF so can be given moderate weight. Emerging Policy CCS6 relates to electric charging points but is proposed to be deleted from the emerging Local Plan and is given limited weight.
- 9.11.2 The application includes provision for electric vehicle charging points (EVCP Plan) but otherwise does not provide details of construction techniques or the low carbon 'credentials' of the development, though these would need to meet the requirements of building regulations applicable at the time.
- 9.11.3 The proposal in the interest of air quality and climate change would be able to comply with policy CS16 of the Core Strategy and the emerging Local Plan policies CC4 and CC6 referred to above.

9.12 S106 / Planning obligations

9.12.1 Infrastructure Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy and emerging Policy INF1 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. Emerging draft local plan policy INF2 requires development to provide the necessary infrastructure to mitigate the impacts of the development. The plan is at an advanced stage, the policies accord strongly with the NPPF, but there were representations to this policy that were considered at the examination hearing sessions of February 2023. They are therefore considered to carry limited weight. Emerging policies H4, CC5 and EV9 are also relevant.

9.12.2 As set out within the CIL Regulations requests for planning obligations 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:

Affordable Housing	The Council's Housing Officer requested 77% affordable rent and 23% shared ownership. (However, the application proposes 40% to be affordable housing with 70% affordable rent and 30% shared ownership.)
Charnwood Borough Council Open Space	<p>S106 contributions required on site or equivalent off-site contribution:</p> <ul style="list-style-type: none">• Parks and amenity green space – 0.19ha (on-site)• Natural and semi-natural open space – 0.27ha (on-site)• Provision for children – 1 facility (recommended that an off-site contribution of £14,933 is sought to enhance the existing play facilities adjacent to the site (Daisy Bank))• Provision for young people – 1 facility (it is recommended that an off-site contribution of £53,424 is sought towards provision of young people's provision in Hathern)• Outdoor sports facilities – 0.35ha (recommend off-site contribution of £18,386 to be used to meet need and implement recommendation of the Charnwood Play Pitch Strategy)• Allotments – 0.04ha (recommend provide on site or provide an off-site contribution of £6,324 for the provision of new or

		enhancement of existing allotment provision in Hathern)
Sustainable Transport		<ul style="list-style-type: none"> • • Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. Can be supplied by LCC at £52.85 per pack. Advised Trigger: 100% of contribution paid Prior to Commencement of Development. • 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. Can be supplied through LCC at £470.00 per pass. Advised Trigger: 25% of total obligated contribution paid Prior to 1st Occupation. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings. • Raised kerb provision at the two nearest bus stops on Zouch Road (Ref: 260007612 NB & 260080017 SB) at a cost of £4,500 each to support modern bus fleets with low floor capabilities. Advised Trigger: 100% of contribution paid Prior to Commencement of Development. • A flag and pole at the 260080017 SB stop at a cost of £170. 16. Installation of street lighting will require Traffic Regulation Order (TRO) at a cost of £7,500 to return the speed limit to the de restriction currently in place. Justification: In the general interest of highway safety in accordance with the National Planning Policy Framework (2021).
Leicestershire Council Education	County	Contribution towards provision of additional space at Hathern Church of England Primary School - £18,356.00
Leicestershire Council Libraries	County	Hathern Library - £1,604.63
Leicestershire Council Waste Management	County	Shepshed HWRC - £2,391.76

Biodiversity	<p>To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval prior to commencement of development.</p> <p>a) To submit an updated Biodiversity Impact Assessment.</p> <p>b) To provide the Biodiversity Net Gain on site, and/or off-site, or via Biodiversity Impact Compensation (where neither on-site or off-site mitigation are practicably deliverable), in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</p> <p>c) Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council.</p>
--------------	--

9.12.3 these contributions are agreed and considered to be CIL compliant and would allow the necessary infrastructure to meet policies CS3, CS13, CS15, CS17 and CS24 and emerging policies H4, CC5, EV9, INF1 and INF2 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 the provision of 56 dwellings is afforded positive weight.
- 10.2 There are no technical constraints relating to highways, contamination or flooding that cannot be mitigated, biodiversity impact /mitigation /net gain and tree / hedge protection can be secured by way of planning conditions and obligations secured in a S.106 legal agreement. As this is the case these are seen as neutral factors in the planning balance.
- 10.3 The impacts of the proposed development on local infrastructure are considered to be limited by virtue of its scale and the loss of important hedgerow is considered to be balanced by achieving integration with Hathern. There would be an overall loss of habitat on the site but a combination of on-site and off-site mitigation can be secured by S106 and conditions to ensure that there is no net loss of habitat value.

- 10.4 The proposals make provision for 40% of the units be delivered as affordable. The proposed mix and tenures do not match the requirements of the Affordable Housing SPD, in that they provide for 70 / 30 split between affordable rent and shared ownership instead of 77 / 23, however, the difference is considered to be minor and the overall provision of 40% affordable units while we do not have a 5 year housing land supply is a significant benefit.
- 10.5 The market mix required by the HENA is for 30% of the dwellings to be 2-bedroom. The proposal is only for 8.8% with a larger proportion of 4-bedrooms being provided. However, 100% of the shared ownership properties are to be 2-bed and Officers consider that whilst this doesn't address the needs identified within the HENA market mix and is contrary to policies CS3 and H1, the provision of 2-bedroom shared ownership properties would compensate the requirement in the HENA for smaller 2-bedroom properties in home ownership (market mix). As a development for only 56 units, the lack of smaller properties in the market mix will not have a significant impact on achieving the recommended market mix in the HENA. However, this is a limited harm of the proposal.
- 10.6 It is considered that the development would result in development on land that is currently designated as countryside. As a result, it would be contrary to Core Strategy Policies CS1 and saved policies ST/2 and CT/1. However, despite the countryside location, the landscape impact would be minimal and the proposal is considered to meet all emerging Local Plan policies, including emerging Local Plan Policy DS3(HA63) which allocates the site for housing.
- 10.7 In conclusion, it is considered that whilst there are impacts arising from the development of this site that can be considered harmful and are contrary to the existing policy framework, the weight that can be attributed to the relevant policies is significantly compromised as outlined above. The benefits relate to the contribution of the proposal to the housing land supply deficit and deliverability which are considered to outweigh the harms referred to. The application should therefore be supported subject to appropriate conditions being attached and contributions being secured as part of S106 Legal Agreement as set out below.

11. Recommendation

11.1 RECOMMENDATION A:

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

Affordable Housing	40% to be affordable housing with 70% affordable rent and 30% shared ownership.
Charnwood Borough Council Open Space	S106 contributions required on site or equivalent off-site contribution:

	<ul style="list-style-type: none"> • Parks and amenity green space – 0.19ha (on-site) • Natural and semi-natural open space – 0.27ha (on-site) • Provision for children – 1 facility (recommended that an off-site contribution of £14,933 is sought to enhance the existing play facilities adjacent to the site (Daisy Bank)) • Provision for young people – 1 facility (it is recommended that an off-site contribution of £53,424 is sought towards provision of young people's provision in Hathern) • Outdoor sports facilities – 0.35ha (recommend off-site contribution of £18,386 to be used to meet need and implement recommendation of the Charnwood Play Pitch Strategy) • Allotments – 0.04ha (recommend provide on site or provide an off-site contribution of £6,324 for the provision of new or enhancement of existing allotment provision in Hathern)
Sustainable Transport	<ul style="list-style-type: none"> • Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. Can be supplied by LCC at £52.85 per pack. Advised Trigger: 100% of contribution paid Prior to Commencement of Development. • 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. Can be supplied through LCC at £470.00 per pass. Advised Trigger: 25% of total obligated contribution paid Prior to 1st Occupation. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings. • Raised kerb provision at the two nearest bus stops on Zouch Road (Ref: 260007612 NB & 260080017 SB) at a cost of £4,500 each to support modern bus fleets with low floor capabilities. Advised Trigger: 100% of

		<p>contribution paid Prior to Commencement of Development.</p> <ul style="list-style-type: none"> • A flag and pole at the 260080017 SB stop at a cost of £170. 16. Installation of street lighting will require Traffic Regulation Order (TRO) at a cost of £7,500 to return the speed limit to the de restriction currently in place. Justification: In the general interest of highway safety in accordance with the National Planning Policy Framework (2021).
Leicestershire Council Education	County	Contribution towards provision of additional space at Hathern Church of England Primary School - £18,356.00
Leicestershire Council Libraries	County	Hathern Library - £1,604.63
Leicestershire Council Waste Management	County	Shepshed HWRC - £2,391.76
Biodiversity		<p>To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval prior to commencement.</p> <p>a) To submit an updated Biodiversity Impact Assessment</p> <p>b) To provide the Biodiversity Net Gain on site, and/or off-site, or via Biodiversity Impact Compensation (where neither on-site or off-site mitigation are practicably deliverable), in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</p> <p>c) Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council.</p>

11.2 RECOMMENDATION B:

That subject to the completion of the S106 agreement in recommendation A above, grant conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Growth, in consultation with the Chair of

the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions.

11.3 Recommended conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

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

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

- Application form
- Site Location Plan P20-0773_001 Sheet 1
- Planning Layout P20-0773-011 Rev W Sheet 1
- Planning Layout (Presentation) P20-0773-011 Rev W Sheet 2
- Beamish (with chimney) elevations/floor plans 21118-BM(PC)-1 Rev A
- Beamish (with chimney, render option) elevations/floor plans 21118-BM(PC)-2 Rev B
- Blyth (render option) elevations/floor plans 21118-BT-2 Rev A
- Dee (with chimney, render option) elevations/floor plans 21118-DD(PC)-2 Rev A
- Douglas (with chimney, render option) elevations/floor plans 21118-DS(PC)-2
- Lea elevations/floor plans 21118-LA-1 Rev A
- Lea gable option elevations/floor plans 21118-LA-7 Rev A
- Minsmere elevations/floor plans 21118-MM-2
- Rother elevations/floor plans 21118-RR-1 Rev A
- Sherford elevations/floor plans 21118-SF-1
- Sherford (render option) elevations/floor plans 21118-SF-2
- Solway elevations/floor plans 21118-SL-1 Rev A
- Solway (render option) elevations/floor plans 21118-SL-2 Rev A
- Seaton elevations/floor plans 21118-SN-1
- Severn elevations/floor plans 21118-SV-1
- Stonethwaite elevations/floor plans 21118-SW-1 Rev A
- Stonethwaite (part render) elevations/floor plans 21118-SW-2 Rev A
- Dalton (left hand) elevations/floor plans 21118-DL-1-LH Rev A
- Dalton (right hand) elevations/floor plans 21118-DL-1-RH Rev A
- Hayle elevations/floor plans 21118-HL-2
- Helmsley elevations/floor plans 21118-HY-1 Rev A
- Helmsley (left hand) elevations/floor plans 21118-HY-1 (LH) Rev A
- Ryburn elevations/floor plans 21118-RB-8 Rev A
- Ripon (mid-unit special) elevations/floor plan 21118-RP-8 (mid)-(Sp1) Rev A
- Ripon (special, right hand) elevations/floor plan 21118-RP-8-RH Rev A
- Thirsk elevations/floor plans 21118-TS-1
- Single front gable garage elevations/floor plans 15-819 GB08

- Garage double front gable joint ownership elevations/floor plans 15-819 GB07
- Garage deluxe single, front gable single ownership elevations/floor plans 15-819 GB08
- Triple garage elevations/floor plans 15-819 GB09
- Sales garage semi side gable 21118-GB10
- Materials Plan P20-0773-012 Rev K
- Boundary Treatment Plan P20-0773-013 Rev J
- Hard Landscaping Plan P20-0773-014 Rev J
- EVCP Plan P20-0773-015 Rev F
- Adoption Plan P20-0773-016 Rev E

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

3. Before the development is commenced, a scheme for the offsetting of biodiversity impacts at the site shall be submitted to and approved in writing by the Local Planning Authority. This must be supported by an agreed biodiversity metric for the development hereby approved, costings and appropriate legal agreements to guarantee third party delivery of ongoing habitat management requirements.

REASON: To ensure that proposed habitats are provided and achieve their aims of mitigating habitat loss. This is to make sure the development remains in compliance with Core Strategy policy CS13.

4. Before the development is first occupied a landscape and ecological management strategy, including long term design objectives, management responsibilities and maintenance schedules for all on site public open spaces, ecological mitigation areas, landscape features and surface water drainage system to achieve the scheme for the offsetting of biodiversity impacts shall be submitted to and approved in writing by the Local Planning Authority. The landscape and ecological management strategy shall be carried out as approved in accordance with an agreed timetable.

REASON: To ensure that public open spaces and proposed habitats are maintained so that they are of good quality and achieve their aims of mitigating habitat loss and that drainage systems retain full function. This is to make sure the development remains in compliance with Core Strategy policies CS2, CS11, CS13, CS15 and CS16.

5. Prior to commencement of development details of landscaping shall be submitted and agreed in writing by the local planning authority. Detailed proposals will be in broad accordance with Soft Landscape Proposals (1 of 3) P20-0773-101 Rev K, Soft Landscape Proposals (2 of 3) P20-0773-102 Rev K, Soft Landscape Proposals (3 of 3) P20-0773-103 Rev K and Soft Landscape Proposals (Composite Plan) P20-0773-104 Rev K and offsetting of biodiversity impacts at the site as may be agreed in relation to condition 3.

REASON: To ensure that an appropriate landscaping scheme is provided that is of good quality and achieve their aims of mitigating habitat loss and that drainage systems retain full function. This is to make sure the development remains in

compliance with Core Strategy policies CS2, CS11, CS13, CS15 and CS16.

6. Prior to commencement of development details of play equipment and communal planters to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the open space needs of future residents are met at a level that complies with Core Strategy policy CS15.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure that public open spaces and proposed habitats are maintained so that they are of good quality and achieve their aims of mitigating habitat loss and that drainage systems retain full function. This is to make sure the development remains in compliance with Core Strategy policies CS2, CS11, CS13, CS15 and CS16.

8. The existing hedges and trees located within the application site boundaries, other than those required to be removed to enable the access road and pedestrian accesses hereby approved, shall be retained and maintained at all times. Any other part of the existing hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.

REASON: The hedges and trees are an important feature in the area and their retention is necessary to help protect the character of the area in accordance with Core Strategy policies CS11 and CS13.

9. No development shall take place until the existing trees and all existing hedgerows to be retained have been protected in accordance with a Tree and Hedgerow Protection Plan that has been submitted to and approved in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground level within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

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, S11 and CS13 of the Charnwood Local Plan Core Strategy 2015 and policy EV/1 of the Charnwood Local Plan 2004.

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

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with the National Planning Policy Framework (2021).

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Access Option A, drawing no. ZRHN-BSP-ZZ-XX-DR-S-0001 Rev P02 (page 11 of Stage 1 RSA – Design Team Response, BSP dated 20/7/21) have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway / verge / highway.

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

12. No part of the development hereby permitted shall be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2021).

13. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Planning Layout P20-0773-011 Rev W Sheet 1. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

14. No trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way (K74). Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

REASON: To prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2021.

15. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policies CS2 and CS16 of the Core Strategy, emerging policies CC1 and CC2 of the Charnwood Local Plan and the NPPF.

16. 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 construction of the development must be carried out in accordance with these approved details.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with policies CS2 and CS16 of the Core Strategy, emerging policies CC1 and CC2 of the Charnwood Local Plan and the NPPF.

17. 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 shall then be maintained in accordance with these approved details in perpetuity.

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 Core Strategy, emerging policies CC1 and CC2 of the Charnwood Local Plan and the NPPF.

18. The developer should provide drain down times of the pond after rain events which ideally would be less than 48 hours and a maintenance plan should be in place to ensure the outlets do not become blocked by silt and/or vegetation. The pond should include dense, marginal aquatic vegetation around the periphery and ideally throughout the basin to further deter feral geese and there should be confirmation that there will be no islands or peninsulas.

REASON: To prevent any increase in the number of hazardous birds in the vicinity of East Midlands Airport (EMA) that would increase the risk of a Birdstrike to aircraft using EMA.

19. All exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: To prevent distraction or confusion to pilots using East Midlands Airport.

20. No development shall commence on the site until a Noise Protection Scheme for protecting the bedroom and living room areas detailed in Tetra Tech Noise Assessment (784-B03103, January 2022) from noise from nearby highway and commercial premises shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include glazing with a sound reduction of Rw 30 dB to be provided in all bedroom areas across the development site and in living rooms detailed in figure 6.1 of Tetra Tech Noise Assessment (784-B03103, January 2022). All works which form part of the Noise Protection Scheme shall be completed before the dwelling which would be subject of mitigation is occupied and retained thereafter.

REASON: To ensure adequate residential amenity in accordance with Core Strategy policy CS2, saved policy EV/1 of the Local Plan and emerging policy DS5 of the Charnwood Local Plan.

21. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

REASON: To protect residential amenity of existing and proposed dwellings in accordance with Policy CS2 of the Core Strategy, saved Policy EV/1 of the Local Plan (2004) and emerging policy DS5 of the Charnwood Local Plan.

22. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

REASON: To reduce the possibility of adverse impacts on ecology and to minimise disruption to the neighbouring residents in accordance with Policies CS2 and CS13 of the Core Strategy, saved Policy EV/1 of the Local Plan (2004) and emerging policies DS5 and EV6 of the emerging Local Plan.

23. Demolition or construction works shall not take place outside 0700 hours to 1800 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To protect the amenity of the occupiers of nearby properties in accordance with Policy CS2 of the Core Strategy, saved Policy EV/1 of the Local Plan (2004) and emerging policy DS5 of the Charnwood Local Plan.

APPLICATION SITE

