

Item No.

Application Reference Number P/23/0191/2 (Deferral from 17th August 2023 Plans Committee)

Application Type:	Outline	Date Valid:	2 nd March 2023
Applicant:	Swithland Homes		
Proposal:	Outline Planning application for up to 20 dwellings (all matters reserved except from access - phase 2)		
Location:	Anstey		
Parish:	Anstey	Ward:	Antsey
Case Officer:	Linda Walker	Tel No:	07534 224519

1. Background

- 1.1 This application was referred to Plans Committee on the 17th August 2023 in accordance with the scheme of delegation, as the proposed development of the site is outside the settlement limits and therefore represents a departure from the development plan, and Councillor Taylor and Councillor Barnes had requested the application was called-in.
- 1.2 The application was deferred by the Committee, with a request that Officers seek further consultation with Local Highways Authority (LHA) in relation to the provision of a Pelican (or otherwise signalled) crossing at Gynsill Lane to be secured by the application as concern was raised in that the existing footpath is only on one side of Gynsill Lane in this location which is on the opposite (north) side of the site. Plans Committee Members therefore considered this necessitates a pedestrian crossing on the road to allow pedestrians to visit local facilities in Anstey and Glenfield, Members also considered that traffic speeds are perceived to be high.
- 1.3 This report is to provide Plans Committee with an update following further consultation with Local Highways Authority in relation to the provision of a Pelican Crossing,
- 1.4 All other matters are contained in the main report (item 5d of the meeting of 17th August, (attached as **Appendix A**) and associated 'extras' report (**Appendix B**) remain unchanged

2. Highway Matters

- 2.1 The adopted policies to be considered in relation to the provision of a Pelican Crossing are:
 - Policy CS17: that makes provision to achieve a 6% shift from travel by private car to walking, cycling and public transport, by amongst other things providing easy access to a bus stop that is less than a 400m walk from home and the place being visited
 - Policy CS18: 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.

2.2 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.

2.3 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).

2.4 Emerging policies CC5 and CC6 support provision of sustainable transport options. Emerging policies INF1 and INF2 seek to secure appropriate infrastructure to mitigate the impacts of development. Policies T3, INF1 and INF2 are at an advanced 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.

2.5 *Highways matters - background*

The applicant, Swithland Homes commissioned TetraTech to carry out an assessment of the need for a pedestrian crossing facility, on Gynsill Lane as a result on the development for both sites including P/21/0869/2, outline consent providing up to 40 dwellings and approved in December 2022, and the application before The Committee for up to 20 dwellings. The total of dwelling for both site being up to 60 dwellings for phase 1 and phase 2.

2.6 Following consultation with the Local Highways Authority during the application process for the application for up to 20 dwellings, it was confirmed that the development of both phase 1 and phase 2 is anticipated to generate a maximum of 16 pedestrian trips and it was confirmed by the Local Highways Authority that the Pedestrian Crossing Assessment and the data contained in the Assessment has been verified. The Local Highways Authority have also undertaken an enhanced Pedestrian Crossing Assessment that accounts for site specific information to be included. The results of the enhanced assessment carried out by the Local Highways Authority identifies a CJV of 0.11. It was also confirmed by the Local Highways Authority that no form of crossing is required where the CJV value is below 0.4. Therefore, subject to the findings of a Stage 1 Road Safety Audit, the Local Highways Authority confirmed that no pedestrian crossing facilities are necessary and cannot be justified.

3. Further comments following re-consultation with the Local Highways Authority following the deferral of the application by Plans Committee on the 17th August 2023.

- 3.1 A crossing assessment was undertaken as part of the Phase 1 application (P/21/0869/2 – 40 dwellings). That assessment was based on 50 dwellings and identified a CJV value of 0.11. The Phase 2 application (P/23/0191/2) seeks consent for 20 dwellings, therefore 10 more than assessed under Phase 1. This is expected to generate an additional 3 pedestrian trips. This would not meet the required CJV value of 0.4 to justify a formal pedestrian crossing. To provide such a facility where it is not justified gives rise to road safety concerns, should the facility only be used occasionally, and hence red lights not expected by regular drivers along the route.
- 3.2 In relation to the Committee's concerns about the speed of traffic on Gynsill Lane, it has been confirmed in the further consultation with the Local Highways Authority that the enhanced crossing assessment that was undertaken by the Local Highways Authority does take into consideration recorded 85th percentile speeds.
- 3.3 The Local Highways Authority confirm that with regards to the lack of footway on the south-eastern (development) side of Gynsill Lane, the Applicant has proposed a 2m wide footway between the site access and the existing footway on Gynsill Lane. This proposal has been subject to a Stage 1 Road Safety Audit, as outlined in Local Highways Authority the observations dated 23rd March 2023 and a condition is imposed for the delivery of that footway. This would therefore provide enhanced pedestrian connectivity, without the need to cross Gynsill Lane.
- 3.4 In conclusion, the Local Highways Authority confirm that given the above assessment there is no change in the advice previously provided on this application and there are no grounds to the refuse the application on highway or pedestrian safety.
- 3.5 Therefore following re-consultation with the Local Highways Authority, the proposed development is considered to be in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan, which seek to ensure safe access is provided to new development, and policy CS17 is concerned with encouraging sustainable transport patterns, and with emerging planning policy T3 that requires new development to provide car parking in accordance with the latest published guidance of the County and Borough Councils, and with emerging policy CC5 and CC6 that supports provision of sustainable transport options. This is subject to the imposition of the conditions relating to highway matters set out in the main report.

4. RECOMMENDATION

- 4.1 It is recommended that permission is granted subject to completion of a s106 agreement and conditions, as set out in the report for 17th August 2023 and the associated 'Extras' report (Appendices A and B respectively).

APPENDIX A

ITEM 5d

Application Reference Number P/23/0191/2

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Applicant:	Swithland Homes		
Proposal:	Outline Planning application for up to 20 dwellings (all matters reserved except from access - phase 2)		
Location:	Anstey		
Parish:	Anstey	Ward:	Antsey
Case Officer:	Linda Walker	Tel No:	07534 224519

2. Background

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation, as the proposed development of the site is outside the settlement limits and therefore represents a departure from the development plan.
- 1.2 Councillor Taylor and Councillor Barnes have requested the application is called-in due to the following reasons:
 - Concern relating to the amount of development allowed at Anstey without any major infrastructure support.
 - Lack of general practice capacity for doctor surgeries.
 - Concern about provisions of a further 20 dwellings in this location.
 - Limited bus services close to the site.
 - Catchment area for schools in Anstey and concern about footpath links and the speed of traffic.
 - Highway safety issues, requests for a signaled crossing across Gynsill Lane.
 - Mention of past planning application for a bungalow to the rear of 97 Gynsill Lane refused due to linear character issues.

2. Description of the application site

- 2.1 The site comprises of an open parcel of land that extends to 0.9 hectare and is set to the rear of 101 - 107 Gynsill Lane, Glenfield, and outside the settlement boundary for Anstey or Gynsill Lane. The site is an unused parcel of land with no land use associated with agriculture. It is set to the rear of an existing group of housing developments situated to the south of Gynsill Lane and south of the village of Anstey and south of the A46 (Leicester Western Bypass). The site sits close to the edge of the Borough boundary, and to the south of Anstey, north of Glenfield, which is under the administrative area of Blaby District Council.
- 2.2 The topography of the site gently slopes down towards the north and raises again to the south. The site itself is largely limited to planting, with perimeter hedgerow located along the northern boundary and scattered tree planting found on the southeastern

and southern boundaries. Open countryside lies beyond the site to the east, north and to the south, with the residential settlement of Anstey to the west.

- 2.3 Existing housing developments are situated to the northwest in linear form, along Gynsill Lane and a further in-depth housing development is located further to the southwestern edge of the site, which is accessed from Nursery Rise to the south.
- 2.4 The site is located in a flood zone 1 area, the least likely area to flood. The site is not in a designated Conservation Area, nor are there any listed buildings in close vicinity to the site. In addition, there are no archaeology constraints in the locality. There are no protected trees within the site or abutting the site's boundaries.
- 2.5 A public footpath J70 runs parallel along, and outside the northern boundary of the site apart from a strip of pathway that is included in the red line site area close to the indicative plots 4-11.
- 2.6 The site is a designated green wedge in the adopted Core Strategy and the Draft Local Plan. The site is wedged between two sites allocated for housing in the emerging Local Plan; HA13 and HA12.
 - HA13 is a draft allocation for upto 38 dwellings and was subject to planning application ref: P/21/0869/2 – Land at Park View Nursery Site Off Gynsill Lane, Glenfield and received a resolution to approve an outline planning permission for upto 40 dwellings following the demolition of 97 Gynsill Lane from members at Plans Committee in December 2022, subject to S106 agreement and conditions. The site subject to this application is allocated for housing under emerging policy DS3 (HA13) and is situated directly adjacent and south of the site subject to this outline planning application.
 - HA12 is a draft allocation for 260 dwellings and a site for a primary school under emerging planning policy DS1 (HA12) and is subject to a current outline planning application reference P/23/0659/2 proposed to provide Outline application for circa 375 dwellings, public amenity space, a reserve site for a 1FE primary school (if required and in lieu of circa 35 dwellings) and associated infrastructure (All Matters Reserved except Access).

3. Description of the proposal

- 3.1 The application seeks outline planning permission for up to 20 dwellings (phase 2) with all matters reserved apart from access. The proposal is described as phase 2 by the applicant.
- 3.2 A location plan submitted with the application confirms the proposal would take access from Gynsill Lane, to be shared with the access approved under P/21/0869/2, (described in this application by the applicant as phase 1) as set out above at paragraph 2.6, bullet point 1. It also confirms the SuDs feature approved under P/21/0869/2 will become shared between the sites, and this area of land is incorporated into the red line plan for the application being considered.

3.3 This Outline Planning Application is comprehensive and is accompanied by the following supporting information:

- Design and Access Statement
- Indicative Layout Plan (Feasibility proposal)
- Sustainable Drainage Assessment, plus a SudSmart Drainage Addendum
- Topographical Survey
- Extended Preliminary Ecological Appraisal
- Bat Assessment
- Highway Report

3.4 Further information has been submitted during the application in response to consultee comments.

4.0 Development Plan Policies

4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015) and the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies).

4.2 The policies applicable to this application are as follows:

Charnwood Local Plan Core Strategy

- Policy CS1 - Development Strategy
- Policy CS2 - High Quality Design
- Policy CS3 - Strategic Housing Needs
- Policy CS11 - Landscape and Countryside
- Policy CS12 – Green Infrastructure
- Policy CS13 - Biodiversity and Geodiversity
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS18 - The Local and Strategic Road Network
- Policy CS 24 - Delivering Infrastructure
- Policy CS25 - Presumption in favour of sustainable development

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

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

- Policy ST/2 - Limits to Development
- Policy CT/1 - General Principles for areas of countryside
- Policy CT/2 - Development in the Countryside
- Policy CT/3 – Development in Green Wedges
- Policy EV/1 - Design
- Policy TR/18 - Parking in New Development

5. Other material considerations

5.1 The National Planning Policy Framework (NPPF 2021)

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 11: Making effective use of land
- Section 12: Requiring well-designed places.
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural 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 (January 2020)

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

5.7 Leicestershire Highways Design Guide

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

5.8 Landscape Character Appraisal

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

5.9 Technical Housing Space Standards (2015)

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

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

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

5.11 Equality Act 2010

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

5.12 The Draft Charnwood Local Plan 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); and
- 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 DS3: Housing Allocations
- Policy DS5: High Quality Design
- Policy SC1: Service Centres
- Policy C1: Countryside.
- Policy H1: Housing Mix
- Policy H3: Internal Space
- Policy H4: Affordable Housing
- Policy CC1: Flood Risk Management
- Policy CC2: Sustainable Drainage Systems (SuDs)
- Policy CC4: Sustainable Construction
- Policy CC5: Sustainable Transport
- Policy EV1: Landscape
- Policy EV2: Green Wedges
- Policy EV3: Areas of Local Separation

- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7: Tree Planting
- Policy EV9: Open Spaces, Sport and Recreation
- Policy INF1: Infrastructure and Developer Contributions

5.13 Planning Guidance for Biodiversity June 2022

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

5.14 Neighbourhood Plan

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

6. **Relevant Planning History**

- 6.1 There is no relevant planning history for this site. Noted below are the proposed developments for the two adjacent sites:

Reference	Description	Decision & Date
P/21/0869/2	Outline application for up to 40 dwellings, all matters reserved apart from access - 97 Gynsill Lane, Antsey	Outline Planning Permission Granted – subject to the S106 being agreed and conditions
P/23/0659/2	Gynsill Lane and Anstey Lane - Outline application for circa 375 dwellings, public amenity space, a reserve site for a 1FE primary school (if required and in lieu of circa 35 dwellings) and associated infrastructure (All Matters Reserved except Access)	Currently being considered by the LPA
P/08/2993/2	Erection of bungalow to rear of existing house at 97 Gynsill Lane	Appeal Dismissed

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 Lead Local Flood Authority –	No objection -

<p>Leicestershire County Council</p>	<p>Leicestershire County Council as Lead Local Flood Authority (LLFA) advises that conditions should be imposed:</p> <p>Surface water drainage scheme to be submitted prior to the commencement of development.</p> <p>Management scheme of surface water drainage during construction, to be submitted prior to the commencement of development.</p> <p>Long-term maintenance of surface water drainage, to be submitted prior to the commencement of development.</p> <p>Infiltration testing to be carried out, prior to the commencement of development.</p>
<p>Housing Strategy & Support Charnwood Borough Council</p>	<p>No objection, - subject to affordable housing being secured by S106:</p> <p>30% of affordable homes are required in accordance with planning policy (6 homes).</p> <p>Minimum 66% social or affordable rent (4 homes) and maximum of 33% shared ownership (2 homes).</p> <p><u>Affordable / Social Rent</u></p> <p>Minimum 25% 2 bed 3 person bungalow built to M4(2) building regs with level access shower in situ. Minimum 50% 2 bed 4 person house.</p> <p><u>Intermediate</u></p> <p>A mix of two and/or three bed roomed homes.</p> <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.</p> <p>Affordable Housing should be distributed across the site in clusters of no more than 10 dwellings in a cluster – regardless of the affordable tenure type provided.</p>

	<ul style="list-style-type: none"> • Clusters should contain a mix of social and/or affordable rented homes and intermediate tenures. • Should include a mix of property types and sizes (please note that high concentrations of one bedroomed homes placed together will not be acceptable. • For the avoidance of doubt a cluster is homes that are contiguous; and include neighbouring properties, adjoining/adjacent homes, gardens or shared spaces, homes immediately opposite each other divided by a road or car park and includes any existing homes in adjacent construction phases.
Leicestershire County Council – Highways	<p>No objection - subject to conditions:</p> <ul style="list-style-type: none"> • Prior to occupation of the development access to be implemented in accordance with approved plan. • Prior to first occupation visibility splays to be provided with area clear within splays higher than 0.6 metres. • Prior to first occupation pedestrian visibility splays to be provided with area clear within splays higher than 0.6 metres. • No development to take place until drainage details are submitted and approved. • No development to take place until a construction management plan is submitted and approved. <p>No development to take place until a scheme for the treatment of the public right of way is submitted and approved.</p> <p>Planning obligations:</p> <ul style="list-style-type: none"> • A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times. • Travel Packs to inform new residents or sustainable travel solutions. • 6 months bus pass (two per dwelling) (£360 per pass) • Raised kerb provision at the two nearest bus stops - £5000.00 per stop (£10,000.00). • Information display cases at the two nearest bus stops £120.00 per stop (total £240.00)
Leicestershire County Council - Education	Early Years – No Contribution sought.

	<p>Primary School Sector – £18,356.00 contribution per dwelling towards provision, improvement, remodelling or enhancement of education facilities at The Latimer Primary School, Anstey</p> <p>Secondary School Sector - £59,705.84 contribution per dwelling towards provision, improvement, remodelling or enhancement of education facilities at Martin High School, Anstey.</p> <p>Post 16 Sector – No contribution is sought.</p> <p>Special needs School Sector – No contribution is sought.</p>
Leicestershire County Council - Libraries	A contribution of £422.77 is requested towards the enhancement of Anstey Library
Leicestershire County Council - Waste Management	A contribution of £334.18 is requested towards improvements of the HWRC at Whetstone HWRC site
Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS)	Raises no objection - contribution of £9,661.44 to support the increased number of patients resulting from the development and improve primary care services of Anstey surgery
Charnwood Local Plan Team	No objections to the loss of the green wedge, given the status of the Core Strategy and the emerging Local Plan
Charnwood Open Spaces	<p>Raises no objection subject to on-site/off-site contributions:</p> <ul style="list-style-type: none"> • 1.4ha (minimum 0.07ha) on-site accessible multi-functional green space area, alternatively an off-site contribution £13,748.00. • 2.0ha (minimum 0.10ha) on-site natural and semi-natural open space alternatively, an off-site contribution of £4,547.00 • LEAP (Provision for Children) recommends an off-site contribution of £5,333.00 for the provision or enhancement of children’s play provision in Anstey. • Young People facilities - recommends an off-site contribution of £19,080.00 for the provision or enhancement of young people’s facilities in Anstey. • Outdoor Sport facilities - Recommend off-site contribution of £6,745 to be used to implement recommendations of the Charnwood Playing Pitch at Anstey Nomads Football Club, Link Road Park, or Mitchells Field, Anstey

	<ul style="list-style-type: none"> • Allotments - Recommends an off-site contribution of £2,258 for the creation of a new provision in Anstey or or enhancement of existing allotment provision at Anstey Lane or Groby Road, Anstey.
Charnwood Landscape	<p>No comments have been received; however no objections were raised to P/21/0869/2, the neighbouring site in relation to impact on the landscape. Subject to conditions being imposed for -</p> <ul style="list-style-type: none"> • Tree and Landscape proposals incorporating tree planting.
Charnwood Biodiversity	<p>No objection in principle – subject to the SuDs feature information being clarified and subject to obligations as part of S106 are prepared 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/or pay the Biodiversity Impact Compensation to the Council. <p>The following planning conditions also need to be imposed:</p> <ul style="list-style-type: none"> • Lighting Scheme • Construction Environmental Management Plan • Boundary Treatment details • Landscape & Habitat Management Plan
Neighbours & Ward Councillors consulted	
Councillor Baines and Councillor Taylor	<ul style="list-style-type: none"> • Concern relating to the amount of development allowed at Anstey without any major infrastructure support. • Lack of general practice capacity for doctor surgeries. • Concern about provisions of a further 20 dwellings in this location. • Limited bus services close to the site. • Catchment area for schools in Anstey and concern about footpath links and the speed of traffic.

	<ul style="list-style-type: none"> • Highway safety issues, requests for a signaled crossing across Gynsill Lane. • Mention of past planning application for a bungalow to the rear of 97 Gynsill Lane refused and later dismissed at an appeal (planning ref: P/08/2993/2) due to linear character issues.
Anstey Parish Council	<ul style="list-style-type: none"> • No comments received.
Responses to publicity	
From	Comments
Five letters of objection have been received from three addresses	<ul style="list-style-type: none"> • Object to more housing without sufficient infrastructure. • Housing closer to Glenfield than Anstey. • The 40 dwellings already approved and cumulative impacts. • Traffic issues/highway safety. • Pollution. • Noise. • Lack of footpath links to Anstey from the site. • Requests made for a pedestrian crossing. • Address point actually rear of 107 Anstey Lane. • Loss of privacy. • Overbearing impact. • Building in the open countryside. • Demolition of 97 to provide access unacceptable. • Impact on biodiversity and loss of green space.

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).

8.2 The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance and as such that there is no reason for them to be given reduced weight. As the Core strategy is now five years old, the Planning Authority cannot currently demonstrate a 5-year supply of housing land (4.27 years) and, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also

means that, in accordance with the presumption in favour of sustainable development (at paragraph 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' in 11dii) applies.

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

- Principle of Development
- Housing Mix
- Landscape & Visual Impact
- Design & Layout
- Open Space
- Impact on Residential Amenity
- Ecology and Biodiversity
- Highway Matters
- Flooding and Drainage
- Loss of Best and Most Versatile Agricultural Land
- 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) which outlines the development strategy for the borough and the distribution of sustainable growth. Policy CS1 seeks to provide at least 3,000 new homes within and adjoining the Service Centres and aims to respond positively to sustainable development which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies elsewhere in the Charnwood Core Strategy. The site is not located adjoining the main settlement of Anstey north of the A46 and is therefore contrary to policy CS1.

9.2 Saved Local Plan Policy ST/2 and the 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. The proposal is outside the defined limits to development in policy ST/2 and does not meet the defined circumstances in policy CT/1 so policy CT/1 is not met and CT/2 thus does not apply.

- 9.3 The proposal would be contrary to the Development Plan in principle but would result in 20 new homes. In addition the housing supply policies of the Development Plan are out of date as the Core Strategy is more than five years old and are therefore given reduced weight. Furthermore, the Local Planning Authority cannot demonstrate a 5 year housing land supply and therefore Paragraph 11 dii) of the NPPF is engaged, as 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.
- 9.4 The emerging Local Plan is a material consideration. Emerging Local Plan Policy DS1 defines Anstey as a service centre. 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.
- 9.5 Emerging Local Plan Policy SC1 relates to service centres and supports development that meets their local social and economic needs.
- 9.6 Emerging Policy C1 relates to development in the countryside and seeks to protect its intrinsic character and beauty. Managing development in areas of Countryside is fundamental to delivering the pattern of development set out in our development strategy and therefore delivering sustainable development.
- 9.7 The site is within a designated green wedge as defined by saved policy CT/3 of the Local Plan and in policy EV2 of the emerging Local Plan. This is considered under 'Landscape and Visual Impact' below.
- 9.8 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 is contested and can therefore be given only limited weight whilst SC1, C1, EV2 and EV7 can be afforded moderate weight.
- 9.9 In summary, the site is located outside the defined settlement limits of Anstey and in the open countryside and therefore does not fully comply with policy DS1 of the emerging Local Plan. It is also acknowledged the proposal is in conflict with Policy EV2 of the same document, however, given the site is situated between two housing allocations under the emerging local plan policy DS3 and also contributes towards new housing, in a sustainable location and this conflict needs to be considered in the planning balance as set out in the full body of this report. Having said this the Local Planning Authority cannot demonstrate a 5 year housing land supply and therefore Paragraph 11 dii) of the NPPF is engaged, as 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.

Housing Mix

- 9.10 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.
- 9.11 Emerging policy H1 of the draft Local Plan 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.
- 9.12 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 2 bed	35%
3 bed	25%
4+bed	5%
3 bed	
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%

- 9.13 Core Strategy Policy CS3 requires all new housing to be built to lifetime homes standards, where feasible. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be provided. The policy generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy. Lifetime Homes standard has been superseded by the new Building Regulations Part M4(2) and M4(3).

- 9.14 This policy and emerging policy H1 seek 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).
- 9.15 The proposal is in outline and includes an undertaking to provide 30% affordable homes. The size, type, tenure and design of these are not currently known, although it is anticipated that much of this detail would be established by later reserved matters and/or the discharge of s106 obligations.
- 9.16 It would, however, be important to set down specification of the size of affordable units required at outline stage and it is suggested that the s106 legal agreement could be used to do this.
- 9.17 With regards to housing mix, it is considered that a proposal which complies with Core Strategy Policy CS3, and emerging Local Plan policies H1, H2 and H4 could be achieved, subject to conditions and the content of a s106. A condition to secure that the new dwellings meet lifetime homes standard is not proposed as the standard is superseded. A condition would also be imposed to secure development in accordance with the new Building Regulations standards, as the emerging policy H2 is at an advanced stage, is in accordance with the NPPF paragraph 130 and has limited objections and has been recently accepted by the Planning Inspectorate as reasonable and necessary for emerging allocation DS3(HA15) (application P/21/0550/2 - Land at Main Street, Woodthorpe, appeal decision APP/X2410/W/21/3289048 dated 18/11/22). This is a material consideration in favour of applying the condition to this site. An appropriate housing mix will be considered at reserved matters stage, in accordance with the latest evidence of need. The provision of affordable units would be secured in the S106 agreement and is also a significant benefit of the scheme which should be given weight within the planning balance.

Landscape and Visual Impact

- 9.18 The site is located to the rear of the built form of Anstey Lane and in the open countryside for the purposes of the development plan, with a public footpath running parallel, with a small area crossing the red line plan (site area). The site it is also a designated 'green wedge' as identified by the saved policies contained in the Local Plan policies, the Adopted Core Strategy and in the draft Local Plan. The policies are set out below including the criteria development is expected to adhere to:
- 9.19 Policy CT/3 (saved policy) of the Charnwood Local Plan seeks to protect green wedges, open space and undeveloped areas character of the area, safeguarding its function to retain separation between settlements and to maintain or enhance public access, while securing landscape improvements.
- 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.

- 9.21 Adopted Policy CS12 of the Core Strategy deals with green infrastructure and supports development in green wedges that retains the open and undeveloped character of the green wedge, creating green networks between the open countryside and the urban areas, and retains the public access to the Green Wedge.
- 9.22 The adopted 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.
- 9.23 The Emerging Policy EV1 of the draft Local Plan seeks to manage development carefully to protect the borough's distinctive landscape and requires new development to maintain the separate identities of the Borough's towns and villages.
- 9.24 Emerging Policy EV2 of the draft Local Plan concerns designated green wedges to manage the pattern of development to protect areas of Green Wedge, to provide green lungs into the city, open areas, and to safeguard the identities of communities within and around urban areas. The emerging policy follows the theme of the adopted policy CS12, in that it offers support for small scale development, that retains open and undeveloped character of the green wedge, creating green networks between the countryside and open spaces, and retains access to the green wedge for recreation.
- 9.25 Draft Local Plan Policies EV1 and EV2 are at an advanced stage and were discussed at the hearing sessions in June 2022 and are consistent with the NPPF such that they can be given moderate weight.
- 9.26 The adopted policies CT/3 and CS12 clearly seek to protect the character of the Borough's green wedges from development, expressing their function is to retain space between the open countryside and the urban form allowing for recreation and access to the countryside. The draft Local Plan Policies continues this theme; however, they seek to manage development in the countryside and supports small scale development while protecting the open character.
- 9.27 Draft Policy DS3 of the emerging Local Plan is also relevant in the consideration of this application as this green wedge has two site allocations directly adjacent. The north of the site is HA12 proposing 375 dwellings and to the south HA13 approved by members in December 2022, proposing 40 dwellings. Whilst Policy DS3 is given limited weight, due to objections as part of the Local Plan hearing sessions, it is a material consideration given the housing allocations contribute towards the housing supply for the Borough.
- 9.28 The Local Plan team has been consulted to consider the loss of this green wedge and have provided the evidence base for the emerging designation of the site as green wedge. It is confirmed by the policy team that the area of GW-1(A) south of the A46 does not meet the overall purpose of the Green Wedge. However, it should be noted that this area forms part of a wider strategic Green Wedge which crosses into Blaby and the City of Leicester, and consideration should be given to the need to maintain the integrity of this wider designation. The review identified that that the

Green Wedge as a whole performed moderately against three purposes of Green Wedge and performed strongly as for the purpose of providing a recreational resource.

- 9.29 In relation to the *Charnwood Landscape Sensitivity Assessment (2021)* that presents a landscape sensitivity assessment of Local Plan housing allocations including HA12 and HA13 which lie either side of the application site. Whilst the Assessment doesn't review the application site itself, it notes that HA13 which is similar in size, does not perform as a significant part of the Green Wedge and does not make any significant contribution to the sense of separation from Leicester to the south and Anstey to the north. The site is secluded in nature and has new housing immediately to the west and existing housing on Gynsill Lane to the north.
- 9.30 The neighbouring site (21/0869/2) was assessed in the Charnwood Landscape Capacity and Sensitivity Assessment Addendum February 2021 for the Borough of Charnwood. It was found to have a strong rural secluded character, although not performing "as a significant part of the green wedge" and although having a role in separation, of not making any significant contribution to the sense of separation between Leicester and Anstey.
- 9.31 It is acknowledged that the development of this site fails to fully meet the criteria set out in saved policy CT/3 of the Local Plan and policy CS12 of the Core Strategy, in relation to the loss of the open and undeveloped character of the green wedge as designated in the Local Plan Policy CT/3 or the Adopted Core Strategy Planning Policy CS12, and in the draft Local Plan policy EV2. However, in relation to the networks between the countryside and open spaces within urban areas and recreation uses, the pathway that runs parallel with the site will be retained and upgraded, giving access the open countryside beyond and the other networks to the southwest and within walking distance of the site that provides for recreation and the other functions as set out by policy CS12 and CT/3.
- 9.32 In relation to landscape character the site lies within the outline boundary of the Charnwood Forest (sub area Rothley Brook) as defined by the Borough of Charnwood Landscape Character Assessment (LCA) (2012) though this is not apparent as it lacks key attributes of the Character Area and has a very strong association and connection to the Glenfield part of Leicester City. The Charnwood Forest Landscape Character Assessment (2019) excludes this site and land to the south of the A46 as having a specific landscape character to be protected.
- 9.33 The proposed development of up to 20 dwellings will result in the loss of a modest green wedge, however, due to its location between two proposed housing developments it is considered to have a limited extent of adverse effect on both landscape and visual receptors. In terms of the landscape character when viewing from the open countryside and the public footpath (J70), providing the layout and design of the dwellings submitted at reserved matters stage, that responds effectively to the protection and retention of the existing landscape features, such as retention of the hedges along the north and northeastern boundary area retained, and the protection of the significant tree at the access point of the site (as also agreed under

P21/0869/2).

- 9.34 Whilst the loss of this green wedge does not fully comply with the criteria under the saved policy CT/3 of the Local Plan Policy, Policy CS12 of the Adopted Core Strategy, or emerging Policy EV2 of the draft Local Plan and the overall harm to the landscape character is considered to be limited, with access to the countryside maintained for recreational purposes. The application can be supported in this instance, with the imposition of relevant conditions providing for a robust landscape scheme and for the retention of boundary hedgerows to aid in retaining a soft edge to the built up form. The site due to its location does not provide the function of separating settlements and policies EV1 and EV2 of the Draft Local Plan allow for small scale development. On balance the actual harm to the landscape character is considered to be limited and the application is supported by the relevant mitigation / protection measures.

Design and Layout

- 9.35 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 supports development that is of a design, scale, layout and mass compatible with the locality, and which uses materials appropriate to the locality. These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.36 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 DS5 also refers to design and requires development to maximise the linkages between the development and existing settlement and can be given limited weight.
- 9.37 This proposal is an outline consent proposing up to 20 dwellings, it is noted that this development is proposed as phase 2 of the outline planning permission P/21/0869/2 and will share the approved access point with an internal road linking the two developments. The indicative layout plan does indicate a relatively high-density proposal, therefore at the reserved matters detailed design stage the submission would need to consider:
- The amount of housing development situated close to the public right of way to the north-east of the site.
 - Elevations facing the highway will need to display windows to principal rooms in order to provide good natural surveillance and architectural animation to the street scene.

- Avoid parked cars and parking areas dominating the street scene, where these do form part of the street scene significant landscaping will need to be incorporated to mitigate the visual impact.
- Allow sufficient space for the introduction of street trees.
- Provide sufficient depth of rear gardens to avoid any potential nuisance caused by existing trees.
- Clear definition of the private and public realm.

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

Impact on Residential Amenity

9.39 Policies CS2 of the Core Strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. 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.

9.40 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.

Existing properties

9.41 Objections have been received from three households who raise concerns in the main on the amount of development in the village of Anstey as a whole, the lack of supporting infrastructure and the need to a pedestrian crossing. In relation to these, whilst cumulative impact of development is a material consideration, each application needs to be determined on its own merits.

9.42 The objections received in relation to amenity grounds objections have been received concerning the proximity of the proposed dwellings to nearby properties on Anstey Lane, resulting in the development being overbearing, causing overlooking and noise and disturbance. Based on the indicative layout plan, the proposed development would be located approximately 65m from the nearest existing dwelling, with an intervening existing gardens and open space. It is appreciated that the general use of the site and the use of the access will result in more activity of the site, however given the distance of the site from the occupiers along Anstey Lane it is such that the development would not result in a significant impact on residential amenity.

- 9.43 In relation to noise and disturbance, the majority of noise and disturbance from this development will be at construction stages and a construction management plan will be submitted prior to the commencement of development and secured by a condition imposed on this planning permission.
- 9.44 It will however be necessary at reserved matters stage to ensure that there would be no significant overbearing impact or overlooking from the new dwellings to existing dwellings adjacent to the site. Any future developer of the site will need to design the layout, scale and appearance of the development having regard for the separation distances contained within the Design SPD (2020). The potential for noise and disturbance to the existing dwellings because of the new roads within the development is also a consideration. However, it is considered that the site can be suitably designed at the reserved matters stage to ensure no such loss of amenity occurs.

Future occupants

- 9.45 The amenities of the future occupiers of the development would be a consideration in the assessment of a future reserved matters application for the development if outline permission was granted. Whilst only indicative plans are submitted at this stage, it is considered that a suitably designed scheme could be provided which complied with the provisions of the Development Plan in this regard.

A planning condition is recommended to secure development in accordance with the Nationally Described Spacing Standards as the emerging Local Plan policy H3 is at an advanced stage, is in accordance with the NPPF paragraph 130 and has limited objections and has been recently accepted by the Planning Inspectorate as reasonable and necessary for emerging allocation DS3 (HA51) (application P/21/0550/2 - Land at Main Street, Woodthorpe, appeal decision APP/X2410/W/21/3289048 dated 18/11/22).

- 9.46 The proposal would, therefore, comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, National Design Guidance and the guidance set out in the Design SPD to protect residential amenity and H3 and DS5 of the Draft Local Plan

Ecology and Biodiversity

- 9.47 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.

- 9.48 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 of the draft Local Plan 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.
- 9.49 The Council's Ecologist has confirmed that the assumed baseline from 2020 provides an acceptable representation of the site prior to the clearance and therefore provides a more realistic assessment of the site's habitat value than the other assessments, which did not reflect the clearance of the site as preparation for development. The "assumed 2020 baseline" shows the site to have baseline values of 4.72 habitat units and 0.92 Hedgerow Units.
- 9.50 The application is described by the applicant as "phase 2" with phase 1 having been identified as the adjacent site with outline consent under application P/21/0869/2. Both the indicative design for that phase and the current application also indicates an indicative dense design with negligible open space and ability to retain the hedgerows, with a potential of a significant biodiversity loss.
- 9.51 Whilst it has been suggested that a masterplan for the two phases should be submitted to secure a coherent form of development, adequate provision for drainage, biodiversity and open space and to make efficient use of the available space, the development proposal P/21/0869/2 already has a resolution to approve, subject to S106 matters being secured. Therefore, the submission of a master plan for both sites could not be suggested at this stage and the layout and for up to 20 dwellings will be considered at reserved matters stage of the application.
- 9.52 Based on the above, the proposals effects on biodiversity will require a Biodiversity Assessment, ecological mitigation and off-site compensation and this can be addressed by detailed measures secured as part of detailed reserved matters application and secured and agreed through obligations as part of a S.106 Legal Agreement.
- 9.53 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.
- 9.54 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 and retention of

boundary hedges, 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 and policy EV7.

Open Space

- 9.55 Policy CS15 and emerging policy EV9 of the draft Local Plan seek 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.
- 9.56 The Open Space officer has 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.

Typology	Quantity Standard (hectares per 1000 population)	Minimum Development Requirement (Area)	Provide on-site or Equivalent off-site contribution
Parks & Amenity Open Space	1.4Ha	0.07Ha	On site or alternatively off-site contribution of £13,748.00 for the provision or enhancement of parks and amenity open space in Anstey.
Natural & Semi Natural Open Space	2.0Ha	0.10Ha	On site or alternatively off-site £4,547.00
Provision for Children	1 Facility within 400m of every home	0.01Ha of designated equipped playing space	Recommends an off-site contribution of £5,333.00 for the provision or enhancement of children's play provision in Anstey.
Provision for Young People	2.60Ha	As above	Recommends an off-site contribution of £6,745.00 to be used to implement recommendations of the Charnwood Playing Pitch Strategy? at Anstey Nomads Football Club, Link Road Park or Mitchells Field, Anstey

Allotments	0.33Ha	0.2Ha	Recommends an off-site contribution of £2,258 for the creation of additional new provision within Anstey or enhancement of provision at Anstey Lane or Groby Road Allotments.
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- 9.57 The final design and layout will need to be agreed at the reserved matters stages of the planning process. The amount of space required is consistent with the findings of the Council's Open Space Assessment and Playing Pitch Strategy. Consequently, the proposal is considered to comply with policy CS15 of the Core Strategy.

Highway Matters

- 9.58 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 makes provision to achieve a 6% shift from travel by private car to walking, cycling and public transport, by amongst other things providing easy access to a bus stop that is less than a 400m walk from home and the place being visited. 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.
- 9.59 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).
- 9.60 Emerging local plan policy T3 requires new development to provide car parking in accordance with the latest published guidance of the County and Borough Councils. Emerging policies CC5 and CC6 support provision of sustainable transport options. Emerging policies INF1 and INF2 seek to secure appropriate infrastructure to mitigate the impacts of development. Policies T3, INF1 and INF2 are at an advanced 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.

Site Access

- 9.61 The site is located on Gynsill Lane, a Class C road subject to a 40mph speed limit. The Applicant has submitted Edwards & Edwards Proposed Site Access Road, drawing number 001 Rev G, which shows the proposed access to have a 5.5m wide carriageway, with 2 x 2m footways. The submitted drawing was submitted as part of P/21/0869/2 and was deemed acceptable by the LHA. As outlined in the LHA observations dated 11th April 2022 in connection with P/21/0869/2, the access proposal had been designed to future proof the site for further development. The LHA confirms that the proposed access arrangement is suitable for accommodating the proposed additional 20 dwellings. Whilst a Stage 1 Road Safety Audit (RSA) has not been submitted in support of this application, it is acknowledged that this was undertaken, submitted, and accepted as part of P/21/0869/2. This is therefore acceptable.

Highway Safety

- 9.62 There have been three recorded Personal Injury Collisions (PICs) within 500m of the site within the last five years, two of which were recorded as 'slight' in severity and one recorded as 'serious'. It is noted that no further information relating to the two 'slight' PICs is available. The incident recorded as 'serious' in severity occurred in December 2021. The LHA therefore has no evidence to suggest that there are common causation factors, or any pattern to the above-mentioned incidents and it is noted that there have been no recorded PIC's in the vicinity of the existing site access.

Trip Generation

- 9.63 Typically, for the quantum of development proposed, no assessment of trip generation would be required. However, as this forms Phase 2 of the wider development, consideration has been given to trip generation. The submitted Accompanying Highways Report includes an assessment of trip generation, and as outlined in that report, the assessment undertaken in respect of P/21/0869/2 was in respect of 50 dwellings.
- 9.64 The report sets out the following trip generation which was accepted by the LHA in respect of the Phase 1 application, and based on 50 proposed dwellings:

AM peak hour	7 arrivals	27 departures	34 total
PM peak hour	27 arrivals	7 departures	34 total.

9.65 As the Phase 1 planning application has since been reduced to 40 dwellings, the following assessment of trip generation, replicated from the report, has been based on a total of 60 dwellings:

AM peak hour	9 arrivals	32 departures	41 total
PM peak hour	32 arrivals	9 departures	41 total.

9.66 The above therefore demonstrates that the development proposal would be anticipated to generate an additional 7 two-way trips in both the AM and PM peak periods, compared to that outlined under P/21/0869/2.

9.67 The submitted report also discusses pedestrian trips, due to the proposed footway and pedestrian dropped crossings proposed under Phase 1.

9.68 The submitted report states that the previous assessment of 50 dwellings outlined was anticipated to generate a maximum of up to 13 pedestrian trips and the proposed total provision of 60 dwellings is therefore anticipated to generate a maximum of 16 pedestrian trips. The LHA observations dated 21st December 2021, discussed a PV2 assessment, which is an assessment to determine the suitability of a crossing type, stating:

'...the Applicant has undertaken a PV2 assessment and the data has now been submitted. The LHA has verified the data and undertaken an enhanced PV2 assessment, which accounts for site specific information to be included. The results of the enhanced assessment identifies a CJV of 0.11. However, no form of crossing is required where the CJV value is below 0.4. Therefore, subject to the findings of a Stage 1 RSA, the LHA is satisfied that no pedestrian crossing facilities are necessary.'

9.69 Based on the above results, the LHA is satisfied that the proposed additional 13 pedestrian movements would not significantly affect the result outlined above and as such, no further PV2 assessment is required, and the proposed pedestrian dropped kerbs remain appropriate and therefore acceptable.

Junction Capacity Assessments

9.70 The Applicant has submitted a junction capacity assessment of the site access with Gynsill Lane which has been undertaken for the future assessment year of 2028. TEMPRO growth factors have been applied to the base traffic survey data to provide 2028 base flows, which has been verified by the LHA.

9.71 The site access is predicted to operate well within capacity in the future assessment year of 2028. The LHA is therefore satisfied that no further assessment of the site access is required.

Off-Site Implications

9.72 As discussed under P/21/0869/2, the proposed 2m wide footway on the eastern side of Gynsill Lane between the site access and existing footway to the south, as shown

on Edwards and Edwards drawing number 11951-001 Rev G, was welcomed. As outlined above, the same drawing has been submitted as part of this application, and as such, the LHA will continue to seek to secure the delivery of this by way of planning condition.

- 9.73 It is important to note that this proposal was previously subjected to satisfactory Stage 1 RSA and PV2 assessment as outlined above.

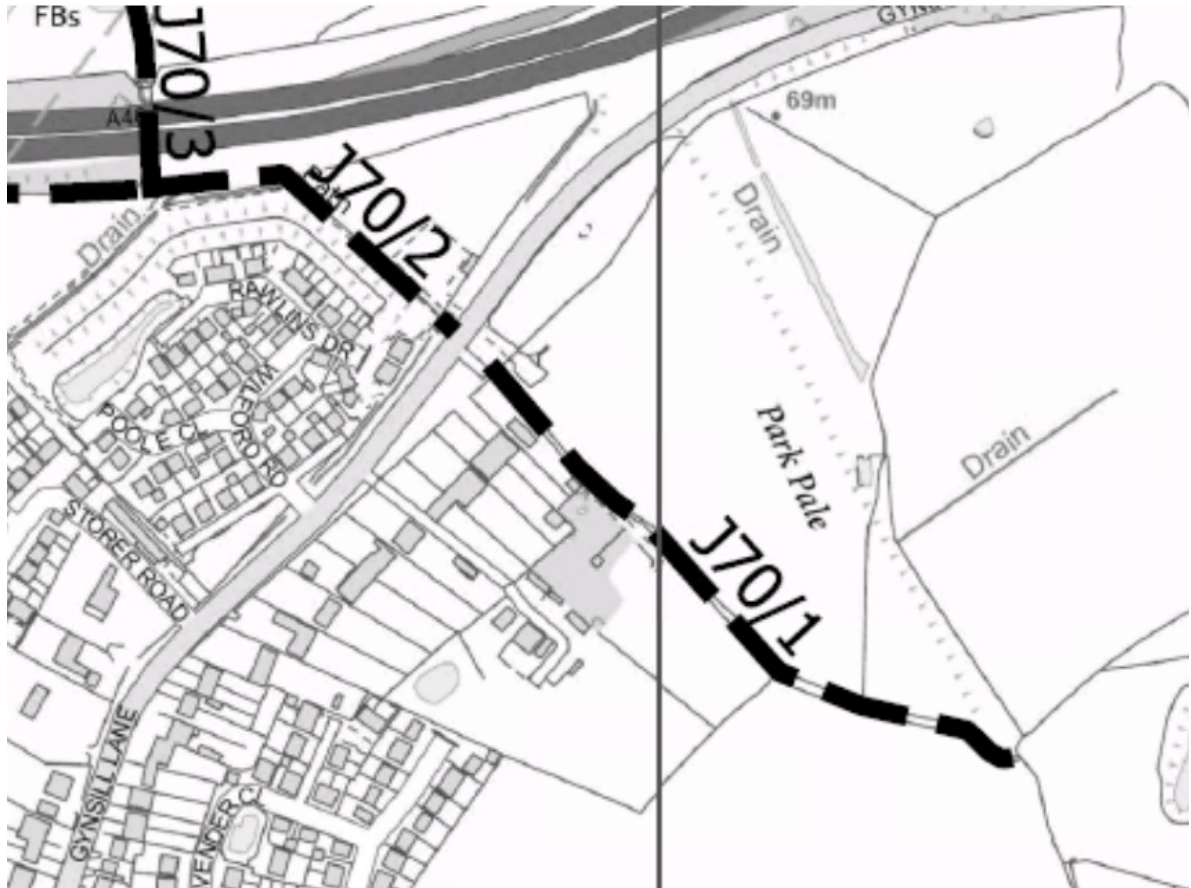
Transport Sustainability

The nearest bus stops to the site are located within 110m of the site and as discussed above, off-site highway works will be sought by way of planning condition in order to ensure suitable pedestrian connectivity is provided. The nearest bus stops are served by limited services to Leicester, Coalville and Castle Donington. However, as outlined in the submitted Edwards & Edwards Report, there are bus stops located on the A50 Leicester Road within approximately 700m of the site which are served by frequent services to Leicester.

- 9.74 Notwithstanding the above, it is noted that there are limited local amenities within a suitable walking distance from the site. Nevertheless, the LHA is satisfied for the Local Planning Authority to include this transport context in its wider sustainability considerations for the site. The LHA therefore seek contributions in respect of travel packs and passes and to contributions to upgrade the two nearest bus stops with raised kerbs and timetable cases, commensurate with P/21/0869/2.

Public Rights of Way Public

- 9.75 Footpath J70 runs adjacent to the northern boundary of the site and crosses the red line part way along the as shown on the extract below from the Definitive Map of Public Rights of Way:



- 9.76 The LHA will therefore seek to secure suitable treatment of the Public Right of Way by way of planning condition.
- 9.77 Consequently, the proposed development is considered to be in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan, which seek to ensure safe access is provided to new development, and policy CS17 is concerned with encouraging sustainable transport patterns, and with emerging planning policy T3 that requires new development to provide car parking in accordance with the latest published guidance of the County and Borough Councils, and with emerging policy CC5 and CC6 that supports provision of sustainable transport options,

Flood risk and drainage

- 9.78 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.

- 9.79 Emerging policy CC1 of the Draft Local Plan directs development to areas with the lowest risk of development and encourages development to incorporate Sustainable Urban Drainage Systems (SuDS). Emerging policy CC2 states development will include appropriate measures to manage flood risk. This policy is at an advanced stage and was discussed at the hearing sessions in June 2022 and is consistent with the NPPF so can be given moderate weight.
- 9.80 This site is a phase 2 development that is sited adjacent to the phase one site that has a resolution to approve, subject to the S106 being agreed and conditions. The site has individual red line plans, apart from the access, internal road and the attenuation pond that is proposed to be shared over the two phases.
- 9.81 A sustainable Drainage Assessment has been submitted with the application and following consultation requests with the LLFA two further reports have been submitted – Drainage Addendum on the 17th April 2023 and a further Sudsmart Addendum on the 10th May 2023.
- 9.82 The shared attenuation pond is proposed to ensure that surface water is captured and released in a managed approach, such that it will not add to the watercourse and will not, therefore, exacerbate existing flooding issues. The Lead Local Flood Authority have raised no objections subject to imposition of pre-commencement planning conditions in relation to detailed surface water drainage scheme, surface water drainage management during construction, infiltration testing, and a pre-occupation condition relating to the long term maintenance of the surface water drainage system.
- 9.83 Whilst no objections have been raised from the LLFA it has been brought to officers' attention that the calculations for the attenuation pond are incorrect. The applicant has submitted further detail in this regard confirming that for the combined schemes the required attenuation is 917.64m³ and that permeable paving for both sites would provide 548.25m³, with the basin providing 414 m³ providing a total of 962.25 m³ of storage. The LLFA have confirmed no objections are raised following this further information being submitted.
- 9.84 As the LLFA have not objected to the scheme, the proposal is considered acceptable, subject to the suggested conditions being imposed, having regard to Policy CS16 of Charnwood Core Strategy and NPPF.

Sustainable Construction and Energy Efficiency

- 9.85 Emerging Local Plan policies CC4 and CC6 require sustainable construction practices. They are at an advanced stage and were discussed at the hearing sessions in June 2022 and are consistent with the NPPF so can be given moderate weight.
- 9.86 The application is in outline and as such does not provide details of construction techniques or the low carbon 'credentials' of the development. These are detailed

matters which can be the subject of reserved matters and can be required by condition.

- 9.87 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.

Planning Obligations/ S.106 Agreement

- 9.88 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 of the draft Local Plan are also relevant.
- 9.89 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	<p>30% of affordable homes are required in accordance with planning policy (6 homes)</p> <p>Minimum 66% social or affordable rent (4 homes) and maximum of 33% shared ownership or first homes (2 homes)</p> <p><u>Affordable / Social Rent</u></p> <p>Minimum 25% 2 bed 3 person bungalow built to M4(2) building regs with level access shower in situ. Minimum 50% 2 bed 4 person house.</p> <p><u>Intermediate</u></p> <p>A mix of two and/or three bedroomed homes</p> <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
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	<ul style="list-style-type: none"> • 2 bed: 4 person house • 3 bed: minimum 5 person house • 4 bed: minimum 7 person house
Charnwood Borough Council Open Space	<p>Parks and amenity open space – 0.07Ha on site or alternatively an offsite contribution of £13,780.00</p> <p>Natural and semi natural open space – min 0.10Ha or alternatively an offsite contribution of £4,547.00</p> <p>Provision for children - An off-site contribution of £5,333.00 enhancement of children’s play provision in Antsey</p> <p>Provision for young people – An off-site contribution of £6,745.00 – to implement Charnwood playing pitch strategy at Anstey Recreation Ground, Anstey Nomads Football Club, Link Road Park or Mitchells Field, Anstey</p> <p>Allotments Off-site contribution of £2,258.00 for the creation of new provision in Anstey or enhancement of existing allotment provision at Anstey Lane or Groby Road Allotments.</p>
Sustainable Transport	<ul style="list-style-type: none"> • Travel Packs -one pack per dwelling at £52.85 per pack • Six month bus passes x2 per dwelling at cost of £360 per pass • Raised kerb provision at the two nearest bus stops on Gynsill Lane at £5000.00 per stop • Information display cases at the two nearest bus stops £120.00 (£240.00) • A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
Biodiversity	<ul style="list-style-type: none"> • To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. • To submit an updated Biodiversity Impact Assessment with the reserved matters • To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. • Where the provision of the Biodiversity Net Gain on site cannot be achieved to provide the

	mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council
Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS)	<ul style="list-style-type: none"> • £9,661.44 additional clinical accommodation for additional patients at Anstey surgery
Leicestershire County Council Library Services	<ul style="list-style-type: none"> • £422.77 contribution towards the enhancement of Anstey Library
Leicestershire County Council Waste Management	<ul style="list-style-type: none"> • £334.18 is required to contribute towards waste management at the HWRC at Whetstone HWRC
Leicestershire County Council Education	<ul style="list-style-type: none"> • £18,356.00 towards funding primary school sector provision, improvement, remodelling or enhancement of education facilities at the Latimer Primary School, Anstey • £59,705.84 towards funding for secondary school sector provision, improvement, remodelling or enhancement of education facilities at Martin High School or any other school within the locality of the development.

9.90 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 Section 70(2) of the Town and Country Planning Act 1990 requires the decision taker to have regard to the development plan, so far as it is material to the application.

10.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

10.3 As there is currently an insufficient supply of deliverable housing sites (4.27 years), this application is to be determined on the basis of para 11dii) of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused. The benefits of such housing provision are

afforded positive weight however this is limited due to their small number within the context of supply requirements. The benefits of the provision of 20 houses including 30% affordable homes are afforded significant positive weight.

- 10.4 Weighed against this is the conflict with Development Plan policies, which set out the spatial strategy for the Borough and designate the site as outside limits to development and within a green wedge. The loss of the green wedge is contrary to main principles set out in saved policy CT/3 of the Local Plan and policy CS12 of the Core Strategy, however this green wedge does not perform as a significant part of the Green Wedge and does not make any significant contribution to the sense of separation of settlements, and the proposal will provide access to the countryside for recreation with the retention of the pathway.
- 10.5 The emerging Local Plan is a material consideration and the site is located between two allocated sites HA12 and HA13, indicating the sustainability of the location. The site is a proposed green wedge in the emerging Local Plan EV2. Whilst the main principles of this emerging policy are not met, in the loss of a green wedge, this needs to be balanced against the delivery of a further 20 dwellings, in a sustainable location, between two housing allocations, therefore this particular Green Wedge does not provide the functions as set by emerging planning policy.
- 10.6 There is potential for some harm to the landscape character, however, the harm can be mitigated with the imposition of conditions to retain the boundary hedgerows to site, softening the edge of the site with the wider landscape, to meet the expectations of the Adopted policy CS12 of the Core Strategy and emerging policy EV1 of the draft Local Plan.
- 10.7 There are no technical constraints relating to highways, drainage or flooding that cannot be mitigated. The development will lead to a loss of biodiversity on site, but biodiversity impact / mitigation / net gain can be secured by way of planning conditions, layout and landscaping details at reserved matters stage and off site net gain can be secured by the S.106 legal agreement.
- 10.8 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.
- 10.9 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 20 dwellings in this sustainable location, between two proposed housing allocations in the emerging Local Plan. The benefits relate to the contribution of the proposal to the Council's housing land supply deficit and deliverability, sustainable location, affordable housing, community and other infrastructure provision, etc. The application should therefore be supported subject to appropriate conditions being attached and contributions being secured to support local infrastructure as part of a S.106 Legal Agreement as set out below.

11. Recommendation

11.1 RECOMMENDATION A:

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

<p>Affordable Housing</p>	<p>30% of affordable homes are required in accordance with planning policy (6 homes)</p> <p>Minimum 66% social or affordable rent (4 homes) and maximum of 33% shared ownership or first homes (2 homes)</p> <p><u>Affordable / Social Rent</u></p> <p>Minimum 25% 2 bed 3 person bungalow built to M4(2) building regs with level access shower in situ. Minimum 50% 2 bed 4 person house.</p> <p><u>Intermediate</u></p> <p>A mix of two and/or three bedroomed homes</p> <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.</p>
<p>Charnwood Borough Council Open Space</p>	<p>Parks and amenity open space – 0.07Ha on site or alternatively an offsite contribution of £13,780.00</p> <p>Natural and semi natural open space – min 0.10Ha or alternatively an offsite contribution of £4,547.00</p> <p>Provision for children - An off-site contribution of £5,333.00 enhancement of children’s play provision in Antsey</p>

	<p>Provision for young people – An off-site contribution of £6,745.00 – enhancements for provision within Anstey - Anstey Recreation Ground, Anstey Nomads Football Club, Link Road Park or Mitchells Field, Anstey</p> <p>Allotments Off-site contribution of £2,258.00 for new provision within Anstey or enhancement of existing allotment provision at Anstey Lane or Groby Road Allotments</p>
Sustainable Transport	<p>Travel Packs -one pack per dwelling at £52.85 per pack.</p> <p>Six month bus passes x2 per dwelling at cost of £360 per pass.</p> <p>Raised kerb provision at the two nearest bus stops on Gynsill Lane at £5000.00 per stop.</p> <p>Information display cases at the two nearest bus stops £120.00 (£240.00).</p> <p>A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.</p>
Biodiversity	<p>To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</p> <p>To submit an updated Biodiversity Impact Assessment with the reserved matters.</p> <p>To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</p> <p>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>
Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS)	£9,661.44 additional clinical accommodation for additional patients at of Antsey surgery.
Leicestershire County Council Library Services	£422.77 contribution towards the enhancement of Antsey Library.
Leicestershire County Council Waste Management	£334.18 is required to contribute towards waste management at the HWRC at Whetstone HWRC.

Leicestershire County Council Education	<ul style="list-style-type: none"> • £18,356.00 towards funding primary school sector provision, improvement, remodelling or enhancement of education facilities at the Latimer Primary School, Antsey • £59,705.84 towards funding for secondary school sector provision, improvement, remodelling or enhancement of education facilities at Martin High School or any other school within the locality of the development.
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11.2 RECOMMENDATION B:

That subject to the completion of the S106 agreement in recommendation A above, grant outline planning permission conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Regeneration, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions.

11.3 Recommended conditions:

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

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

2. No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
 - Location Plan 20.3872 received 2/2/23 by the Local Planning Authority

- Proposed Site Access Road (Edwards & Edwards drawing 11951 001 G, page 45 of Highways Report) received 21/2/23 by the Local Planning Authority

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

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

- i) the treatment proposed for all ground surfaces, including pathways and all other hard surfaced areas;
- ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the west of the site;
- iii) finished levels or contours within any landscaped areas;
- iv) functional services above and below ground within landscaped areas; and
- v) All proposed boundary treatments
- vi) Position and type of bins to be provided

The landscape scheme shall be fully implemented prior to the first occupation of the dwellings.

REASON: To ensure that a robust landscaping scheme for the development is provided so that the scheme integrates into the landscape, surrounding area, in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and emerging policy EV1

5. The details submitted pursuant to condition 2 shall include an arboriculture report and method statement to include:

- i) a plan indicating the retention of the hedgerow to the north and northwest boundary.
- ii) all other existing trees, hedges and other landscape features, indicating clearly any to be removed.
- ii) tree and hedgerow protection.

REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site in accordance with Development Plan policies CS2, CS11 of the Core Strategy and the NPPF and emerging policy EV1 of the draft Local Plan.

6. The details submitted pursuant to condition 2 shall include a layout plan that identifies:

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

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

7. No development shall commence until an Ecological Mitigation Strategy is submitted and approved in writing by the Local Planning Authority. As a minimum these details shall include:

- i) boundary treatments
- ii) Lighting Strategy
- iii) Construction Ecological Management Plan (CEMP) to protect features during the construction phase.

The development shall be carried out in accordance with approved Ecological Mitigation Strategy and prior to the first occupation of the development

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

8. The development hereby permitted shall not be occupied until such time as the access arrangements shown on Edwards & Edwards drawing number 001 Rev G have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

9. The development hereby permitted shall not be occupied until such time as vehicular visibility splays of 2.4m x 160m and 2.4m x 145m to the northeast and southwest of the site access respectively have been provided. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

10. The development hereby permitted shall not be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

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

11. The development hereby permitted shall not be occupied until such time as surface water drainage scheme, has been submitted to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained in accordance with the approved details.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021) and 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.

12. The development shall not be occupied until such time as the offsite works as indicatively shown on Edwards and Edwards drawing number 001 Rev G have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

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

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, and lead to on-street parking problems in the area, in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan.

14. No development shall take place until a scheme for the treatment of the Public Right of Way Public Footpath J70 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, surfacing, width, structures, signing, and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

REASON: To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2021.

15. 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 through the entire development construction phase.

16. 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.

17. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use

of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

18. The details to be submitted pursuant to condition 2 shall show all units in compliance with the Nationally Described Space Standards.

REASON: In order 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.

19. 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 assessment of viability and/or site-specific constraints.

REASON: In order 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.

APPLICATION SITE



APPENDIX B

Item No. 5d
Pages 105-145
Planning Application Number P/23/0191/2

Site Address: 97 Gynsill Lane, Antstey

Updates

1. Further comments have been received from the County Obligations Team. It is confirmed that a mistake was made at the County in terms of housing numbers proposed in their initial consultation response dated 21st July 2023. The updated and increased obligations are:

£603.95 towards Waste Mountsorrel HWRC – as opposed to Recommendation A in the officer report of **£334.18** towards waste management at the HWRC at Whetstone HWRC
£1,033.40 towards funding the enhancement of Antsey Library, as opposed to Recommendation A in the officer report of **£422.77**

The agent has confirmed agreement to the increased obligations towards Waste and Libraries to be secured in the S106.

Officer Response

1. It is considered that the increased obligations are acceptable and CIL compliant and the increase makes no change to the officer recommendation of approval. It is considered that the officer report includes the appropriate assessment of the application and covers all the relevant issues and, together with the late representations summarised in this extras report will provide members with sufficient information to be able to determine the application without the need for a deferral.

Recommendation

In Recommendation refer to the “Head of Planning and Growth” and the “Head of Governance and Human Resources” rather than “Head of Planning and Regeneration” and “Head of Strategic Support”.